



# TEXAS A&M UNIVERSITY

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# COMMERCE

2024 Annual Security Report



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

This Annual Security Report and the Texas A&M University-Commerce Annual Fire Safety Report on Student Housing (Annual Fire Safety Report) are available at the following websites:

[tamuc.edu/CrimeStats](https://tamuc.edu/CrimeStats) | [tamuc.edu/Fire-Report](https://tamuc.edu/Fire-Report)

Numerous links to websites are included.

Email [Melanie.Clayton@tamuc.edu](mailto:Melanie.Clayton@tamuc.edu) for assistance if any link does not function.

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

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

Texas A&M University-Commerce (A&M-Commerce) University Ethics and Compliance Office, in conjunction with the University Police Department (UPD), is responsible for preparing and distributing the Annual Security Report to comply with the Clery Act.

The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements for the 2023 - 2024 academic year in accordance with the Clery Act.

The 2024 Annual Security Report contains crime statistics for the calendar years 2023, 2022, and 2021. The Clery Coordinator composes the Annual Security Report and statistical information with input from various sources such as UPD, local law enforcement agencies, Student Affairs, and other campus personnel.

Unless specifically notated, all policies in this document apply to all A&M Commerce locations.

## Annual Security Report Notifications

Each year, an email notification which provides website access to this report is sent to all current students, faculty, and staff. Upon request, individuals may obtain a written paper copy of the report at the BA Building (McDowell Administration Building) 113, by calling 903-886-5997, or emailing [clery@tamuc.edu](mailto:clery@tamuc.edu). The report is found at the following website: [www.tamuc.edu/crimestats](http://www.tamuc.edu/crimestats)

Prospective employees are notified of the availability of the Annual Security Report and Annual Fire Report through an email distributed when applying for a position. Website access to the Annual Security Report is provided by the Division of Human Resources through a link called "Safety and Security Notices" located on the right menu bar of the employment page.

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 a link titled "Clery Act Compliance" located at the bottom of the Admissions webpage.



## Annual Fire Report

The Annual Fire Report is contained in a separate document and can be found at <https://www.tamuc.edu/fire-report>, or a hard copy can be requested from the Department of Facilities located in the McDowell Administration Building.

## A&M University-Commerce Police Department Overview:

UPD provides law enforcement and security services to A&M-Commerce including the academic campus and the Agricultural Science Center.

The department has 34 authorized positions that includes 23 state certified police officers, 3 security officers, 7 communications officers, and 3 administrative support personnel. The department maintains a fully staffed Criminal Investigations Division, a Records Division, Communications Division, Evidence Technician, and an Emergency Communications Center. To provide a safe campus for our students, staff, faculty, and visitors, the department has uniformed officers on patrol 24-hours a day, year-round. To provide this around-the-clock coverage, our officers work in three shifts. Security officers work closely with our armed police officers by constantly patrolling university properties.

Patrol is the core of UPD. These officers are the ones to answer calls for service, respond to alarms and enforce state criminal and traffic laws. The department also has police officers responsible for specialized assignments including Criminal Investigations.

## Jurisdiction and Enforcement Authority

UPD is the primary police authority for A&M-Commerce. Our police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education. UPD is computer-linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to UPD security or sworn police officers are investigated and are referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving university students may also be referred to university administration for disciplinary action.

## Arrest Authority

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as municipal police officers. While our 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 patrol division.

## Working Relationships and Agreements

UPD maintains excellent working relationships with all area law enforcement agencies including the Commerce Police Department and Hunt County Sheriff's Office. These working relationships are maintained through a written mutual aid agreement. This agreement allows for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies pursuant to the agreement. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these relationships, UPD may be provided information regarding student non-campus criminal activity, including that of student organizations.

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

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

## Monitoring Non-Campus Locations

When an A&M-Commerce student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively record or monitor criminal activity. A&M-Commerce has recognized fraternity and sorority organizations housed in Commerce, or in Hunt County. The Division of Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Dean of Students, specifically the Office of Fraternity and Sorority Life. UPD does not provide routine law enforcement service to non-campus residences of recognized fraternity and sorority organizations or other non-campus facilities. Criminal activity at recognized fraternity and sorority residences is monitored and recorded by Commerce Police Department, or the Hunt County Sheriff's Office. UPD may assist in accordance with mutual assistance agreements.

Institutional sponsored travel by a student or student organization to a location outside of Hunt County may result in the location meeting the criteria for Clery non-campus property. The local law enforcement agency with jurisdiction at the location responds when police services are requested.

## Professional Standards

Providing excellent service and maintaining good relationships within the community is vital to achieving UPD's overall mission of keeping the campus safe and secure. All members of the A&M-Commerce community can expect to be treated in a courteous and professional manner by members of the department. UPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. Instances where UPD employees have been especially helpful or have exceeded expectations in service can also be recognized.

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

- Request the on-duty police supervisor by calling 903-886-5868. This individual is available 24- hours a day.

- Address written correspondence to: Chief of Police, UPD, PO Box 3011, Commerce, Texas 75429

## Campus Law Enforcement Telephone Directory

Emergencies On Campus: 911 or 5111
Non-emergency: 903-886-5868
Chief of Police: 903-886-5868
Assistant Chief of Police: 903-886-5873
Special Operations/Events: 903-886-5860
Public Information: 903-886-5866
Criminal Investigations: 903-886-5868
Patrol: 903-886-5868

- Website: <http://www.tamuc.edu/upd>
- General Inquiries: [upd@tamuc.edu](mailto:upd@tamuc.edu)

## Mesquite Metroplex

Mesquite Metroplex is located at 3819 Towne Crossing Blvd., Mesquite, TX 75185.

The Mesquite location is owned by the Mesquite Independent School District.

### Monitoring Non-Campus Locations

Access to the parking lot and building is generally open to the public. The building is opened at 6:00 am and closes at 11:00 pm. Security of the facility is the responsibility of MISD. A&M-Commerce maintains staff to help coordinate activities.

### Jurisdiction Arrest Authority Monitoring Non-Campus Locations

The Mesquite location does not have any recognized organizations to monitor.

### Working Relationships and Agreements

A&M-Commerce has no written or formal agreements with the Mesquite Police Department.

## Collin Higher Education Center (CHEC)

CHEC is located at 3452 SPUR 399, McKinney, TX 75069

This facility is the property of Collin County Community College and as such, A&M- Commerce is not responsible for many policies or procedures for this location. Below are excerpts from the ASR that Collin College produces.

**Please be aware that these policies are subject to change. Students at CHEC should review the [Annual Security Report frequently for changes.](#)**

Collin College Police can be reached at 972-578-5555 off campus or cell phone, or 5555 from any phone on campus.

### Collin College Police Department Authority and Jurisdiction

The Collin College Police Department is staffed with Texas State Licensed Law Enforcement Officers who are trained to protect life as well as Collin College and personal property. All municipal, local, state, and federal laws, as well as the Student Code of Conduct, Board Policies, and Collin College procedures, including motor vehicle laws, will be enforced on Collin College campuses. Collin College Police Department officers patrol all College District campuses 24 hours a day, seven (7) days a week.

The Collin College Police Department's primary jurisdiction is any property owned or controlled by Collin College. Local, county, and state law enforcement agencies have concurrent jurisdiction on Collin College property. Per the [Texas Education Code, Section 51.203 Campus Peace Officers](#), Collin College Police Department officers are empowered with county-wide jurisdiction and work under the same authority as municipal and county agencies. Therefore, they have complete authority to apprehend and arrest anyone involved in illegal acts throughout Collin County. If offenses involving Collin College policies and procedures are committed by a Collin College student, the Collin College Police Department will also refer the individual to the Dean of Students Office (DOS) for appropriate disciplinary action.

When major offenses (e.g., aggravated assault, motor vehicle theft, murder, robbery, sexual assault, etc.) are reported to the Collin College Police Department, assistance may be requested from local city police departments to solve these serious felony crimes. The prosecution of all felony and misdemeanor criminal offenses is conducted at Municipal, Justice of the Peace, or Collin County Courts.

Collin College Police Department personnel work closely with local, state, and federal agencies. By mutual agreement with state and federal agencies, the Collin College Police Department maintains a National Law Enforcement Telecommunications System (NLETS) network terminal. Through this system, Collin College Police Department personnel can access the National Crime Information Center (NCIC) as well as the Texas Law Enforcement Telecommunication System (TLETS). These databases are used for accessing criminal history data; nationwide police records; driver/vehicle identification; and other local, state, and federal enforcement information.

### Monitoring Non-Campus Locations

A&M-Commerce does not currently recognize any offsite organizations at the Collin Higher Education Center or the Preston Ridge Campus.

A&M-Commerce has an informal arrangement between the UPD and Collin College Police to better monitor situations as they arise.

## A&M-Commerce-Navarro Partnership – Corsicana

3200 W. 7<sup>th</sup> Ave., Navarro, TX 75110

The Navarro College Department of Public Safety (NCDPS) currently employs 14 full-time law enforcement officers who provide patrol and protection of three of the four college campuses, to include twenty-four-hour coverage at the Corsicana Campus. Midlothian location has a combined unit of Police Officers and armed security guards in the evening. Mexia location have armed security guards. The campus police officers are licensed peace officers as defined under the laws of the State of Texas and therefore have the authority as peace officers. They are vested with all the powers, privileges, and immunities of Texas Peace Officers within the county, including all streets and roads, and all property in which the College owns, rents, leases or otherwise controls. The Department's authority is found within the Texas Code of Criminal Procedure and Chapter 51 of the Texas Education Code.

The Navarro College Department of Public Safety can be reached at: 903-875-7500.

### Arrest Authority and Jurisdiction

The Navarro College Department of Public Safety (NCDPS) currently employs 14 full-time law enforcement officers who provide patrol and protection of three of the four college campuses, to include twenty-four-hour coverage at the Corsicana Campus. Midlothian location has a combined unit of Police Officers and armed security guards in the evening. Mexia location have armed security guards. The campus police officers are licensed peace officers as defined under the laws of the State of Texas and therefore have the authority as peace officers. They are vested with all the powers, privileges, and immunities of Texas Peace Officers within the county, including all streets and roads, and all property in which the College owns, rents, leases or otherwise controls. The Department's authority is found within the Texas Code of Criminal Procedure and Chapter 51 of the Texas Education Code.

Each officer is armed and possesses the same authority under the law as do municipal or county peace officers. The Department ensures that each officer complies with the training and standards set out by the Texas Commission on Law Enforcement (TCOLE). All officers receive the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment. The Navarro College Department of Public Safety is the primary agency for reporting and investigating criminal activity occurring on the Navarro College Campuses. Officers patrol the Corsicana campus 24 hours each day, 365 days per year. The Department of Public Safety provides immediate response to all police, fire, and medical emergencies. Accidents involving automobiles and bicycles that occur on campus are also investigated by the Department. Where criminal prosecution is sought, cases are regularly forwarded to the County District Attorney's Office or the County Justice of the Peace Court for filing. Additionally, all criminal cases involving Navarro College students are also referred to the Office of Student Services for review and possible disciplinary sanctions that may be imposed for violations of the Student Code-of-Conduct.

Inter-Agency Police Services and Assistance Agreements: Due to the sophisticated resources required to properly investigate certain crimes, specifically those involving organized crime, mass violence, and terrorism, the Navarro College Department of Public Safety will arrange, under certain circumstances, for the assistance of outside law enforcement agencies, such as the Municipal Police Department, County Sheriff's Office, the Criminal District Attorney's Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, Federal Bureau of Investigation, United States Secret Service, Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF), as well as other local,

State and Federal agencies. The Navarro College Department of Public Safety maintains professional working relationships with each of the listed agencies and trains with other agencies to ensure a timely, efficient and effective response to all crimes occurring on campus. The Navarro College Department of Public Safety does, at times, learn of off-campus crimes from other local agencies, either when those agencies request assistance or when they routinely pass on information that may be of mutual interest. Because the Department's primary jurisdictional response area does not extend to the premises of off-campus student residences or organizations, its role in investigating such criminal activity is generally limited to information-sharing, cooperation, and coordination with other investigating agencies upon request.

#### Monitoring of Non-Campus Locations:

A&M-Commerce has no student organizations at Navarro College.

A&M-Commerce has a non-formal and non-written agreement between Navarro Department of Public Safety and UPD to monitor any situations as they arise.

## Texas A&M University-Commerce at Dallas

The Dallas location is located at 8750 N Central Expressway, Dallas, TX 75231.



The primary responsibility for security lies with building ownership of CB Richard Ellis (CBRE). CBRE maintains its own internal security 24/7. Its security professionals use advanced technology to help secure the facility. This technology involves electronic card passes and surveillance cameras.

The building locks nightly at 6pm and a pass card is required to make entry into the building and select floors including A&M Commerce. The parking garage requires a pass card for entry 24/7.

### Authority and Jurisdiction

While UPD makes occasional site visits, they are not the primary Law Enforcement Authority for Dallas. The building lies in the jurisdiction of the Dallas Police Department. CBRE security patrol the parking facilities and building.

### Arrest Authority

CBRE has no authority to arrest. Dallas Police or UPD have full arrest authority.

### Monitoring Non-Campus Locations

The Dallas location has no recognized organizations to monitor.



## Prompt Reporting of Crime to Police Urged (All Locations)

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 local police 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 police immediately.

## Response to the Reporting of Crime

It is the policy of A&M-Commerce that all its employees at all locations will assist officials in any legal manner requested by police officials to aid in investigation and response to reported crimes. Below is a list of police agencies by campus location to which crimes may be reported.

Agency	Phone	Campus Location
University Police Department	903-886-5868	Commerce / Farm Complex
Commerce Police Department	903-886-1139	Commerce / Farm Complex
Hunt County Sheriff's Office	903-453-6838	Commerce / Farm Complex
Mesquite Police Department	972-285-6336	Mesquite Metroplex
Dallas Police Department	214-744-4444	UCD / El Centro / Texas A&M University-Commerce at Dallas
Navarro Dept. of Public Safety	903-875-7500	Navarro Partnership
Corsicana Police Department	903-654-4902	Navarro Partnership
Collin College Police	972-578-5555	CHEC
McKinney Police Department	972-547-2700	CHEC
TAMU UPD (RELLIS)	979-845-2345	RELLIS
Blinn Police (RELLIS)	979-209-7600	RELLIS

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

A&M-Commerce considers all employees to be Campus Security Authorities. Faculty and staff are required to report criminal offenses immediately to UPD. Students are encouraged to report any criminal offenses within the campus environment directly to UPD for Commerce and the Farm Complex, and to local police for offsite locations. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, you may also report criminal offenses of which you are aware to any employee of the university.

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 PowerPoint Presentation link located on the following webpage: <https://upd.tamu.edu/CSA%20Reporting/CSA%20Slides.pdf>

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to UPD and the appropriate police agencies in an accurate and prompt manner when the victim of such crime's elects, or is unable to make such a report. UPD officers provide victim services contact information to victims and witnesses encountered in the field. UPD will assist individuals in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made, and to include Clery-countable crimes in our annual security report.

## Pastoral and Professional Mental Health Counselors Exempt – All Locations

Although exempt from the reporting requirements of the Clery Act, pastoral and professional mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community. Each year, counselors are provided a written reminder to review reporting options with student clients. Contracted counseling personnel available to employees are not provided the written reminder because they are referred using a network of local providers.

## Confidential and Anonymous Reporting of Crimes

UPD 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, UPD cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's true identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally-identifiable information is not included in the disclosure. Concerning behavior can be reported anonymously to the Office of Student Rights and Responsibility using an online reporting form.

The form and more information can be found at

<https://www.tamuc.edu/office-of-student-rights-and-responsibilities/concerns-incident-reporting/>

Reports submitted anonymously or with limited information may restrict the team's ability to follow up on the incident.

## Missing Students

It is the policy of UPD to thoroughly investigate all reports of missing persons. In addition, this agency considers a missing child, and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed. Following are the procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours.

(Please note: only the Commerce and Farm Complex has campus housing)

### Whom to Report Missing Students to:

Anyone wishing to report a missing student may contact any RLL (Residential Living and Learning) or UPD (University Police Department) staff member.

## How Missing Student Contact Information is collected

During the housing application and contract renewal processes, students living on campus are obligated to provide at least one emergency contact to the Department of Residential Living and Learning. This information is registered confidentially to the extent allowed legally and may be accessible only to Department of Residential Living and Learning staff, and other Texas A&M University-Commerce staff members with emergency response job responsibilities, in the case of emergencies involving students such as death, life threatening injuries or a missing person report. Residence hall and other students can update their emergency contact information at any time by logging in to the housing portal in My Leo. Students are encouraged to register their emergency contact information.

On-campus students have the option to designate one or more contacts to be notified within 24 hours of the determination by campus or local law enforcement that the student is missing. This information will be kept confidential to the extent allowed legally, being accessible only to authorized campus officials and disclosed only to law enforcement personnel in furtherance of a missing person investigation. If the student designated a contact person, the institution will notify the contact person within 24 hours that the student is missing. Regardless of whether or not a student has designated an emergency contact person to be notified, if a student is less than 18 years old and not an emancipated individual, federal law requires that the institution notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any contact person designated by the student.

### Procedures

Residential Living and Learning staff and other responsible institutional personnel should follow the instructions below upon receiving a report of a missing student:

1. Gather needed information from reporting person and then immediately contact UPD with all information provided regarding the missing student so that an investigation can be initiated.

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

2. If known, provide UPD with the names and contact information of any people designated as a "missing person contact" found in the "Emergency Contact" database on the Residential Living and Learning Intranet.
3. If the student has designated a contact person, UPD will notify the designated emergency contact(s) within 24 hours. If the student is under 18 years of age and is not emancipated, UPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UPD will inform local law enforcement that has jurisdiction in the area that the student is determined missing within 24 hours.

Students, employees, or other individuals receiving a missing student report should immediately contact the UPD at 903-886-5868 with all information available regarding the missing student so that an investigation can be initiated. UPD will notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. Informing the local law enforcement agency within 24 hours applies whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

## Timely Warning Policy – Commerce, Dallas, Navarro and Mesquite

The circumstances in which a timely warning will be generated include, but are not limited to, the receipt of a report to UPD or other Campus Security Authority of a crime reportable under the Clery Act that poses a serious or continuing threat to the campus community. A timely warning is designed to alert the Texas A&M University-Commerce campus community of certain crimes which will/could aid the community in protecting themselves or aid in the prevention of similar crimes in the future and are sent in a timely manner.

The A&M-Commerce Police Department's Chief of Police, or his/her designee, will develop timely warning notices for the Texas A&M University-Commerce community.

1. A timely warning shall be distributed if the incident is a "Clery Act" crime, within "Clery Geography"; and
2. Is reported either to the A&M-Commerce Police Department directly, or to the A&M-Commerce Police Department indirectly, through a campus security authority or any local police agency; and
3. Is considered by the institution to represent a serious or continuing threat to students and employees.
4. The A&M-Commerce Police Department's Chief of Police, or his/her designee, may provide timely warning notices for "non-Clery Act" related crimes if those crimes represent a serious or continuing threat to students and employees.

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 UPD 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. UPD is responsible for the writing and issuance of timely warnings. Personnel authorized to write and/or issue (send) a timely warning are: the Chief of Police, the Assistant Chief, and the Clery Act Compliance Officer. An internal review among two or more authorized personnel may occur if time allows.

## Who to Report to for Timely Warning Evaluation

Anyone with information warranting a timely warning should report the circumstances immediately to UPD by phone (903-886-5868) or in person at Henderson Hall, Commerce, TX 75428.

Timely warnings are issued through the university email system, LionSafe, and PAWS to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. 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. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## Timely Warning Policy – RELLIS

**The procedures disclosed in this section apply to incidents occurring at the RELLIS campus that warrant a Timely Warning (Crime Alert).**

The UPD coordinates with the main Texas A&M University campus, the Blinn Police Department (BCPD Chief of Police), and TAMUS (RELLIS Assistant Provost) to generate and issue Crime Alerts on behalf of the RELLIS campus using established procedures as described below.

Crime Alerts are issued through email to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Recipients include, but are not limited to, Texas A&M University students and employees located at RELLIS and students and employees that are part of the RELLIS Academic Alliance. Information regarding the Crime Alert may be forwarded to local media outlets through a formal press release.

Crime Alerts contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Crime Alerts 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.

The circumstances in which a Crime Alert will be generated include, but are not limited to, the receipt of a report to UPD 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 UPD Chief of Police (or university official designated by the Chief of Police) or UPD Assistant Chief(s) of Police are responsible for determining if a Crime Alert will be issued. Crimes that may warrant a Crime Alert include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the UPD Chief of Police (or university official designated by the Chief of Police) or UPD Assistant Chief(s) of Police. 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 UPD or other campus security authorities are not notified of a crime in a manner that would allow the department to provide timely notice, a Crime Alert may not be issued depending on the circumstances. All situations will be evaluated on a case-by-case basis.

UPD is responsible for writing and issuing Crime Alerts for crimes occurring at the RELLIS campus. Personnel authorized to write and/or issue (send) a Crime Alert are: UPD Chief of Police (or university official designated by the Chief of Police), UPD Assistant Chief(s) of Police, UPD Public Information Officer, or UPD Clery Act Compliance Officers. An internal or external review among two or more authorized personnel may occur if time allows. Anyone with information warranting a Crime Alert should report the circumstances immediately to UPD, by phone (979-845-2345) or in person at UPD (1111 Research Parkway, College Station, TX 77843). BCPD 979-209-7600 and UPD 979-845-2345 can also be contacted and/or dispatched to RELLIS by phone.

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

## Emergency Response and Evacuation Policy

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring on the campus of Texas A&M University at Commerce and Farm Complex, i.e. on-campus property. The institution does not have separate procedures for non-campus property. Offsite locations will be addressed individually below.

## Emergency Notification System

PAWS is Texas A&M University-Commerce's emergency notification system that gives the university the ability to communicate health and emergency information through some or all of the following mechanisms: SMS text message, A&M-Commerce email, computer pop-up messages, LionSafe, X (formerly known as Twitter), and RSS. A&M-Commerce will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of A&M Commerce to immediately notify the campus community, via PAWS, 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, and each of its branch locations.

### Students, Faculty, and Staff Access

Students, Faculty, and staff emails and registered phone numbers are automatically uploaded from Banner.

All students, no matter which location they attend, can sign up for PAWS directly. During the signup process, click "edit my information" and check which location you attend. You may check more than one.

### Public Access

The public can sign up for [emergency notifications](#) which are sent out by the communications center at UPD.

<https://tamuc.safety.info/Subscribers>

Create an account under sign-in with a guest account. Once an account is created, depending upon the options selected, alerts can be received by calls, text, or emails.

# Evacuation Procedures

## Commerce and Farm Complex Locations

Personnel from UPD and Campus Operations and Safety 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, and any other applicable methods.

The following outlines the steps to take in the event of a building evacuation:

1. After notification by PAWS, public address, or the fire alarm system:
2. Walk calmly to the nearest exit.
3. Use stairways. Do Not Use Elevators. Assist disabled persons when possible. Rescue chairs are located near elevators and in stairwells.
4. Do not re-enter the building until the University Police Department gives the "all clear."
5. Notify emergency crews if you suspect someone is still in the building.
6. In some situations, you may be instructed to "shelter in place."

## Mesquite Metroplex Location

Mesquite staff will determine if an immediate emergency or dangerous situation exists. These staff members will then contact the UPD communications center at 903-886-5868 for issuance of a PAWS alert.

The following outlines the steps to take in the event of a building evacuation:

1. After notification by PAWS, public address, or the fire alarm system:
2. Walk calmly to the nearest exit.
3. Use stairways. Do Not Use Elevators. Assist disabled persons when possible. Rescue chairs are located near elevators and in stairwells.
4. Do not re-enter the building until the Mesquite Police Department gives the "all clear."
5. Notify emergency crews if you suspect someone is still in the building.
6. In some situations, you may be instructed to "shelter in place."

## A&M Commerce – Dallas

A&M Commerce-Dallas staff will determine if an immediate emergency or dangerous situation exists. These staff members will then contact the UPD communications center at 903-886-5868 for issuance of a PAWS alert.

When the fire alarm is activated, you should go to the stairwell nearest your office or room and enter the stairwell:

1. Calmly walk down three floors below the floor that you are on and enter. If you do not encounter smoke or fire on that floor, wait there for further instructions. These instructions will be made on the PA system.

2. If the stairwell nearest your office or room is blocked by fire or smoke, go to the other stairwell and follow the above procedures.
3. If fire or smoke blocks all of the stairwells, return to your office and:
  - a. Close the doors.
  - b. Call building Security and or Fire Department and notify them of your location.
  - c. Place towels, clothing, etc. around the door.
  - d. Place a wet towel or cloth over your mouth and nose. Stay low below the smoke.
  - e. Do not break the windows unless it's a last resort. (Falling glass is dangerous to persons and it may allow smoke to enter your room).

#### Disabled or Handicapped Evacuation

1. Visually impaired: Each person should have a "buddy" assigned to assist them in the event of an evacuation. Ask each person the best way to assist them to the stairwell and lead them to safety. It is important that the "buddy" remain with the person until the emergency is over.
2. Physically disabled/ non-ambulatory person: Each person should have a "buddy" or "buddies" assigned to assist them in the event of an evacuation. In most incidences, it will only be necessary to move the person into the stairwell for safety. If it becomes necessary to move them down the stairs, various lifting and carrying techniques can be utilized. Ask the person the best way to help them. Stay with the person until the emergency is over. Elevators may not be used.

#### Power Blackout

1. If a power blackout occurs, it is recommended that tenants turn off all electrical equipment such as computers, photocopiers, typewriters, etc. to reduce the electrical load on the circuits to and in the building when power is restored.
2. Building Management will determine the cause and possible duration of the outage. Any information will be communicated to tenants as soon as available. Each tenant will determine what action to take. If the tenant makes the decision to evacuate the building, it will be necessary to use the stairwells since the elevator lobbies will be illuminated by the emergency lighting system.
3. Building Management will make provisions with their elevator contractors to remove passengers from the inoperative elevators.

#### Severe Weather Conditions

Severe weather conditions can usually be anticipated, and each tenant will make their own independent decisions as to what actions to take. In case of sudden unanticipated storm, local authorities may recommend a plan of action to the building management. Such recommendations will be communicated to the tenants in a timely manner. Authorities recommended the following in the events of high winds, cyclones, tornadoes, etc.

1. Keep away from windows.
2. Direct people to the nearest stairwell and other protected areas.
3. Move important papers, cabinets, or other protective containers to a safe place away from the windows.
4. A decision to send employees home or to remain in the building will depend on such factors as the severity, nature, and duration of the storm and traffic conditions. Such decisions will be made on the recommendations of the state or local authorities.



## Collin Higher Education Center

UPD receives campus emergency alerts directly from the Collin College, and is therefore able to immediately monitor what decisions are made by on-site officials. Messages received from Collin College are rebroadcast to A&M-Commerce students who have signed up for PAWS and selected the CHEC location.

### **The following information is taken directly from the Collin College ASR.**

The following information can also be found on the [Collin College Police Department's website](#).

- In the event of a building evacuation, you will be notified by CougarAlert, public address, or the fire alarm system.
- Walk calmly to the nearest exit.
- Use stairways. Do Not Use Elevators. Assist disabled persons when possible. Rescue chairs are located near elevators and in stairwells.
- Do not re-enter the building until the Collin College Police Department gives the "all clear."
- Notify emergency crews if you suspect someone is still in the building.
- In some situations, you may be instructed to "shelter in place."

Collin College will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on a Collin College campus that involves an immediate threat to the health or safety of students, faculty, and staff. An "immediate threat" includes an imminent or impending threat, significant emergency, or dangerous situation (e.g., approaching tornado or other extreme weather condition, armed intruder, bomb threat, chemical or hazardous waste spill, explosion, fire, gas leak, outbreak of a serious illness, etc.). In these instances, Collin College's chief public relations officer in consultation with the chief of police and College District president will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the emergency notification system, unless issuing a notification will, in the professional judgment of Collin College officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## Navarro Partnership

UPD receives campus emergency alerts directly from Navarro College and is therefore able to immediately monitor what decisions and messages that on-site officials have made. Messages received from Navarro College are rebroadcast to A&M-Commerce students who have signed up for PAWS and selected Navarro as their location.

The following italicized text is taken directly from the Navarro College's ASR.

### **If evacuation is necessary, the following procedures should be followed:**

- Be aware of all the marked exits from your area and building and refer to the emergency evacuation posters located near the elevators.
- The fire alarm will be used as the evacuation alarm. This will most likely be used in conjunction with the Outdoor Warning System's audible siren.
- To activate the building alarm system, break or remove the protective cover on the fire alarm cover and pull the handle on one of the red boxes located in the hallway.



- When the building evacuation alarm is sounded, or when you are ordered to leave by Campus Police, walk quickly to the nearest marked exit and calmly ask others to do the same.
- Assist the disabled in exiting the building, and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairway and notify Campus Police of the location.
- Building coordinators will assist in evacuation of all building occupants.
- Once outside, proceed to a clear area that is at least 150 feet away from the affected building. Keep walkways clear for emergency personnel.
- To the best of your ability, and without re-entering the building, assist Campus Police in their attempt to determine that everyone has evacuated safely. Departments should predetermine an assembly point to verify all occupants are safe.
- A NCDPS Emergency Command Post will be set up near the emergency site. Keep clear of the command post unless you have important information to report.
- Do not return to a building until Campus Police tell you to do so, even if the alarm has ceased. College Officials may take into account whether or not issuing a mass notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Once a decision has been made to initiate the emergency notification system, the Chief of Police or a member of the Campus Safety Team will send the notification via various media outlets to the appropriate targeted audience. The notification may be delivered via voice, text, email and/or on campus loudspeakers.
- The emergency notification system will be tested at least twice a year. The tests may be conducted on an announced or unannounced basis. The tests will be documented and the relating documentation will be retained by the Blackboard Administrator. **PAWS does not replace the timely warning requirement.**
- They differ in that the timely warning requirement applies only to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the university is not required to issue a timely warning based on the same circumstances.

## UPD is Responsible for Issuing Emergency Alerts

The generation of a PAWS alert message and activation of the notification system is the responsibility of the University Police Department. In the event of confirmation by police officials that a significant emergency on campus is occurring, University Police Department staff will, without delay, initiate a PAWS alert using pre-determined scripts. This alert will go to all A&M-Commerce students and employees who have signed up for PAWS. After the initial PAWS alert has been sent, all further communications to the public will come through the university's public information officer or his/her designee. All available resources will be used to inform the larger community, including, among others, web page postings, KETR radio broadcasts, and email notifications.

Exception: If, in the judgment of law enforcement officials, it is determined the immediate notification would hinder efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the notification will be withheld until it is deemed safe to initiate the notification.

UPD conducts monthly pre-scheduled testing of the emergency notification system. These monthly tests are launched by the communications division of UPD.

## Registering for Emergency Notifications

Students, faculty, and staff register for the PAWS notification system. Students, faculty, and staff who have TAMUC Single Sign-On (SSO) and password can register to receive text message alerts. Emergency alerts are automatically sent to all A&M-Commerce email addresses. The system also pushes the emergency notification message to LionSafe, Twitter, and RSS. To register, visit: MyLeo, select Apps, and select Alert System Settings.

## Disseminating Information to the Larger Community

If a crisis occurs involving Texas A&M University-Commerce, the Chief Marketing and Communications Officer (CMCO) will be notified as soon as possible. As the chief spokesperson for the university, the CMCO will work with the Office of Marketing & Communications staff (Marcomm) to provide strategic direction and implement protocols as outlined in the emergency communications plan.

The CMCO will notify The Texas A&M University System (TAMUS) office of the crisis. It will work with the Office of the President, the University Police Public Information Officer (UPDIO) and Emergency Management (EM) to prepare and disseminate internal and external messages, distribute news releases, respond to media inquiries, update the main university website with pertinent information, and share timely information as appropriate via social media channels such as Facebook and Instagram.

In addition, the CMCO and Marcomm, in conjunction with the Office of the President, UPDIO, EM, and TAMUS, will be responsible for planning, scheduling, and providing logistical support for news conferences and coordinating communication efforts with relevant entities and organizations.

In case of an emergency, A&M-Commerce's main website ([www.tamuc.edu](http://www.tamuc.edu)) will be updated with current information pertaining to the incident.

Individuals who receive the emergency notification through PAWS and/or Lion Safe App will also receive updated information as needed, using the same method(s) as the original notification.

## Emergency Preparedness

A&M-Commerce is a partner with Hunt County and with the City of Commerce in the Hunt County Inter- jurisdictional Emergency Management Plan. The Office of Campus Operations and Safety has primary responsibility for emergency preparedness at A&M-Commerce. Duties and responsibilities range from working with departments to write and exercise building evacuation plans, to developing and maintaining emergency plans as deemed necessary to augment and implement the Hunt County Plan.

The primary university plan is the broad-based A&M-Commerce Emergency Operations Plan. The A&M- Commerce Emergency Operations Plan describes the general framework for emergency response at A&M- Commerce. Information about emergency procedures at A&M-Commerce may also be accessed online via the Emergency Preparedness link:

<https://inside.tamuc.edu/facultystaffservices/riskManagementSafety/emergencyManagement.aspx>

A&M-Commerce tests various aspects of our emergency operations plan on at least an annual basis through table-top exercises, full-scale exercises, continuity exercises, and tests of the emergency notification system. These tests are designed for assessment and evaluation of emergency plans and

capabilities and are performed and documented with after action reviews in accordance with FEMA's Homeland Security Exercise and Evaluation Program requirements. Testing reports and review documentation include a description of the exercise, the date the test was held, and the start and end time of the exercise. All table-top, full-scale, and continuity exercises are announced. In addition, Campus Operations and Safety manages a robust Building Evacuation Program which works with facility managers to maintain and test building evacuation procedures annually for facilities on campus through emergency evacuation drills.

A&M-Commerce publicizes its emergency procedures annually and in conjunction with a test through a campus-wide email, directing students, faculty, and staff to visit the Emergency Preparedness site (referenced above). The emergency procedures include information about testing and related documentation. The Office of Emergency Management and Safety also works with various departments on campus to include UPD, and the Student Health Center to share emergency procedures and preparedness information through a variety of outreach programs and presentations throughout the year including Campus Safety Awareness Series and National Night Out.

## The Daily Crime Log

Each business day, the UPD (Clery Compliance Administrator or other trained personnel) publishes a Daily Crime Log that is available to the media, the public, and various campus offices free of charge. This summary identifies the nature of the crime, location, date the crime was reported to the UPD, and disposition. You may view the Daily Crime Log via the UPD webpage at:

<https://www.tamuc.edu/university-police-department/records-and-crime-statistics/>

A printed copy of this report may be viewed at the UPD office, or obtained by calling 903-886-5868. The hard copy is printed on a daily basis on working business days.

## Security of and Access to Campus Facilities

### General Provisions – Commerce and Farm Complex

As a public university, A&M-Commerce is generally open to the public during business hours with a few exceptions as described below.

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

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

The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request.

Identification may be required of any person on the property. (Texas Education Code Section 51.209)

### Residence Halls

Access to residence halls is restricted to residents, their approved guests, and other authorized members of the university community. Exterior doors to most on-campus residence halls are equipped with electronic card access that is connected to a centralized software system with 24-hour recording. Residents gain entry by swiping their card in the

card access readers. Residents are cautioned against permitting strangers to enter the residence halls and are urged to require individuals seeking entry to use their own access cards. Interior residence hall doors are key locked with deadbolts and have "peepholes." Residence areas are patrolled regularly by university police and security officers.

## Parking Areas

Some campus parking areas are under video surveillance and may or may not be monitored. Various parking lots are also equipped with emergency phones and are readily visible and identifiable by the bright blue lights located on top of the phone cabinets.

## Academic and Administrative Buildings

The main campus of Texas A&M University-Commerce is located within the City of Commerce, and the public areas are therefore readily accessible. In general, the academic and administrative buildings are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements.

Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Information about access to a specific facility can be obtained from the dean of the appropriate college for that facility. University police and security officers generally are not assigned to specific academic or administrative buildings. However, they do patrol such areas on a regular basis.

## Maintenance of Campus Facilities

### Main Campus

Contracted facilities personnel are responsible for maintaining the buildings, and custodial services for the Texas A&M University-Commerce campus. The group addresses maintenance, renovation, repair projects for facilities, and Custodial. Faculty and staff are encouraged to report maintenance problems to SSC at 903-886-5761.

The Department of Residence Life monitors the residential facility custodial and maintenance functions. The custodians are responsible for normal cleaning duties within the residence halls. The maintenance staff is responsible for making repairs in the residence halls. Additionally, facilities such as telephones, recreational areas around the halls, building renovations, furniture purchases, card access security system, and fire alarm/detection systems are all coordinated from the Residence Life's office. For more information about any of these services, please call 903-886-5797 or email [residencelife@tamuc.edu](mailto:residencelife@tamuc.edu). Students are encouraged to report residence hall or apartment maintenance problems <https://www.maintenanceconnection.com> or to their resident advisor. For after-hours emergency repairs, contact the UPD 24-hour communications center at 903- 886-5868.

Security lighting tours of campus are jointly conducted each semester by contracted maintenance staff, students, UPD, Residence Life, and various A&M-Commerce departmental representatives. Issues concerning lighting as well as landscaping affecting the disbursement of light are addressed. Residence hall staff conducts daily "on-duty rounds," and reports any known maintenance items for life/safety and security. Residence hall and apartment staff will submit work orders and/or telephone the UPD communications center in cases of needed urgent after-hours responses.

Police and security personnel closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate university official. If necessary, they will stand by until the problem is corrected.

University police and security officers survey campus lighting nightly, monitor those areas having defective fixtures, and report the deficiencies to the appropriate personnel for corrective action. The operations of the emergency telephones are checked on a scheduled periodic basis.

## Mesquite Metroplex

### General Provisions – Mesquite Metroplex Location

The Mesquite Metroplex is located at 3819 Towne Crossing Blvd Suite 201 Mesquite, TX. The building is owned and controlled by Mesquite ISD with a portion being leased by A&M-Commerce. The building is open Monday-Friday 6am – 11pm.

As a public facility, generally, the building is open to the public during regular business hours. There is a large parking lot available onsite with no parking permit required. Those wishing a security escort may ask the on-duty security officer for an escort.

Maintenance of the facility is performed by MISD, and security of the building is the responsibility of MISD, however frequent checks are performed by the MISD maintenance department for overgrown bushes, missing lighting and faulty door hardware with an eye towards security and safety.

## Collin Higher Education Center (CHEC)

The Collin Higher Education Center (CHEC) is a partnership among three universities and Collin College. The partner universities include Texas A&M University-Commerce, University of North Texas, and The University of Texas at Dallas. Courses leading to baccalaureate, masters, and doctoral degrees are offered by the partner universities at CHEC - located near the northeast corner of State Highway 121 and U.S. Highway 75-Central Expressway in McKinney. A&M-Commerce is no longer at the Preston Wood location.

**A&M-Commerce does not control or maintain the facilities of Collin College.**

**Below are excerpts from Collin College's ASR:**

### Security Considerations for the Maintenance of Collin College Facilities

Collin College is committed to safety and security at all its facilities and grounds. Collin College designs security and safety into systems for locks, landscaping, and outdoor lighting. Sidewalk designs and illumination of sidewalks and building entrances provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Security surveys are conducted on areas that are revealed as problematic to examine various security issues (e.g., landscaping, locks, alarms, lighting, etc.). Administrators from each campus Vice President/Provost's Office, Plant Operations, and other concerned areas review the results of these surveys and recommend appropriate measures to resolve the issues, as necessary. Additionally, the Collin College Board of Trustees (Board) approved a multi-year comprehensive Safety Plan for the College District in November 2017.

**The purpose of the Safety Plan is to:**

- ensure that everyone working and learning at any facility operated by Collin College is able to do so with an expectation not only of excellence but of personal safety, and
- safeguard the investment of Collin County's taxpayers by ensuring that Collin College's facilities are secure.
- Collin College is already working to accomplish the goals of the Safety Plan, and will continue to roll out various campus safety improvements over the next several years. Key components of the Safety Plan include, but are not limited to:
- establishing a standard access control system to retrofit existing facilities and serve as the model for new facilities,

- improving emergency communication systems,
- enhancing and expanding video surveillance systems,
- integrating new systems with existing systems,
- upgrading crime prevention initiatives,
- improving traffic management and controls,
- enhancing classroom signage for better locational awareness in case of an emergency,
- constructing a new headquarters for the Collin College Police Department, and
- Reorganizing and expanding safety and security staff to appropriately meet Collin College's needs resulting from growth of both the College District's physical footprint and student enrollment.

#### Facility and landscape maintenance

Facility and landscape maintenance occurs in a manner that minimizes hazardous conditions. Plant Operations staff at each campus regularly evaluate both interior and exterior lighting and perform necessary changes or repairs as needed. Maintenance concerns observed by Collin College Police Department officers during routine campus patrols are reported to Plant Operations staff. All Collin College community members are encouraged to promptly report any safety and security concerns, including, but not limited to, concerns regarding locking mechanisms, lighting, or landscaping, to the Collin College Police Department and/or Plant Operations.

## Navarro College

**A&M-Commerce is not responsible for the security access and maintenance of the Navarro College facilities.**

**Below are selected excerpts from the ASR of Navarro College concerning their policies on maintenance and security.**

### Campus Facilities Access and Security

Most College facilities are open to the public during the day and some during evening hours when classes are in session. However, building access and security is an important aspect of providing security to all students, faculty, staff, and visitors. Navarro College has a number of building access and security policies in place. During the times the College is officially closed, buildings are generally locked and only faculty, staff and some students accompanying a staff member are permitted access. Select facilities are monitored by video surveillance.

Lighting improvements are constantly being evaluated. Improvements have included routine maintenance and replacement of defective lights in buildings, parking lots, and in areas with heavy landscaping, trees and pathways frequently traveled by members of the campus community. The Physical Plant has the responsibility to maintain campus buildings and grounds (with some work perform by contractors, such as lawn maintenance) with a concern for safety and security. Physical Plant staff will respond to reports of potential safety and security hazards, such as broken windows, locks, and lighting problems. NCDPS also reports security concerns observed by officers while conducting routine patrols.

Theft and property damage is one of the most common problems in the residential areas; therefore, precautions should be exercised at all times. Residents are encouraged to be watchful and cautious of their surroundings and the presence of unknown persons.

## BUILDING ACCESS

### Regular Building Hours

Regular building use hours will be Monday through Friday from 7:30 a.m. to 10:00p.m. and on Saturday from 8:00 a.m. to 5:00 p.m. except holidays. This does not include all buildings at all locations.

### Student Use

No student will be permitted the use of the buildings any time after hours of operation unless accompanied by a faculty or staff member.

All students using the buildings must be instructed or observed by the responsible faculty or staff member.

### Residence Life Visitation/Guest Policy

The reason for the visitation guideline is to ensure, at a certain time, members of a suite or room could have privacy from people who are not contracted and assigned members of that community. All residents are responsible for ensuring that their guests follow the rules and policies as described in the Residence Life Handbook and can be subject to disciplinary action for their guest's actions. A resident of the designated room must always be present when there is a guest in the room. All guests must be at least 17 years of age. No children are allowed in the Residence Life area. All guests are expected to leave the premises in a timely fashion in order to ensure that the privacy of the remaining community members is respected.

Visitors found in the opposite-sex area before or after visitation hours will be issued a citation. Visitation hours for all guests (same sex and on-campus residents) are as follows:

Therefore, ALL guests are expected to vacate the premises in a timely fashion in order to ensure the privacy of the remaining community members is respected. Visitors found in the opposite sex area after hours may be issued a citation.

Visitation hours for all guests (including same sex and on campus residents) are as follows: 10 a.m. to 11p.m. -- Sunday through Thursday 10 a.m. to 1 a.m. -- Friday and Saturday

Any person found unattended in a room during visitation hours will be asked to leave, and the host will be assessed an unattended guest violation. An unregistered guest is defined as any individual who is found to be residing in the residence hall and not assigned to that room. Any unregistered guest will be asked to leave, criminally trespassed, and the resident will receive disciplinary sanctions.

Non-student visitors after hours could be subject to a criminal trespass. There is no visitation during closed times of the College (Thanksgiving, Christmas, Spring Break, Closed summer). This includes visitation of the opposite sex, as well as a same-sex visitor from outside the Residence Life Program. Any resident found not residing in his/her assigned room, with a guest present, will be subject to disciplinary actions. The host of the guest will be held responsible and disciplinary sanctions administered.

### Resident Lock and Key Policy

#### Keys:

All keys are considered College property and must be returned to the Residence Life Department. Duplication of keys is strictly prohibited. Students who reside in a residence hall with card access capability will receive an access card for their rooms. Under no circumstances should a resident lend his/ her key(s) or access card. Students should keep his/her room key and/or access card in their possession at all times. A student found giving his/her access card or key to another person to use to enter their room or building will be subject to an improper key usage charge of \$75 and will receive a three-point violation, as well as be subject to expulsion from the Residence Life Program at the discretion of the Director of Residence Life. A charge of \$50 will be assessed for any lost key and \$10 for a lost



access card. A \$25.00 charge will be assessed for a lost mailbox key. Any student returning keys after the checkout process will be charged \$25 for a housing key and \$12.50 for a mailbox key.

#### Lockout Policy:

Residents living in College housing are required to have their Navarro College ID and Residence Hall keys on them at all times. If a student is locked out, he/she can call the Emergency Cell Phone (903-654-2778) and request to have his/her door unlocked. The student must show his/her Navarro College ID before he/she will be allowed entry into the room. The first unlock is free. Each additional unlock will result in a \$10 fee. Doors will not be unlocked if you are not a resident of that room or if you leave personal items in another resident's room.

#### Exterior Doors

Exterior doors or doors with a deadbolt to the residence halls should be locked at all times to promote safety and limit access by non-residents. These doors should not be left unlocked or propped open at any time. Unlocked doors could lead to fines for all residents of an unlocked room. These fines will be assessed at

\$25 to each resident. Front doors and bedroom doors are to remain closed and locked, except for the purpose of entering or exiting a room. Regular police patrols routinely check buildings after normal building hours to ensure that all campus buildings are secure.

## A&M-Commerce at Dallas

The Dallas location consists of floors 19 and 20 of the building. Texas A&M University-Commerce is not generally responsible for security at the building located at 8750 N. Central Expressway, Dallas, TX 75231. However, UPD staff do work closely with the security of the building and have put some security measures into place on the floors occupied by A&M-Commerce.

The building is managed by CB Richard Ellis (CBRE), an international property management company. CBRE has onsite 24-hour security at the property and maintains its own internal security 24/7. Its security professionals use advanced technology to help secure the facility. This technology involves electronic card passes and surveillance cameras. The building locks nightly at 6pm and a pass card is required to make entry into the building and select floors including A&M Commerce. The building has an attached parking garage.

#### Parking Garage Security

The location has a large parking lot with a small amount of visitor spots. The rest of the parking lot and adjoining parking garage are by permitted parking only. Access to the parking lot is public access and patrolled occasionally by building security. The parking garage requires a pass card for entry 24/7. After hours, an electronic security pass is required to enter the building from the parking garage.

Access to the parking garage is by electronic security pass and is restricted by permit 24-hours a day. From 6:00 AM to 6:00 PM Monday through Friday, there is unrestricted access from the parking garage to the building.

#### Authority and Jurisdiction

While UPD makes occasional site visits, they are not the primary Law Enforcement Authority for Dallas. The building lies in the jurisdiction of the Dallas Police Department. CBRE security patrol the parking facilities and building.



## Arrest Authority

CBRE has no authority to arrest. Dallas Police or UPD have full arrest authority.

## Monitoring Non-Campus Locations

The Dallas location has no recognized organizations to monitor.

## Building Access

Access to the building at 8750 N. Central Expressway is open access during normal business hours from 6:00 AM to 6:00 PM Monday through Saturday. After hours, access to the building will either be through secure card access from the parking garage or through the front door with card access.

CBRE maintains security personnel 24 hours daily and are available for walking escort into the garage or parking lot.

Access to the 19th floor is available only by a single elevator bank. Floor 20 can only be accessed through the 19th floor. Both floors occupied by A&M-Commerce contain classrooms and certain common areas that are only accessible through Lion card access.

## Alcoholic Beverages, Illegal Drugs, and Weapons

In accordance with the Drug-Free Schools and Communities Act, A&M-Commerce reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at:

<https://www.tamuc.edu/wp-content/uploads/2023/08/AOD-Biennial-Review-2023.pdf>

## Alcohol Policy

As an institution interested in the intellectual, physical and psychological well-being of the campus community, A&M-Commerce 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, including within A&M- Commerce on-campus housing facilities.

Additionally, In accordance with A&M-Commerce Student Guidebook, [Student Code of Conduct](#) alcohol possession and use of alcoholic beverages are prohibited on A&M-Commerce premises and university sponsored events unless expressly authorized by [University Rule 34.03.99.R0.01 Alcoholic Beverages on University Property](#), or [34.03.99.R0.02 Alcoholic Beverages at University-Sanctioned Tailgate Events](#).

## Education Programs

Texas A&M University-Commerce is committed to a campus-wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws, System policies and University rules and procedures dealing with controlled substances, illicit drugs, and the use of alcohol. The Student Guidebook and Code of Conduct provides information on alcohol and drug rules and university sanctions. To review the Student Code of Conduct online, go to:

<https://www.tamuc.edu/student-code-of-conduct/>

The Work/Life Solutions Program (866-301-9623) by Guidance Resources manages the alcohol & drug abuse and rehabilitation program for employees. The Work/Life Solutions program also provides licensed counseling and referral services.

## Illegal Drugs Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), 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-Commerce is committed to a campus-wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws, System policies and University rules and procedures dealing with controlled substances, illicit drugs, and the use of alcohol. The Student Guidebook and Code of Conduct provides information on alcohol and drug rules and university sanctions. To review the Student Code of Conduct online, go to

<https://issuu.com/docs/25e55b4d3078ed6ae51aa88b86c13cf9>

The Work/Life Solutions Program (866-301-9623) by Guidance Resources manages the alcohol & drug abuse and rehabilitation program for employees. The Work/Life Solutions Program also provides licensed counseling and referral services.

## Weapons Policy

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of A&M-Commerce (all land and buildings owned or leased by A&M- Commerce) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.R1, Carrying Concealed Handguns on Campus](#). Prohibited areas include but are not limited to campus daycares, counseling centers, health care facilities, collegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, specific premises where formal disciplinary hearings are conducted, and locations with official [Texas Penal Code 30.06](#) signage.

Any resident of campus housing who is a handgun license holder may have their handgun on or about their person. The resident may only store their handgun in his/her assigned room, and must provide their own safe, intended and manufactured for handgun storage. The resident may not provide access to their safe to any other individual. Failure to comply with this rule may result in removal from campus housing and participation in the University conduct process. If a resident observes a handgun within a residential community, they should immediately contact the University Police Department at 903-886-5868. The open carry of handguns is prohibited everywhere on campus

including all land and buildings owned or leased by A&M-Commerce. The recent Constitutional Carry Law is not applicable on the grounds of a Higher Education Institution.

## Sexual Assault, Dating Violence, Domestic Violence, and Stalking (All Locations)

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance, A&M- Commerce prohibits discrimination and harassment on the basis of sex including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address sexual assault, dating violence, domestic violence, and stalking as prohibited conduct. The policies apply whether the prohibited conduct occurs on or off campus and when it is reported to a university official.

**State Definitions** In Texas, the Family Code defines “Family Violence” (domestic violence) to mean 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. (Texas Family Code 71.004)

**Dating Violence** is defined in Texas as an act, other than a defensive measure to protect oneself, by an actor that: is committed against a victim or applicant for a protective order: with whom the actor has or has had a dating relationship; or because of the victim’s or applicant’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage. The act is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault. A “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, which is determined based on consideration of the length, nature, frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship.” (Texas Family Code 71.0021)

The Texas Penal Code defines **Sexual Assault** as an offense if committed by a person that intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; or causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 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.

(Texas Penal Code Sec. 22.011)

**Without Consent** in regards to sexual assault is defined in Texas Penal Code as:

- the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
- the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- 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;
- the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

- 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;
- 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;
- the actor is a public servant who coerces the other person to submit or participate;
- 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;
- 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;
- the actor is an employee of a facility where the person is a resident, unless the employee and resident are formally or informally married to each other;
- the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
- the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor;
- the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor. (Texas Penal Code Sec. 22.011)

Texas law defines **Stalking** when a person commits an offense if the person, on more than one occasion and pursuant to the same course of conduct directed specifically at another person, knowingly engages in conduct that:

1. the actor knows or reasonably should know the other person will regard as threatening bodily injury or death for the other person; 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 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 fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. Further, it would cause a reasonable person to fear bodily injury or death for himself or herself; 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; or that an offense will be committed against the person's property; or feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended. (Texas Penal Code Sec. 42.072)

#### **Federal Definitions – [Violence Against Women Act of 1994](#)**

**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.

1. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition

- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** means a pattern of behavior involving the use or attempted use of physical, sexual, verbal, psychological, economic, or technological abuse or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who

1. is a current or former spouse or dating partner of the victim, or other person similarly situated to a spouse of the victim;
2. shares a child in common with the victim;
3. is cohabitating with, or has cohabitated with, the victim as a spouse or dating partner;
4. commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.

**Stalking:**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - a. Fear for his or her safety or the safety of others; or
  - b. Suffer substantial emotional distress
2. For the purposes of this definition
  - a. Course of conduct means two or more acts, including, but not limited to, acts 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.
  - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, 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."

**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 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. Procedures to follow if you are a Victim of Sexual Assault, Domestic

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

Individuals who have experienced or witnessed sexual assault, dating violence, domestic violence, or stalking have the option of notifying on-campus and local law enforcement authorities, whether or not the incident happened on or off campus. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred.

<b>Agency</b>	<b>Phone</b>
University Police Department	903-886-5868
Commerce Police Department	903-886-1139
Hunt County Sheriff's Office	903-453-6838
Mesquite Police Department	972-285-6336
Dallas Police Department	214-744-4444
Navarro Dept. of Public Safety	903-875-7500
Corsicana Police Department	903-654-4902
Collin College Police Department	972-578-5555
McKinney Police Department	972-547-2700
TAMU UPD (RELLIS)	979-845-2345
Blinn Police (RELLIS)	979-209-7600

UPD 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 Hunt County and District Attorney Offices. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

All employees who experience, observe, or become aware of prohibited discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation must promptly report the conduct. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. At all campuses of A&M-Commerce, information should be reported to an official university contact designated to receive and investigate complaints in accordance with Table 1 – Official Contacts below. Depending on the circumstances, the contacts will coordinate responsibilities when necessary.

Table 1 – Official Contacts

If the alleged offender is a:	Student, Employee or 3 <sup>rd</sup> Party
Then the official Contact is:	University Compliance TitleIX@tamuc.edu 903-886-5991 McDowell Administration Suite 113

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

- Title IX Coordinator for any complaint (903-886-5991, McDowell Administration., Suite 113).  
[TitleIX@tamuc.edu](mailto:TitleIX@tamuc.edu)

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

The official contacts have procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A report to law enforcement, even to UPD, is separate from a report to the university. An individual may pursue disciplinary remedies through the university (see Table 1 – Official Contacts) and criminal remedies through law enforcement. An individual may pursue both types of remedies separately or at the same time. An individual wishing to pursue disciplinary remedies and criminal remedies simultaneously should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but also have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

Individuals wishing to submit an anonymous report may use the Risk, Fraud, and Misconduct Hotline, an electronic reporting option. Anonymous reporting may also limit the university’s response to the allegation.

The university responds to complaints in a prompt, fair, and impartial manner. After receiving a report, the university’s official contact, designee, or the Title IX Coordinator will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps include access to medical care, assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, and other interim protective measures to provide for the safety of the individual and campus community. The official contact, designee, or Title IX Coordinator will also take steps to address the conduct, protect and assist the individual reporting, remediate effects, and provide information about the university’s prohibition against retaliation.

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

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred, or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;

- the option to notify proper law enforcement authorities including 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.

Individuals reporting to Student Health Services and UPD also receive the handout.

## Guidelines or Suggestions to follow after an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking

(As applicable to the specific incident)

1. Go to a safe place as soon as you can.
2. Contact the police department at 911
3. 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. Go to the hospital's emergency room and request to be seen by a SANE (Sexual Assault Nurse Examiner).
4. Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
5. 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.
6. Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: any official contact listed in Table 1- Official Contacts, Student Counseling Center 903-886-5145, and Student Health Services 903-886-5853.

## 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 of Counseling Staff

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. Additionally, confidential employees will not report to the institution except as required by law. Publicly available recordkeeping must not include personally identifying information. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information related to crimes that may be statistics in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned.

The Student Counseling Center (903-886-5145) and the Life/Work Solutions Program (866-301-9623) are confidential, licensed mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. Currently enrolled students can access Student Health Services at 903-886-5853 to speak to licensed health care personnel.

## Confidentiality in General

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.

## Maintenance of Records

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response. The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered by the official contact in the context of the university's obligation to act upon the complaint and the right of the charged party to be informed about the charges against them. The official contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part of the university may be limited. Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the

Texas Penal Code, and include sexual assault. The pseudonym will replace the victim’s name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

## Resources, Rights, and Options

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

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

### Law Enforcement

Agency	Phone
University Police Department	903-886-5868
Commerce Police Department	903-886-1139
Hunt County Sheriff’s Office	903-453-6838
Mesquite Police Department	972-285-6336
Dallas Police Department	214-744-4444
Navarro Dept. of Public Safety	903-875-7500
Corsicana Police Department	903-654-4902
Collin College Police Department	972-578-5555
McKinney Police Department	972-547-2700

### Counseling and Mental Health

Counseling Center	903-886-5145
Employee Assistance Program	866-301-9623

### Medical and Health Services

Student Health Services	903-886-5853
Hunt Regional Emergency Medical Center	903-886-3161

## Support, Advocacy, and Other Resources

Victim Outreach Coordinator	care@tamuc.edu 903-886-5791
Office of Student Rights & Responsibilities	Studentaffairs@tamuc.edu 903-886-5195
National Sexual Assault Hotline	800-656-HOPE (800-656-4673)
National Domestic Violence Hotline	800-799-SAFE (800-799-7233)

## Interim Measures

The institution is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations and interim, remedial, and protective measures. The assistance is intended to facilitate continued access to institutional employment, academic programs, and activities; to stop and prevent the reoccurrence of prohibited conduct; and to support the individuals involved.

The institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of a student involved with the report, the Title IX coordinator (903-886- 5991) can assist with issues including, but not limited to, changing academic, living, transportation, and working situations and obtaining no-contact restrictions. The various options are provided if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. Human Resources (903-886-5080) provides similar assistance to employees. The university also provides reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures or remedies before the investigation and will promptly address any violation of protective measures. In determining which institutional interim measures to impose and the reasonableness of the related measures, the official contact considers the request; the safety of the parties involved and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of 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:

- Changing on-campus living situations including obtaining emergency housing or moving into another residential facility
- Addressing academic concerns such as transferring, withdrawing, or retaking classes and rescheduling exams or assignments
- Changing work schedules, job assignments, or other arrangements obtaining a voluntary leave of absence
- Dealing with financial concerns, including providing financial aid guidance

- Transportation and parking assistance and/or modification
- Limiting an individual's access to certain campus facilities or activities
- Assistance in obtaining access to medical, mental health, legal (protective orders, criminal trespass warnings), victim advocacy, visa & immigrations assistance, 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 the Offices of Student Rights and Responsibility (903-886-5195) or Title IX (903-886-5991). Officials may issue a restriction at any time prior to or during a conduct investigation based on information provided by the requestor. A no-contact restriction may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no-contact restriction is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system.

No-contact restrictions directed at employees can be requested from Human Resources (903-886- 5080).

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

## Confidentiality/Privacy of Accommodations and Protective Measures:

The university will maintain as private any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. The official contacts are responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Official contacts use discretion and only disclose information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure. Prior to disclosure, the official contact will inform the individual of the information that will be shared, with whom it will be shared, and why.

## Legal Rights and Options

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

## Protective Orders

Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800- 252-5400) on

behalf of an individual. The application is obtained through the county attorney, the district attorney, or a private attorney. UPD (903- 886-5868) will also provide assistance in applying for protective orders.

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.

UPD 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, UPD should be contacted immediately at 903-886-5868. Responding agencies can also be contacted for protective order violations including the Commerce Police (903-886-1139), or any local law enforcement agency in which the violation occurred. Violation of protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

### Criminal Trespass Warning:

A criminal trespass warning is an interim protective measure issued by UPD 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 UPD at 903-886-5868 and ask to speak with an officer. The UPD 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 UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning. UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at 903-886-5868. 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 UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

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

### Other Legal Options:

UPD, 903-886-5868, is 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://texasattorneygeneral.gov/news/categories/crime-victims>

## Investigations and Disciplinary Proceedings for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation

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

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

### If the alleged offender is a student:

The complaint regarding prohibited conduct is initially reviewed by the Office of Student Rights and Responsibilities (SRR). SRR will promptly notify the Title IX of the allegation of sexual assault, dating violence, domestic violence, or stalking.

Review of Alleged Violation. After SRR receives a report or information that a student or group of students may have violated the Code, the SRR may:

- Take appropriate action on behalf of the University.
- Make a referral to the University Hearing Board or other hearing officers/bodies (e.g., Residential Living and Learning); or
- In cases of clear and present danger to the well-being of the University community or other unusual circumstances, the SRR may take interim actions with respect to a student before a disciplinary hearing is held (see Student Code of Conduct Interim Actions). A hearing will be scheduled as soon thereafter as reasonable.

### Notice of Allegations:

- SRR shall notify the student or student group in writing of the allegations against the student. Notification will include whether their case will be heard administratively or by the University Hearing Board. The decision as to which cases will be heard by the Director of SRR.
- The student will be referred to the online Student Code of Conduct, which outlines the disciplinary and appeals procedures.
- The accused student will be given at least three (3) University business days to prepare for a hearing, unless voluntarily waived by the student.

## Hearing Procedures

### General

All hearings will be closed to the public. Admission to the hearing of persons other than the parties involved will be at the discretion of SRR.

In hearings involving more than one responding student, individual cases may be heard jointly. However, SRR may permit each hearing to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

A student may be accompanied by an advisor, but the student must represent himself or herself at the hearing. The advisor may not make a presentation or represent the complainant or responding student during the hearing. The advisor may confer quietly with their advisee, exchange notes, clarify procedural questions with the Chair, and suggest questions to their advisee. There are no limitations on who is chosen as the advisor.

The Hearing Boards members may question all present parties, including the complainant, responding student, and witnesses (directly or indirectly, at the discretion of the SRR Representative). Unduly repetitive witnesses can be limited at the discretion of the SRR Representative during the hearing. (NOTE: This procedure only applies to non-sexual misconduct cases. In cases of sexual misconduct or violence, all questions between the parties must be asked through the hearing officer.

The student may present relevant information regarding the allegations, including witness information, documents, or any other information that would assist the hearing officer or Hearing Board determine student responsibility. Formal rules of evidence will not be observed. The hearing officer or Hearing Board Chair or SRR Representative may limit the number of character witnesses presented or may accept written character statements instead.

If the student fails to appear for the original hearing without good cause, the student forfeits the right to appeal, unless the sanction issued is Suspension or Expulsion.

If a student withdraws from the university pending disciplinary proceedings, the university reserves the right to move forward with the hearing until a final determination of responsibility is made.

### Standard of Proof

In all cases of alleged violations of the Code, the standard of proof is the preponderance of the information (e.g., “more likely than not”, “50% plus one”). This standard is also applied when making determinations regarding interim restrictions/actions.

### Administrative Hearing

A hearing officer will hold a conference with the student to: 1) review the allegations; and 2) provide an opportunity for the student to respond directly to the alleged violation(s). The administrative hearing is intended to be an educational meeting that enables the hearing officer to determine whether there has been a violation of the Code, and if so, what sanctions are appropriate. The hearing officer shall serve the best interests of any responding students by making use of appropriate University resources, including, but not limited to, University Counseling Center, University Employees who serve as mentors, etc.

The student has the right to hear evidence supporting the allegations and ask questions of witnesses either directly or through the hearing officer.

In cases of sexual misconduct or violence, all questions between the parties must be asked through the hearing officer or designee.



The hearing officer may seek professional assistance and advice, or take other measures to ensure fair disposition of the case. After the administrative hearing, the student shall be informed in writing of the action taken by the hearing officer, including findings of responsibility and sanctions.

If the student fails to appear for a disciplinary hearing, the case may be heard in the student's absence.

## University Hearing Board

The Office of Student Rights and Responsibilities (SRR) may assign a student conduct case to the University Hearing Board for adjudication. The decision as to which cases will be heard by the University Hearing Board will be made by the Director in collaboration with the Assistant Dean of Students if needed.

University Hearing Board members will be a group of trained faculty and staff members who serve as conduct officers during the adjudication process. Hearing Board members will listen to all of the information presented during the conduct conference and use that information to make decisions on whether the responding student is responsible or not responsible for violating the Code and assigning appropriate sanctions, as appropriate.

SRR will appoint one board member as the Chair for the hearing.

A staff member from the Office of Student Rights & Responsibilities shall attend all hearings to ensure that disciplinary procedures are followed. This staff member may not be present during Hearing Board deliberations but may respond to procedural questions from the Hearing Board regarding procedure.

The parties (e.g. complainant, respondent, witness, observer, and/or advisor) have the right to be present at the hearing; however, they do not have the right to be present during Hearing Board deliberations. If a student is unable to attend the hearing, he or she must notify the Office of Student Rights & Responsibilities no less than three (3) University business days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the required minimum three (3) University business days' notice, or if the responding student fails to appear for the hearing, the hearing may proceed as scheduled.

After the hearing, the Hearing Board will deliberate and determine, by a preponderance of the information, if the responding student has violated the Code. A majority vote is required. If the responding student is found responsible for violating any section of the Code, the University Hearing Board will determine the appropriate sanction(s). The Office of Student Rights & Responsibilities is responsible for informing the Hearing Board of applicable precedent, any previous conduct violations, or other relevant pattern information about the responding student. The Hearing Board shall serve the best interests of any responding students by making use of appropriate University resources, including, but not limited to, University Counseling Center, Assigned Mentor, etc.

The Chair will prepare a written report and deliver it to the SRR, detailing the findings and rationale for the Hearing Board's decision, and any information the Hearing Board excluded from its consideration and why. This report must include any sanctions or other actions imposed. This report should not exceed two pages in length and must be submitted to SRR within two (2) University business days of the end of deliberations.

The responding student and complainant will be notified of the final determination in writing within five

(3) University business days of the hearing. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties without substantial delay between the notifications to each party.

There will be a single verbatim record, such as an audio recording, for all Hearing Board proceedings. Deliberations will not be recorded. The records will be the property of the University and maintained according to the System's record retention policy.



## Procedures for Allegations of Sexual Misconduct, Violence, and Stalking

Allegations of sexual misconduct by a student will be reviewed and investigated by the University's Title IX Compliance Office or other designated officials. At the conclusion of the investigation, a report will be provided to SRR for review. After receiving a report indicating that a student or group of students may have violated sections of the Student Code of Conduct related to sexual misconduct, violence, and/or stalking, SRR may take action on behalf of the University.

In addition to the procedures found above in and in sections of the Student Code of Conduct, the following procedures shall apply:

- The complainant shall not be required to attend the hearing. The complainant shall have the opportunity to submit an impact statement detailing any alleged consequences suffered by the complainant.
- The complainant has the right to be assisted by an advisor of the complainant's choice. However, the complainant must present his or her own information.
- For sexual misconduct, discrimination and other complaints of a sensitive nature, alternative testimony options may be provided to the complainant, such as placing a privacy screen in the hearing room or allowing the complainant to testify from another room via audio or audio/video technology. While these options are intended to help make the complainant more comfortable, they are not intended to work to the disadvantage of the responding student.
- The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be particularly relevant to the facts and circumstances at issue. All such information is presumed inadmissible until it is shown relevant to the case. Any such showing must be made in advance of the hearing, to hearing officer or Hearing Board Chair. Evidence of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, (or in the form of previous good faith allegations), will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.
- A complainant alleging sexual misconduct, other behavior falling within the coverage of Title IX, and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned, and the rationale for the decision.
- The proceeding must be completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay.
- The proceeding must be conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

## Findings

### No Finding

In these cases, an investigator has made a determination that the responding student is in no way involved in a violation of policy. The responding student's name will be cleared for purposes of third-party reporting, but the record of the investigation will be retained. This finding is not subject to any appeal.

### Not Responsible

In these cases, a hearing officer or Hearing Board determines that insufficient evidence exists for a finding of responsible for any of the allegations. The case is closed and a record of the “not responsible” finding(s) is retained. In cases of sexual misconduct or other violence, complainants may accept the finding or elect to appeal.

#### Responsible

In these cases, a hearing officer or Hearing Board determines that sufficient evidence exists for a finding of “Responsible” for any of the alleged violations. The responding student may accept both the finding and sanctions or may elect to appeal if they receive a sanction of Conduct Probation, Suspension, or Expulsion. In cases of sexual misconduct or other violence, complainants and respondents may accept the finding or elect to appeal.

## Sanctions

One or more of the following sanctions may be imposed for a Code violation.

#### Warning

The student is warned of possible consequences of continuing such behavior. Warnings can be verbal or written.

#### Parental Notification

The university may contact a student’s parent, guardian, or family member, if deemed appropriate.

#### Transcript Notation

When a sanction of suspension or expulsion is the result of a violation of the Student Code of Conduct, a notation will be made on the student’s academic transcript without exception or time limitation. The notation will differentiate between academic and conduct violations that led to the assigned sanction.

#### Interim Actions

The University may take interim actions as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of a substantial disruption to the normal operations of the University. In all cases, the student subject to the interim action will be given an opportunity to be heard by the Dean of Students (or designee) on the necessity of the restriction within three (3) University business days of the issuing of the restrictions.

These actions may include, but are not limited to:

#### Interim Suspension

A student (or organization) suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction.

#### Interim Restriction

A student (or organization) with interim restrictions may be denied access to campus premises (including classes), specific individuals, and/or all other University activities or privileges for which the student might otherwise be eligible.

These restrictions may include, but are not limited to: restricted access to facilities, housing and/or events, no-contact orders with specific individuals, etc. or any other restrictions deemed necessary by the Dean of Students (or designee) to be necessary to achieve the goals stated above. (NOTE: The University will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.)

Before changing any of these restrictions, a student may be required to participate in a psychological or counseling assessment, interviews, etc. at the discretion of the Dean of Students (or designee).

If the alleged offender is an employee or a third party

Employee and or third party procedures are covered under [08.01.01.R2](#) Civil Rights Compliance, the text of which can be found below, and System Policy [08.01.01](#) Civil Rights Compliance.

## Prevention and Awareness Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

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.

A&M-Commerce 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:

- Health Promotion within the Dean of Campus Life and Student Development facilitates a session at new student conferences (orientations) that includes the above educational material. The session is mandatory for incoming, undergraduate freshmen and transfer students.
- The Office of the Dean of Campus Life also requires a mandatory online training module (Haven) focused on sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Each semester, the training is sent to all incoming A&M-Commerce undergraduate, graduate, and professional students. New students are required to complete Haven training at all campuses.
- 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.
- Crime prevention and safety information, some specifically targeting sexual violence, date rape, and stalking, is distributed at new student conferences by UPD.
- New employees receive primary prevention information through the web-based creating a Discrimination Free Workplace training mandated by the Texas A&M University System.
- All employees are required to complete the training every two years thereafter.

- The university requires a mandatory online training module for incoming freshmen, undergraduate transfers, and incoming and transfer graduate students: Sexual Assault Prevention for Undergraduate and Graduate Students (VectorSolutions)
- Ongoing prevention and awareness campaigns are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution's primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.
- UPD provides ongoing education available to students and employees to promote prevention and personal safety including sexual assault and stalking prevention and awareness, drug and alcohol awareness, and sexual harassment. Related materials are distributed at awareness events across campus and in the community during times such as the Campus Safety Awareness Series, National Night Out, and Sexual Assault Awareness Month.
- Human Resources provides the following in-person training: Sexual Harassment Awareness & Prevention and Creating a Discrimination-Free Workplace
- The University provides programs throughout the year geared toward the prevention of dating violence, domestic violence, sexual assault and stalking. Other topics covered are campus services and reporting. Programs are sponsored by several different departments (UPD; Student Affairs; Counseling Center; Student Engagement; Residential Living; Title IX; etc.). Programs are conducted by individual departments and are sometimes done collaboratively with other departments or student organizations.
- In addition to the Title IX webpage, <https://www.tamuc.edu/titleix/> students, faculty, and staff may find additional resources related to support, sexual harassment and violence available through the Offices of the [Student Advocacy](#) and Support and [UPD](#).

All students and employees are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available for individuals both on-campus and in the community. These departments distribute an email annually (fall semester) that contains information about how to report incidents, applicable policies, and other available options in addition to existing services and resources.

Residential Living and Learning provides information to each on-campus resident via the [RLI handbook](#).

## Bystander Intervention and Risk Reduction

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

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

- Call for help, if needed

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

- Be aware of your surroundings
- Practice responsible drinking; alcohol is a factor in many sexual assaults
- Never leave your drink unattended
- Don't accept drinks from someone you don't know or trust
- Stay with your friends and make sure your friends stay with you
- Be careful of online relationships
- Trust your instincts
- We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:
  - Is one of the partners verbally and emotionally abusive?
  - Is one of the partners isolating the other from friends and family?
  - Is one of the partners controlling, intimidating or always jealous?
  - Is there a threat of harm?

## Retaliation

A&M-Commerce prohibits retaliation. An officer, employee, or agent of A&M-Commerce 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 Disclosure

In accordance with the Higher Education Opportunity Act, upon written request, A&M-Commerce 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 or updated result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

## Sex Offender Registry

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

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

## The DPS Texas Public Sex Offender Registry

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the main campus of A&M-Commerce. Notification comes from the Hunt County Sheriff's Sex Offender Registration Office and the Commerce Police Department. It is required by law for registered offenders to report to the UPD if working or attending classes at A&M-Commerce. Sex Offender Registration is performed by the Administrative Lieutenant at 903-886-5868.

## 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.

Texas Penal Code Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

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

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

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

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

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

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

- (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) the actor is a public servant who coerces the other person to submit or participate;
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; 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.

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.

#### **VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES**

**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.

**Sexual Assault:** Any sexual act directed against another person, without Consent of the victim, including instances where the victim is incapable of giving Consent.

- Rape is 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 is 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 is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of Consent

**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.

For the purposes of this definition:

**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, photo electronic, 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.

**Consent Defined:** Consent is knowing, voluntary and clear agreement by word or action, to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

- An individual cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Engaging in sexual activity when the individual knows, or reasonably should know, that another person is physically or mentally incapacitated is prohibited. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.
- Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give consent (e.g., to understand the “who, what, when,
- where, why or how” of their sexual interaction). Incapacity may be the result of mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.
- Consent to a specific sexual act (such as kissing or fondling) is not consent for other sexual activity, such as intercourse. A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.

## 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).

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

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

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

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

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

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

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

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female. **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.

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

**Gender Identity:** A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender nonconforming 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

Defined as persons processed by arrest, citation, or summons.

### DISCIPLINARY REFERRAL

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

### WEAPONS LAW VIOLATIONS

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

### DRUG ABUSE VIOLATIONS

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

### LIQUOR LAW VIOLATIONS

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

## Definitions of Clery Act Locations

### On-campus:

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

### On-campus Student Housing Facilities (Residential Facilities):

A subset of the "On-campus" category. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

### Non-campus:

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

### Public Property:

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

## 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 UPD is the prevention of crime before it occurs. Because UPD 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 UPD. By doing so, you may be preventing someone else from becoming a victim of a more serious crime.

UPD continually presents programs covering crime prevention and security information for students, staff, and faculty. UPD staff participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff, and faculty organizations. In these sessions, information is provided regarding campus security procedures and practices. These sessions cover basic property loss prevention and personal safety strategies as well as the dangers of illegal drug use and alcohol awareness.

For additional information or to schedule a program you are encouraged to call the University Police at 903-886-5868.

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

- Personal Safety Awareness – scheduled upon request
- Theft/burglary Prevention – scheduled upon request
- Operation ID (for property in the residence hall, home, and office) – scheduled upon request
- Residential and Office Security Surveys – scheduled upon request
- Alcohol and Drug Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter – scheduled monthly
- Apartment and Home or Residence Hall Security – scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Bicycle Registration – ongoing at the University Police Department

## Useful Police Contact Information

Agency	Phone
University Police Department	903-886-5868
Commerce Police Department	903-886-1139
Hunt County Sheriff's Office	903-453-6838
Mesquite Police Department	972-285-6336
Dallas Police Department	214-744-4444
Navarro Dept. of Public Safety	903-875-7500
Corsicana Police Department	903-654-4902
Collin College Police (CHEC)	972-578-5555
McKinney Police Department	972-547-2700
TAMU UPD (RELLIS)	979-845-2345
Blinn Police (RELLIS)	979-209-7600

## Other Useful Contact Information

Department / Agency	Phone
Student Health Center	903-886-5853
Student Counseling Center	903-886-5145
Hunt Regional Emergency Medical Center	903-886-3161
Title IX	903-886-5991

## Medical Resources

Student Health Services	903-886-5853
Hunt Regional Emergency Medical Center	903-886-3161

## Offsite Location Contact Information

Mesquite	972-882-7520	2600 Motley Dr. Mesquite, TX 75150	<a href="mailto:Mesquite.Metroplex@tamuc.edu">Mesquite.Metroplex@tamuc.edu</a>
CHEC	903-972-3122	3452 Spur 399  McKinney, TX 75069	<a href="mailto:chec@tamuc.edu">chec@tamuc.edu</a>
Navarro College Partnership	903-875-7617	3200 W. 7th Avenue Corsicana, TX 75110	<a href="mailto:Navarro.Corsicana@tamuc.edu">Navarro.Corsicana@tamuc.edu</a>
Texas A&M- Commerce at Dallas	214-954-3600	Administrative Offices 8750 North Central  Expressway Suite 1900  Dallas TX 75231	<a href="mailto:Dallas@tamuc.edu">Dallas@tamuc.edu</a>
Farm Complex	903-886-5902	3059 Hwy 24, Campbell, TX 75422	N/A

## Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

## Commerce and Farm Complex Crime Statistics

Offense Type	Year	On Campus Property	Non-Campus Property	Public Property	Total	On Campus-Student Housing
Murder/Non Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2021	8	0	0	8	7
	2022	2	1	0	3	2
	2023	8	0	1	9	7
Fondling	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	5	0	0	5	4
Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0



Offense Type	Year	On Campus Property	Non-Campus Property	Public Property	Total	On Campus-Student Housing
Aggravated Assault	2021	0	0	0	0	0
	2022	2	0	0	2	0
	2023	0	0	0	0	0
Burglary	2021	3	0	0	3	3
	2022	4	0	0	4	1
	2023	10	0	0	10	7
Motor Vehicle Theft	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>ARRESTS</b>						
Liquor Law Arrests	2021	9	0	1	10	7
	2022	15	0	0	15	11
	2023	21	0	5	26	18
Drug Law Arrests	2021	61	0	13	74	30
	2022	43	0	14	57	24
	2023	27	0	17	44	22
Weapons Law Arrests	2021	2	0	0	2	0
	2022	4	0	1	5	3
	2023	1	0	0	1	0
<b>DISCIPLINARY REFERRALS</b>						
Liquor Law Referral for Discipline	2021	26	0	1	27	23
	2022	14	0	0	14	14
	2023	27	0	2	29	27

Drug Law Referral for Discipline	2021	119	0	14	133	84
	2022	71	0	5	76	49
	2023	52	0	22	74	48
Weapons Law Referral for Discipline	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	1	0	1	0
<b>VIOLENCE AGAINST WOMEN OFFENSES</b>						
<b>Offense Type</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Non- Campus Property</b>	<b>Public Property</b>	<b>Total</b>	<b>On Campus- Student Housing</b>
Domestic Violence	2021	1	0	0	1	0
	2022	1	0	0	1	1
	2023	2	0	0	2	2
Dating Violence	2021	4	0	0	4	2
	2022	1	0	2	3	1
	2023	13	1	0	14	12
Stalking	2021	0	0	0	0	0
	2022	1	0	0	1	0
	2023	2	0	0	2	1

Note: Residential Facility crime statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.

On-Campus Total is a combination of incidents that are reported to have occurred within on-campus student housing and other on-campus locations

Total Crimes is a combination of **On-Campus Total, Non-Campus Property, and Public Property.**

**HATE CRIME REPORTING:** There were no hate crimes reported 2021 or 2022

**2023-An incident (Vandalism) occurred on-campus property, characterized by race.**

**UNFOUNDED CRIMES** Calendar year 2023: 0

Calendar year 2022: 1 Fondling

Calendar year 2021: 0

## Mesquite Metroplex Crime Statistics

<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>
Murder/Non Negligent Manslaughter	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Manslaughter by Negligence	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Rape	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Fondling	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Incest	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Statutory Rape	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Robbery	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Aggravated Assault	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Burglary	2021	0	N/A	0
	2022	0	N/A	0

	2023	0	N/A	0
Motor Vehicle Theft	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Arson	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
<b>ARRESTS</b>				
Liquor Law Arrests	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Drug Law Arrests	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Weapons Law Arrests	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0

<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public property</b>
<b>DISCIPLINARY REFERRALS</b>				
Liquor Law Referral for Discipline	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Drug Law Referral for Discipline	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Weapons Law Referral for Discipline	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0

VIOLENCE AGAINST WOMEN OFFENSES				
Offense Type	Year	On Campus	Non-Campus	Public property
Domestic Violence	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Dating Violence	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0
Stalking	2021	0	N/A	0
	2022	0	N/A	0
	2023	0	N/A	0

Note: Mesquite Metroplex has no residential facilities at this location.

**HATE CRIME REPORTING:** There were no reported hate crimes for the years 2021, 2022, or 2023

**UNFOUNDED CRIMES-**There were no unfounded crimes reported for 2021, 2022, or 2023

## Texas A&M Commerce – Dallas Crime Statistics

<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public property</b>
Murder/Non Negligent Manslaughter	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Manslaughter by Negligence	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Rape	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Fondling	2021	0	0	0
	2022	2	0	0
	2023	0	0	0
Incest	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Statutory Rape	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Robbery	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Aggravated Assault	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Burglary	2021	2	0	0
	2022	0	0	0

	2023	0	0	0
Motor Vehicle Theft	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Arson	2021	0	0	0
	2022	1	0	0
	2023	0	0	0
<b>ARRESTS</b>				
Liquor Law Arrests	2021	0	0	0
	2022	1	0	0
	2023	0	0	0
Drug Law Arrests	2021	1	0	6
	2022	4	1	0
	2023	0	0	0
Weapons Law Arrests	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public property</b>
<b>DISCIPLINARY REFERRALS</b>				
Liquor Law Referral for Discipline	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Drug Law Referral for Discipline	2021	0	0	0
	2022	1	0	1
	2023	0	0	0
Weapons Law Referral for Discipline	2021	0	0	0
	2022	1	0	0
	2023	0	0	0

VIOLENCE AGAINST WOMEN OFFENSES				
Offense Type	Year	On Campus	Non-Campus	Public property
Domestic Violence	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Dating Violence	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Stalking	2021	0	0	0
	2022	6	2	0
	2023	0	0	0

Note: A&M Commerce at Dallas has no residential facilities at this location.

Statistics for El Centro and Texas A&M Commerce at Dallas were combined due to name change and new address. The old location (Universities Center at Dallas-El Centro) 801 Main St moved to 8750 North Central Expressway under new name (A&M-Commerce at Dallas) in November 2021.

**HATE CRIME REPORTING:** There were zero (0) reported hate crimes for the years 2021, 2022, or 2023

**UNFOUNDED CRIMES-**There were no unfounded crimes reported for 2021, 2022, or 2023



## Navarro College Corsicana (Main) Campus Crime Statistics

Corsicana	On Campus Property			Non-Campus Property			Public Property			On Campus-Student Housing		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
<b>Offenses Reported</b>												
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	6	3	0	0	0	0	0	0	2	6	3
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	2	0	1	0	0	0	0	0	0	2	0	0
Dating Violence	2	3	1	0	0	0	0	0	0	2	3	1
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0	0	1	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	5	6	1	0	0	0	0	0	0	5	6	1
Auto Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crimes Reported</b>												
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Auto Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Corsicana	On Campus Property			Non-Campus Property			Public Property			On Campus-Student Housing		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
<b>Offenses Reported</b>												
Any Crime Involving bodily injury	0	0	0	0	0	0	0	0	0	0	0	0
Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/property	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests for</b>												
Alcohol Violations	0	2	3	0	0	0	0	3	0	0	2	3
Drug Violations	9	11	12	0	0	0	3	9	0	6	11	7
Weapons Violations	2	2	3	0	0	0	0	0	0	0	2	3
<b>Referrals for</b>												
Alcohol Violations	30	21	28	0	0	0	5	1	0	25	21	28
Drug Violations	22	34	38	0	0	0	1	1	0	21	34	38
Weapons Violations	0	3	0	0	0	0	0	0	0	0	3	0
<b>Unfounded</b>												
Criminal Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses	0	0	0	0	0	0	0	0	0	2	2	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0

\*The information from this crime chart was taken directly from the ASR published by Navarro College.

# Collin Higher Education Center Crime Statistics

Collin Higher Education Center*									
Offense	On-Campus			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
<b>Criminal Offenses</b>									
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>									
Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0
<b>Unfounded Crimes</b>									
Total unfounded crimes	0	0	0	0	0	0	0	0	0

\* Note: The Collin Higher Education Center does not have any residential facilities.

**Hate Crimes:**

2021 – There were no hate crimes at the Collin Higher Education Center.

2022 – There were no hate crimes at the Collin Higher Education Center.

2023 – There were no hate crimes at the Collin Higher Education Center.

**\*The information from this crime chart was taken directly from the ASR published by Collin College.**

Preston Ridge (A&M-Commerce is no longer at this location)

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## RELLIS Crime Statistics

<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>
Murder / Non-negligent Manslaughter	2021	0	0
	2022	0	0
	2023	0	0
Manslaughter By Negligence	2021	0	0
	2022	0	0
	2023	0	0
Sex Offenses, Rape	2021	0	0
	2022	0	0
	2023	0	0
Sex Offenses, Fondling	2021	0	0
	2022	0	0
	2023	0	0
Sex Offenses, Incest	2021	0	0
	2022	0	0
	2023	0	0
Sex Offenses, Statutory Rape	2021	0	0
	2022	0	0
	2023	0	0
Robbery	2021	0	0
	2022	0	0
	2023	0	0
Aggravated Assault	2021	0	0
	2022	0	0
	2023	0	0
Burglary of Structure	2021	0	0
	2022	1	0
	2023	0	0

Motor Vehicle Theft	2021	0	0
	2022	0	0
	2023	0	0
Arson	2021	0	0
	2022	0	0
	2023	0	0
<b>Violence Against Women Reauthorization Act of (VAWA) Offenses</b>			
<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>
Domestic Violence	2021	0	0
	2022	0	0
	2023	1	0
Dating Violence	2021	0	0
	2022	0	0
	2023	0	0
Stalking	2021	5	0
	2022	1	0
	2023	3	0

<b>Arrests and Disciplinary Referrals</b>			
<b>Offense Type</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>
Arrests: Weapons Carrying, Possessing, Etc.	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2021	0	0
	2022	0	0
	2023	0	0

Arrests: Drug Abuse Violations	2021	0	0
	2022	0	0
	2023	1	0
Disciplinary Referrals: Drug Abuse Violations	2021	0	0
	2022	0	0
	2023	0	0
Arrests: Liquor Law Violations	2021	0	0
	2022	0	0
	2023	0	0
Disciplinary Referrals: Liquor Law Violations	2021	0	0
	2022	0	0
	2023	0	0

The following are in reference to the reportable crimes tables.

\* In 2023, 2022, and 2021 there were no reported criminal incidents involving hate/bias.

Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for all Texas A&M University RELIS campus Clery Act locations and Clery Act offenses:

- Calendar year 2023: 0 unfounded crimes
- Calendar year 2022: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes

## Appendix A – RELLIS Campus

The text below is provided by the RELLIS Campus.

### **Important Information about the RELLIS Campus**

The RELLIS Campus is a collaborative campus with each member of the Texas A&M System offering courses in one location.

Located just minutes from Texas A&M University, the 2,000-acre RELLIS campus unites future-focused companies, faculty and students in a unique, 21st century community purpose-built to foster advanced research, technology development, testing and evaluation, higher education and hands-on career training.

Through partnerships with Texas A&M University System, Blinn College, workforce training organizations and the private sector, RELLIS is the first integrated education, research and testing institution in the state of Texas. The educational programs at RELLIS focus on collaboration beyond institutional affiliation, and the campus will serve as a model for the future of higher education by cultivating powerful opportunities for students.

This multi-industry and education model provides unique opportunities for both global enterprises and companies located in the Bryan-College Station area. By assembling a diverse spectrum of engineering and technology tenants into one location, the campus fosters collaboration between enterprises that seek to shape the future through transformation, innovation and education.

The RELLIS Campus was built to close the loop between research and implementation in an array of industries. Our partnerships showcase advancement in technology and high-tech development in multiple areas, while stimulating education in transportation, engineering, manufacturing and more. A&M Commerce has students at the RELLIS campus, but there is a formal agreement between RELLIS and A&M Commerce that all student conduct be handled by RELLIS staff. As such, all policies are different at RELLIS than for any other A&M Commerce Location. Because of these differences, the RELLIS ASR is addressed separately than the rest of the branch locations.

### Enforcement Authority

The Texas A&M University Police Department (UPD) is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information through the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) networks. All crimes occurring at RELLIS should be reported to UPD or submitted to UPD from the Blinn College Police Department (BCPD) officers or security. UPD investigates and refers crimes for prosecution through the Offices of the Brazos County Attorney and Brazos District Attorney when appropriate. Security officers assigned to the RELLIS campus are not sworn officers and do not have enforcement authority. Criminal matters involving students, employees, or others on campus are referred to police officers. Students and employees may also be referred to university administration for disciplinary action.

### Arrest Authority

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as State police officers. UPD employs both commissioned and non-commissioned security officers. The commissioned security officers can detain and restrain according to statute but have no arrest authority. The non-commissioned security officers do not have authority to detain or make arrests, but their presence and observations at various campus locations support and assist the work of the UPD Patrol Section. BCPD officers at RELLIS also have authority to detain and arrest. Security personnel assigned to RELLIS are non-commissioned and do not have detain or arrest authority.



## Jurisdiction

UPD is the primary police authority for RELLIS. UPD police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education. The patrol jurisdiction for security officers is limited to buildings or properties owned or controlled by Texas A&M University, including the RELLIS campus.

## Working Relationships

UPD maintains excellent working relationships with all area law enforcement agencies including the College Station Police Department, Bryan Police Department, Brazos County Sheriff's Office, BCPD, and all four Brazos County Constable Offices. Working relationships are maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these relationships, UPD may be provided information regarding student non-campus criminal activity, including student organizations with non-campus housing.

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

## Written Agreements

UPD's working relationships with local law enforcement agencies are maintained through a written mutual aid agreement. The agreement allows for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies pursuant to the agreement.

## Reporting Crimes

Criminal actions or any on-campus emergency at RELLIS should be reported immediately to UPD or BCPD by dialing 911 or 9-911 from a campus phone, 911 from a cellular phone, or in person. When using a campus phone (landline) dial either 911 or 9-911 to reach an emergency operator. For non-emergencies contact UPD at 5-2345 from a campus phone or call 979-845-2345 from an off campus phone, campus payphone, or cell phone. Upon receipt of the call, the UPD Communications Center personnel can supply information or dispatch officers as necessary. UPD officers located at RELLIS can be contacted at 979-845-2345. Electronic crime reports can be filed with UPD by emailing [upd@tamu.edu](mailto:upd@tamu.edu). The Blinn police officer located at the RELLIS Blinn Academic Building can also be contacted at 979-209-7600 or at 911 for emergencies occurring at or near the RELLIS campus.

## Response to Crimes and Emergencies

UPD calls for service are received in the UPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The Communications Operator will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A Police Officer will either be dispatched to the scene or to the office to take the call by telephone, depending on the type of call. The Police Officer may then issue a case number for the call and complete an incident or offense report. Copies of all incident and offense reports are kept with the UPD Records Unit for a time period mandated by institutional and state records retention policies.

UPD will respond as quickly and safely as possible to requests 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. University Police or Security officers in vehicles, on foot, or on bicycles will assist and may be contacted directly. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

### Reporting Crimes for Purposes of Timely Warning and Annual Statistics

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to UPD or BCPD located at RELLIS. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, criminal offenses of which students and employees are aware may also be reported to the following offices and personnel:

RELLIS Assistant Provost & Title IX Coordinator (for RELLIS Academic Alliance),  
979-317-3404, Academic Complex Building 1, Room 117H, RELLIS campus

For Commerce location:

Texas A&M University-Commerce UPD Henderson Hall (903)-886-5868  
Title IX Coordinator McDowell Administration Building 113 (903)886-5991

Crime reports provided to these and other campus security authorities are used by the school to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications. Campus security authority crime reports should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. For additional information on the duties and responsibilities of the individuals and offices listed above, see the [CSA Powerpoint Presentation](#) link located on the following webpage: <https://upd.tamu.edu/Pages/CSA-Reporting.aspx>.

### Prompt Reporting of Crimes Are Urged

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to UPD, BCPD at RELLIS, or the appropriate police agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. The UPD Victim Services program provides information regarding victims' rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to report. UPD officers provide UPD Victim Services contact information to victims encountered in the field. UPD, UPD Victim Services, and the university offices listed above, will assist individuals reporting in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in the annual security report.

### Confidential Reporting

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 on the previous page and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. However, campus security authorities who are Texas A&M University System member employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to the employee in the course and scope of their employment as soon as possible. These mandatory reports are required to be made to the RELLIS Title IX Coordinator's Office. Exceptions include confidential reporters described in the next paragraph.

At the RELLIS campus, the following are considered confidential reporters: Mental health providers and health care for students – Texas A&M Health Family Care (979-776-8440) and the TELUS Health Student Support App (1-866-408-2828);

and mental health provider for employees and the employee's benefits-eligible dependents at The Work/Life Solutions Program by Guidance Resources (979-458-6417).

Crimes can be reported anonymously by calling Crime Stoppers at 979-775-TIPS (8477).

### Pastoral and Professional Mental Health Counselors Exempt

Contracted counseling personnel available to employees are not provided the written reminder as they are referred using a network of local providers.

### Timely Warning Policies

The procedures disclosed in this section apply to incidents occurring at the RELLIS campus that warrant a Timely Warning (Crime Alert).

Time permitting, the UPD notifies the Blinn Police Department (BCPD Chief of Police or designee), and RELLIS administration prior to issuing Crime Alerts on behalf of the RELLIS campus using established procedures as described below.

Crime Alerts are issued through email to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Recipients include, but are not limited to, Texas A&M University students and employees located at RELLIS and students and employees that are part of the RELLIS Academic Alliance. Information regarding the Crime Alert may be forwarded to local media outlets through a formal press release. Crime Alerts contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Crime Alerts 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.

The circumstances in which a Crime Alert will be generated include, but are not limited to, the receipt of a report to UPD 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 UPD Chief of Police (or university official designated by the Chief of Police) or UPD Assistant Chief(s) of Police are responsible for determining if a Crime Alert will be issued. Crimes that may warrant a Crime Alert include, but are not limited to, arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the UPD Chief of Police (or university official designated by the Chief of Police) or UPD Assistant Chief(s) of Police. 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 UPD or other campus security authorities are not notified of a crime in a manner that would allow the department to provide timely notice, a Crime Alert may not be issued depending on the circumstances. All situations will be evaluated on a case by case basis.

UPD is responsible for writing and issuing Crime Alerts for crimes occurring at the RELLIS campus. Personnel authorized to write and/or issue (send) a Crime Alert are: UPD Chief of Police (or university official designated by the Chief of

Police), UPD Assistant Chief(s) of Police, UPD Public Information Officer, and UPD Clery Act Compliance Officers. An internal or external review among two or more authorized personnel may occur if time allows. Students and employees should report criminal offenses immediately to the UPD, by phone (979-845-2345) or in person at UPD (1111 Research Parkway, College Station, TX 77843). BCPD 979-209-7600 and UPD 979-845-2345 can also be contacted and/or dispatched to RELLIS by phone. The UPD is the organization designed to receive reports of criminal offenses described in the law for the purposes of making Crime Alert reports and the annual statistics disclosed in this report.

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

## Emergency Response

The Director of the RELLIS Campus, or designee, has primary responsibility for campus operations and emergency operations planning at the RELLIS campus. Duties and responsibilities include coordinating emergency measures, declaring campus emergencies, and developing and maintaining emergency operations plans as necessary.

The RELLIS campus [Emergency Operations Plan \(EOP\)](#) is the primary plan that describes the general framework for emergency response at the campus. In accordance with the EOP, the RELLIS Executive Policy Group (EPG) coordinates and integrates all necessary resources to prevent, protect, mitigate, respond to and recover from emergencies that affect the RELLIS campus and its constituents. The EOP is designated to interface with community response organizations and anticipate potential emergencies which may affect any operation or service. The RELLIS Campus Director in coordination with TAMUS Office of Environment, Safety & Security is responsible for maintaining and updating this plan. This plan shall be reviewed at least annually and updated based upon deficiencies identified during actual emergency situations, training and exercises, and when changes in hazards, resources, capabilities or organizational structure occur. A revised or updated plan will be provided to all departments and individuals tasked within this plan in addition to TAMUS Office of Environment, Safety & Security.

## Evacuation Procedures

All RELLIS campus buildings are required to have a written Emergency Action Plan (EAP) that provides protective actions for life safety in the facility including specific guidance regarding immediate actions building occupants should take in the event of building evacuation, shelter in place, or lockdown. The RELLIS Academic Complex EAP is a set of more specific emergency protocols for the RELLIS Academic Complex developed to provide guidance for occupants and others in the event of foreseeable emergencies. The EAP includes a description of common threats, the Complex's fire and life safety features, incident reporting procedures, and evacuation procedures and drills. The building evacuation procedures will automatically be implemented when the fire alarm is activated or if emergency responders decide evacuation of a facility is necessary due to a particular hazard. Building occupants will be notified of the evacuation, as appropriate, dependent on the hazard. The RELLIS Academic Complex EAP may be viewed at

<https://rellis.tamus.edu/academicalliance/wp-content/uploads/sites/2/2023/09/Academic-Complex-EAP-Rev-005-1.pdf>.

Texas A&M University Environmental Health and Safety, in cooperation with RELLIS Environmental Health and Safety and lead administrators for each occupied facility, oversee a building evacuation procedure for all occupied facilities on the RELLIS campus. The Environmental Health and Safety groups work with each facility representative to maintain and test building evacuation procedures annually for occupied facilities on campus through scheduled emergency evacuation drills.

## Evacuation and Shelter-in-Place

In some emergency situations, such as flooding or release of hazardous materials, emergency responders may order protective actions for persons on campus. Typically, these protective actions are to evacuate to a safer area or to shelter-in-place. It is possible that some emergency scenarios could result in one of these protective actions being ordered for one part of campus and the other protective action for a different area of campus. When such actions are warranted, you will be appropriately advised by police, fire, safety or RELLIS officials via the RELLIS Alert System, public address systems, loudspeakers, door-to-door notifications or other appropriate means.

### Campus-wide Evacuation Procedures

In the event that you are asked to evacuate campus:

- Evacuation orders will be disseminated via RELLIS Alert
- Do not activate the building fire alarm system to achieve evacuation
- Remain calm but act quickly
- Promptly secure equipment, research, etc. in safe shutdown condition before leaving
- Spread the word of the evacuation order to others as you exit the building
- Remember to take personal belongings with you (backpacks, briefcases, purses, car keys, personal computing devices, etc.)
- Pedestrians should exit campus by the shortest route
- Exit campus as directed in the RELLIS Alert message. You may use your vehicle to leave campus unless directed otherwise in the RELLIS Alert message
- Do not call 911 unless there is an immediate, life-threatening emergency
- Go to <https://rellis.tamus.edu/emergency/> for regular updates on the emergency

### Area Evacuation Procedures

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

- Dress appropriately for the weather
- Take only essentials with you (e.g., eyeglasses, medications, identification and cash/checkbook/credit cards)—do not pack belongings
- Turn off unnecessary equipment, computers and appliances
- Close the door as you exit your room or office
- Follow the directions provided for safe routes of evacuation
- Listen to radio, if available, to monitor emergency status
- Do not use your personal vehicle for evacuation unless specifically instructed to do so. If cars are used to evacuate, protect against hazardous materials by keeping windows closed and outside air conditioning systems turned off.

If you need special assistance, contact your resident advisor, building proctor or other appropriate emergency contact. If these persons are not available, call UPD at 979-845-2345 for assistance.

## Shelter-in-Place Procedures

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

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

If hazardous materials are involved:

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

## Emergency Notification System

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring at the RELLIS campus. The institution does not have separate procedures for non-campus property.

On-campus emergencies should be reported immediately by dialing 911 from a campus phone, 911 from a cellular phone, or in person. If using a campus phone (landline) dial 911 to reach an emergency operator. Any emergency service can be summoned by calling 911.

### Emergency Notification System

The UPD and RELLIS Administration coordinate with Blinn College to issue emergency notifications on behalf of the RELLIS campus using two emergency notification systems. Established procedures are described below.

The RELLIS campus emergency notification system (RELLIS Alert) is utilized to notify students and employees, known to be located at the RELLIS campus, of significant emergencies or dangerous situations occurring at the RELLIS campus. To supplement this process, the Blinn College emergency notification system called Blinn Alert, is also being utilized to notify Blinn College students and employees located at RELLIS of significant emergencies or dangerous situations occurring at the RELLIS campus. Authorization and access is coordinated for efficiency and distribution of identical communications.

The RELLIS Alert (and Blinn Alert) emergency notification system gives the campus the ability to communicate health and emergency information through one or all of the following mechanisms: SMS text message and email. RELLIS Alert also utilizes pop-up messages on equipped university-owned computers, Twitter, RSS, and a mobile app. The RELLIS Alert

(and Blinn Alert) system is only used to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community).

It is the policy of UPD and RELLIS campus personnel to immediately notify the campus community, via the RELLIS Alert (and Blinn Alert) emergency notification system, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the RELLIS campus.

UPD and/or RELLIS campus personnel 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 (including the Blinn Police Department), fire department, Emergency Management, National Weather Service, Environmental Health and Safety, Emergency Medical Services, Facilities Services, and other campus officials including personnel from the RELLIS Campus. The UPD coordinates with RELLIS Campus Administration about emergencies or dangerous situations occurring at the RELLIS campus and the resulting RELLIS Alert (and Blinn Alert) messages, if any, as time allows. Members of the UPD, the responsible law enforcement agency, may initiate a RELLIS Alert without consulting RELLIS Campus Administration if in their professional judgment, consulting with said person(s) will unduly delay the emergency notification process and will follow up with the RELLIS Administration leadership within a reasonable amount of time once issued.

RELLIS Alerts are issued to the RELLIS campus community, rather than to specific segments of the campus population. Blinn Alerts are issued to the Blinn College, RELLIS campus community, rather than to specific segments of the campus population.

Employees authorized to make a final determination of a significant emergency or dangerous situation and determine the content of a RELLIS Alert (and Blinn Alert) are: the RELLIS Campus Director or designees including the Deputy Director RELLIS Campus, Director of Operations RELLIS Campus, and Assistant Director of Operations RELLIS Campus. The following Texas A&M University employees are also authorized including the UPD Chief of Police, UPD Assistant Chief(s) of Police, UPD Patrol Supervisors (or UPD officer designated by UPD Patrol Supervisor), and UPD Dispatchers. If time allows, final message content will be approved at the highest level available. Upon notification from an authorized employee listed above, a RELLIS Alert publisher will send the RELLIS Alert (and Blinn Alert).

In circumstances where time is of the essence, certain RELLIS Alert publishers are authorized to make a final determination of a significant emergency or dangerous situation, compose an alert (or select and modify one of the warnings that are pre-scripted for that purpose), and send the alert. An example of such an urgent message could include an alert issued for an active shooter.

RELLIS Alert publishers include: UPD Dispatchers, UPD Chief of Police, UPD Assistant Chief(s) of Police, RELLIS Director of Operations, and RELLIS Assistant Director of Operations (emergency management). In the event of a system problem, certain trained individuals from the Texas A&M University Division of Information Technology, the Texas A&M University Executive Director of Emergency Management, the RELLIS Chief Information Officer, or the TAMUS Assistant Director of Environment, Safety & Security can be called upon to send a RELLIS Alert. UPD Dispatchers are the designated publishers of Blinn alerts at Texas A&M University.

Victim names and other identifying information of victims are not included in emergency notifications.

Additionally, in rare cases, an emergency or dangerous situation may require issuance of a modified emergency notification, outside of the RELLIS Alert (and Blinn Alert) emergency notification system, to be distributed on behalf of



the RELLIS campus. These cases include: if the emergency prevents the local campus from issuing the alert or if a centralized global message is determined to be necessary by The Texas A&M University System Offices.

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

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

## Content of the Alert

UPD and/or RELLIS Administration will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the RELLIS Alert (and Blinn Alert) notification system; unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In the event that a crisis occurs on RELLIS property, the TAMUS Office of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the campus, TAMUS Marketing and Communications staff will ultimately be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. TAMUS Marketing and Communications will work with the UPD Public Information Officer and the RELLIS Director to prepare and disseminate internal and external messages, distribute news releases, alert local media, respond to media inquiries, update the emergency website and the main university website with pertinent information, and share timely information as appropriate via digital channels and social media. In addition, TAMUS Marketing and Communications 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, RELLIS campus personnel will utilize the emergency website <https://rellis.tamus.edu/emergency/> to provide current information pertaining to the incident.

## Procedures to be tested on Annual Basis

The EOP will be tested and exercised at least annually utilizing a discussion-based level exercise or higher and tests of the emergency notification system. An operations-based exercise will be performed at least every three years. The TAMUS Office of Environment, Safety & Security and emergency response entities and agencies that interface with RELLIS officials during an actual emergency will be invited to participate in the campus exercises where exercise objectives could require the involvement of the supporting entity or agency. Actual emergencies or false emergency alarms will not be used to meet the requirements for testing and exercising the RELLIS Emergency Operations Plan. The tests and appropriate follow-through activities are designed for assessment and evaluation of emergency plans and capabilities and are performed and documented. Tests may be announced or unannounced.

Emergency response and evacuation procedures are to be publicized annually in conjunction with a test through an email to the RELLIS campus community. The email will communicate information about accessing the RELLIS EOP and emergency contacts. A RELLIS Alert test distribution may also be used to publicize this information to the RELLIS campus community.



Testing reports and review documentation will include a description of the exercise, the date the test was held, the start and end time of the exercise, and whether the test was announced or unannounced.

## Monitoring Off Campus Locations

### Monitoring Non-Campus Locations

When a student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively record or monitor criminal activity. UPD does not provide routine law enforcement service to non-campus facilities. Criminal activity at non-campus facilities is monitored and recorded by College Station Police Department, Bryan Police Department, or the Brazos County Sheriff's Office. UPD may assist in accordance with mutual assistance agreements.

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

## Security of Campus Facilities

### *General Provisions*

#### General Provisions

The Director of the RELLIS campus is responsible for determining access to the RELLIS campus. Access to facilities at RELLIS are the responsibility of TAMUS member agencies and department directors. For security and safety reasons, segregation or separation is required for certain activities located on the RELLIS campus. Applicable areas are secured by barriers and/or enhanced controls that may restrict public access.

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

The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (Texas Education Code Section 51.209) The UPD's Community Services Unit, upon request, will prepare a security survey of the facility to determine security coverage and appropriate access control.

### Residence Halls

RELLIS has no residence halls.

## Parking Areas

### Parking Areas

RELLIS has two main parking areas and no parking garages. RELLIS campus has video surveillance of the main parking lots which may or may not be monitored. Parking areas are equipped with emergency phones and are readily visible and identifiable by the bright blue lights located on top of the phone cabinets. Instructions adjacent to the keypads direct customers to contact UPD at 979-845-2345 for non-emergency assistance and to dial 911 for emergency assistance.

## Academic and Administrative Buildings

The RELLIS campus includes many public areas that are readily accessible. In general, the academic and administrative buildings at these locations are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, are limited to authorized personnel. Card swipe systems, locks and other means are employed to limit access. Information about access to a specific facility can be obtained from the proctor for that facility or RELLIS Administration. University Police Officers patrol the campus and generally are not assigned to specific academic or administrative buildings at RELLIS. BCPD personnel are assigned to the Blinn Building on the RELLIS campus.. UPD security patrols RELLIS on a regular basis during the day and each evening including weekends.

## Security Considerations used in Maintenance

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the Texas A&M University campus and at RELLIS. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. Texas A&M's Utilities & Energy Services Department provides electricity, heating and cooling, running water, and waste disposal. Faculty and staff are encouraged to report maintenance problems to their respective building proctor or to maintenance personnel by submitting through AggieWorks, an online request system (<https://aggieworks.tamu.edu/>). After-hours or emergency repairs, should be directed to maintenance personnel through the 24 hour Communications Center at 979-845-4311.

Security officers at RELLIS closely monitor any security-related maintenance problems, and report their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected. Contract security survey campus lighting nightly and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action. Police personnel check the operations of the emergency telephones on a scheduled periodic basis.

## Security Awareness Programs

The UPD's Community Services Unit, within the Special Operations Section, is staffed by officers who are state Certified Crime Prevention Specialists, that continually presents programs covering crime prevention and security information to students, staff, faculty, and to the community at large. These Crime Prevention Specialists are dedicated full time to crime prevention efforts and programs. They participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff and faculty organizations. In these sessions information is provided regarding campus security procedures and practices. The Campus Safety Awareness Series is another opportunity for the campus community to get to know UPD officers, ask questions about security procedures and practices, and/or voice concerns. For additional information or to schedule a program you are encouraged to call the Community Services Unit at 979-458-1674.

UPD typically offers a variety of crime prevention programs, safety programs, and services to students, employees and 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
- Theft/burglary Prevention – scheduled upon request
- Alive@25 Defensive Driving – offered periodically throughout the year
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to the UPD
- Residential and Office Security Surveys – scheduled upon request
- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness – scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Easy Child ID Safety Program – scheduled upon request

## Alcohol Policy

The following alcohol policy applies at the RELLIS campus.

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

The TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS property, while on official duty, and/or as part of any TAMUS activities ([System Policy 34.02, Drug and Alcohol Abuse](#)) Possession or consumption of alcoholic beverages on property under control of the TAMUS will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase's source of funds, purpose, and required documentation. Consequences for policy violations could result in sanctions by the institution and/or criminal charges/arrest by UPD or other law enforcement agencies for state law violations.

Texas A&M University-Commerce is committed to a campus-wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws, System policies and University rules and procedures dealing with controlled substances, illicit drugs, and the use of alcohol. The Student Guidebook and Code of Conduct provides information on alcohol and drug rules and university sanctions. To review the Student Code of Conduct online, go to

<https://issuu.com/docs/25e55b4d3078ed6ae51aa88b86c13cf9>

The Work/Life Solutions Program (866-301-9623) by Guidance Resources manages the alcohol & drug abuse and rehabilitation program for employees. The Work/Life Solutions Program also provides licensed counseling and referral services.

## **Alcohol Policy**

As an institution interested in the intellectual, physical and psychological well-being of the campus community, A&M-Commerce 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, including within A&M Commerce on-campus housing facilities. Additionally, in accordance with A&M-Commerce Student Guidebook, page 37, alcohol possession and use of alcoholic beverages are prohibited on A&M-Commerce premises and university sponsored events unless expressly authorized by University Rule 34.03.99.R0.01 Alcoholic Beverages on University Property, or 34.03.99.R0.02 Alcoholic Beverages at University-Sanctioned Tailgate Events.

## **Drug Policy**

[The following illegal drug policy applies at the RELLIS campus.](#)

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), the Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession or use of illicit drugs on Texas A&M University System property while on official duty and/or as part of any Texas A&M University System activity. All students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, student codes of conduct governing students at the RELLIS campus prohibit using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances. Alleged violations of federal and state laws may result in criminal charges. Consequences could result in criminal charges/arrest by UPD or other law enforcement agencies for law violations. Institutional conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

## **Illegal Drugs Policy**

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act,

including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02](#), Drugs and Alcohol Abuse, 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-Commerce is committed to a campus-wide plan to educate students and employees about alcohol and drug issues, discourage the irresponsible use of alcoholic beverages, and prohibit the unlawful use, possession or distribution of controlled substances. The University will act to ensure compliance with all local, state, and federal laws, System policies and University rules and procedures dealing with controlled substances, illicit drugs, and the use of alcohol. The Student Guidebook and Code of Conduct provides information on alcohol and drug rules and university sanctions. To review the Student Code of Conduct online, go to

<https://issuu.com/docs/25e55b4d3078ed6ae51aa88b86c13cf9>

The Work/Life Solutions Program (866-301-9623) by Guidance Resources manages the alcohol & drug abuse and rehabilitation program for employees. The Work/Life Solutions Program also provides licensed counseling and referral services.

## A&M-Commerce Policies on Alcohol and Drugs

In accordance with the Drug-Free Schools and Communities Act, A&M-Commerce reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs.

The results of the biennial review are published at:

<https://www.tamuc.edu/wp-content/uploads/2023/08/AOD-Biennial-Review-2023.pdf>

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

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance (System Regulation 08.01.01), (See page 31 for TAMUC Specific Policy) prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment and sex-based misconduct), complicity, and retaliation. The policies apply whether this conduct occurs on or off campus and when notice of potential misconduct is received by university.

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

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

<b>Agency</b>	<b>Phone</b>
University Police Department	979-845-2345
Bryan Police Department	979-361-3888
College Station Police Department	979-764-3600
Blinn College Police Department	979-209-7600
Brazos County Sheriff's Department	979-361-4980

The RELIS Assistant Provost and Title IX Coordinator (AP/TIX) (or designee) is available to receive 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 Brazos County and District Attorney Offices. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

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

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

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

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

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

Website Reporting Form: <https://go.pardot.com/l/548402/2020-06-03/9w8zy6>

The Assistant Provost & Title IX Coordinator's (AP/TIX) responsibilities include receipt and initial review of complaints of discrimination, harassment, retaliation, and complicity as well as informing the respondent's member university Title IX Office of applicable complaints. A&M-Commerce responsibilities include, but are not limited to, (1) overseeing civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with System Regulation 08.01.01, A&M-Commerce Rule 08.01.01.R2, and A&M-Commerce Procedure 08.01.01.R2.02; and (3) identifying and addressing any patterns or systematic problems that arise from the review of such complaints. The Title IX Coordinator or designee shall decide whether this policy shall be applied to such conduct on a case-by-case basis.

Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by REllIS TIXC to be addressed by the appropriate disciplinary authority, e.g., Supervisor, Student Conduct, Residence Life, etc., under rules or regulations other than this policy.

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

Texas A&M System Ethics and Compliance Office (SECO)

301 Tarrow, 6<sup>th</sup> floor

College Station, TX 77843

979-458-6120

[civilrightsreporting@tamus.edu](mailto:civilrightsreporting@tamus.edu)

Additional options for reporting to the university include:

Submitting an anonymous report through (<https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>)

- Submitting an electronic report through [civilrights@rellis.tamus.edu](mailto:civilrights@rellis.tamus.edu)

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

A&M-Commerce has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant<sup>1</sup> may request assistance from and/or will be assisted by TIXC in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified

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<sup>1</sup> The individual(s) who is alleged to have been subjected to discrimination.

of their right to report the incident to campus police and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

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

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

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

RELLIS TIXC provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;
- the option to decline to notify such authorities;



- the rights of individuals and the institution's responsibilities for orders of protection, no contact orders (mutual no contact restrictions), restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- information about how the institution will protect confidentiality;
- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff);
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive/protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

Individuals reporting to RELLIS TIXC also receive the written notification.

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911 (911 or 9-911 using an on-campus phone).
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Baylor Scott & White Medical Center in College Station (979-207-0100, <https://www.bswhealth.com/specialties/forensic-medicine/>) is the community's designated forensic nursing facility offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. St. Joseph Health Regional Hospital in Bryan (979-776-3777) also conducts forensic exams. Go to the hospital's emergency room and request to be seen by a SANE. A forensic examination can also be performed for victims of domestic violence.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain options, give information, and provide emotional support. Personnel include: Title IX Coordinator 979-317-3404, Student Counseling and Student Health Services at Texas A&M Health Family Care 979-776-8440, [TELUS Health Student Support App 1-866-408-2828](https://www.telushealth.com/health-support), UPD Victim Services 979-458-6875, Work/Life Solutions Program by GuidanceResources 1-866-301-9623, and the Brazos Valley Sexual Assault Resource Center 979-731-1000.

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

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

but the quality and quantity of the evidence may be diminished. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infection.

### Confidentiality/Privacy

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

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations, and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them, and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information<sup>2</sup>. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

At the RELLIS campus, the following are considered confidential reporters: Mental health providers for students – counseling and health care personnel for students – Texas A&M Health Family Care (979-776-8440); and mental health provider for employees and the employee's benefits-eligible dependents Work/Life Solutions Program by GuidanceResources (1-866-301-9623).

At A&M-Commerce the following are considered confidential reporters: Mental health providers for students – counseling (903-886-5145), health care personnel for students – Student Health Services (903-886-5853); and mental health provider for employees and the employee's benefits-eligible dependents Work/Life Solutions Program by GuidanceResources (1-866-301-9623).

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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.

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

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>3</sup>).

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

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

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

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.

At the RELLIS campus, the following are considered confidential reporters: Mental health providers for students – counseling and health care personnel for students – Texas A&M Health Family Care (979-776-8440); and mental health provider for employees and the employee's benefits-eligible dependents Work/Life Solutions Program by GuidanceResources (1-866-301-9623).

At A&M-Commerce the following are considered confidential reporters: Mental health providers for students – counseling (903-886-5145), health care personnel for students – Student Health Services (903-886-5853); and mental health provider for employees and the employee's benefits-eligible dependents Work/Life Solutions Program by GuidanceResources (1-866-301-9623).

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<sup>3</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

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All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>4</sup>).

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#### Resources, Rights, and Options

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

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<sup>4</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

**Law Enforcement**

Name	Phone	Address	Website
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>
Bryan Police Department	979-361-3888	303 East 29 <sup>th</sup> Street Bryan, TX	<a href="http://www.bryantx.gov/police">www.bryantx.gov/police</a>
College Station Police Department	979-764-3600	800 Krenek Tap Road College Station, TX	<a href="http://www.cstx.gov/police">www.cstx.gov/police</a>
Brazos County Sheriff's Department	979-361-4980	1700 Highway 21 West Bryan, TX	<a href="http://brazoscountysheriff.org">http://brazoscountysheriff.org</a>
Blinn College Police Department	979-209-7600 (same for Blinn officer located at RELIS)	2423 Blinn Blvd., Building S, Room 106, Bryan, TX	<a href="https://www.blinn.edu/police-emergency-management/index.html">https://www.blinn.edu/police-emergency-management/index.html</a>
Texas A&M University-Commerce UPD	903-886-5868	1901 Monroe St. Commerce, TX Henderson Hall	<a href="https://www.tamuc.edu/university-police-department/">https://www.tamuc.edu/university-police-department/</a>

Name	Phone	Address	Website
Texas A&M Health Family Care (upper-level RELLIS students)	979-776-8440	2900 E. 29 <sup>th</sup> St. Bryan, TX 77802	<a href="https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html">https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html</a>
TELUS Health Student Support App -  App that offers students 24/7 access to professional counseling	1-866-408-2828	n/a	<a href="https://rellis.tamus.edu/academicalliance/counseling-services/">https://rellis.tamus.edu/academicalliance/counseling-services/</a>
Mental Health Counseling (Blinn students)	979-845-4427	Schwartz Building, Suite 230  RELLIS Campus	<a href="http://www.blinn.edu/counseling-services/index.html">www.blinn.edu/counseling-services/index.html</a>
Work/Life Solutions by GuidanceResources (TAMUS Employees)	1-866-301-9623	301 Tarrow St.,  College Station, TX	<a href="https://www.tamus.edu/benefits/work-life-solutions-by-guidanceresources/">https://www.tamus.edu/benefits/work-life-solutions-by-guidanceresources/</a>
Work/Life Solutions by GuidanceResources (TAMUC Employees)	1-866-301-9623		<a href="https://www.tamus.edu/benefits/work-life-solutions-by-guidanceresources/">https://www.tamus.edu/benefits/work-life-solutions-by-guidanceresources/</a>

**Medical and Health Services**

	Phone	Address	Website
Texas A&M Health Family Care (upper-level TAMUS students)	979-776-8440	2900 E. 29 <sup>th</sup> St. Bryan, TX 77802	<a href="https://health.tamu.edu/care/family-care-bryan/index.html">https://health.tamu.edu/care/family-care-bryan/index.html</a>
Baylor Scott & White (Blinn students)	979-691-2409	Walter C. Schwartz Bldg., Room 230G RELLIS Campus	<a href="https://rellis.tamus.edu/academicalliance/health-services/">https://rellis.tamus.edu/academicalliance/health-services/</a>
Baylor Scott & White Medical Center	979-207-0100	700 Scott & White Drive College Station, TX	<a href="https://www.bswhealth.com/locations/college-station/">https://www.bswhealth.com/locations/college-station/</a>
St. Joseph Health College Station Hospital	979-764-5100	1604 Rock Prairie Road College Station, TX	<a href="https://www.chistjoseph.org/locations/college-station-hospital">https://www.chistjoseph.org/locations/college-station-hospital</a>
St. Joseph Health Regional Hospital – Bryan, TX	979-776-3777	2801 Franciscan Drive Bryan, TX	<a href="https://stjoseph.stlukeshealth.org/locations/chi-st-joseph-health-regional-hospital">https://stjoseph.stlukeshealth.org/locations/chi-st-joseph-health-regional-hospital</a>

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



Name	Phone	Address	Website
Student Advocacy and Support (TAMU-Commerce)	903-886-5736	2101 University Dr., Commerce, TX Rm. 117 Performing Arts Center	<a href="https://www.tamuc.edu/student-advocacy-support/#tamuc-section-207351">https://www.tamuc.edu/student-advocacy-support/#tamuc-section-207351</a>
Student Conduct Office (RELLIS)	979-317-3404	1425 Bryan Rd. Bryan, TX 77807 ACB1, Ste. 117	<a href="https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/">https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/</a>
Student Services (RELLIS)	979-317-3404	1425 Bryan Rd. Bryan, TX 77807 ACB1, Ste. 117	<a href="https://rellis.tamus.edu/academicalliance/student-life/services/">https://rellis.tamus.edu/academicalliance/student-life/services/</a>
Dean of Students/Comparable Office	903-886-5171	2008 University Dr., Commerce, TX Rm. 296 McDowell Business Administration Building	<a href="https://www.tamuc.edu/student-life/division-of-student-affairs/dean-of-students/">https://www.tamuc.edu/student-life/division-of-student-affairs/dean-of-students/</a>
Human Resources Employee Relations	903-886-5080	2300 W. Neal St., Commerce, TX Employee Services Building, B12	<a href="https://www.tamuc.edu/human-resources/">https://www.tamuc.edu/human-resources/</a>
National Sexual Assault Hotline	800-656-4619		<a href="http://online.rainn.org">online.rainn.org</a>
Sexual Assault Resource Center	979-731-1000		<a href="http://sarcbv.org">sarcbv.org</a>
National Domestic Violence Hotline	800-799-7233		<a href="http://thehotline.org">thehotline.org</a>
University Police Department Victim Services	979-458-6875	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu/pages/victimsadvocate.aspx">https://upd.tamu.edu/pages/victimsadvocate.aspx</a>
Bryan Police Department Victim's Assistance	979-209-5312	302 South Texas Ave Bryan, TX	
College Station Police Department Victim Services	979-764-2642	2611 Texas Ave. S. College Station, TX	<a href="https://www.cstx.gov/departments_city_hall/police/organization_divisions/operational_support/victim_services">https://www.cstx.gov/departments_city_hall/police/organization_divisions/operational_support/victim_services</a>
Brazos Valley Family Violence Unit	979-775-7400	300 E. 26 <sup>th</sup> St., Suite 105 Bryan, TX	<a href="https://brazoscountytexas.gov/112/Family-Violence">https://brazoscountytexas.gov/112/Family-Violence</a>

Twin City Mission Domestic Violence Services	979-775-5355	2505 S. College Ave. Bryan, TX	<a href="https://www.twincitymission.org/domestic-violence-services">https://www.twincitymission.org/domestic-violence-services</a>
Twin City Mission Bridge (Homeless Support)	979-822-1492	410 S. Randolph Ave. Bryan, TX	<a href="http://www.twincitymission.org/">www.twincitymission.org/</a>
Family Promise (Homeless Support)	979-268-4309		<a href="http://www.familypromisebcs.org/about-us/">www.familypromisebcs.org/about-us/</a>

### **Visa and Immigration Assistance**

Name	Phone	Address	Website
TAMUC Office of International Programs	903-886-5097	1805 Lee St. Commerce, TX  Suite 173  Waters Library	<a href="https://www.tamuc.edu/office-of-international-programs/">https://www.tamuc.edu/office-of-international-programs/</a>
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	800-375-5283	20760 North US Highway 281,  Suite A  San Antonio, TX	<a href="https://www.uscis.gov/about-us/find-a-uscis-office/field-offices">https://www.uscis.gov/about-us/find-a-uscis-office/field-offices</a>

### **Student Financial Aid**

Name	Phone	Address	Website
Financial Aid & Scholarships	903-886-5096	1614 TX-24 Frontage Rd Commerce, TX	<a href="https://www.tamuc.edu/office-of-financial-aid-scholarships/">https://www.tamuc.edu/office-of-financial-aid-scholarships/</a>
Federal Student Aid Information Center	800-433-3243	n/a	<a href="https://studentaid.gov/help-center/contact">https://studentaid.gov/help-center/contact</a>

### Institutional Rights and Options (Supportive Measures)

The institution is obligated to offer and provide assistance to students, employees, and third parties in obtaining a range of supportive measures. Supportive measures are intended to restore or preserve equal access to the workplace and educational programs or activities without unreasonably burdening the other party; stop and prevent the reoccurrence of discrimination, harassment, and/or retaliation; and support the complainant and respondent during the investigation and resolution process. Supportive measures are non-disciplinary, non-punitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent.

In all complaints of discrimination, harassment, and/or retaliation, RELLIS TIXC promptly contacts the parties to discuss the availability of supportive measures, considers the parties' wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint.

The university and RELLIS TIXC are responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, the university and RELLIS TIXC can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). The university and RELLIS TIXC will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through RELLIS TIXC (979-317-3404) at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies.

RELLIS TIXC can assist the university with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, the university and RELLIS TIXC consider the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate.

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

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

**Mutual No Contact Restriction:** A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the RELLIS TIXC at (979-317-3404). RELLIS TIXC may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in RELLIS TIXC's tracking system.

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

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

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

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

AP/TIX works in collaboration with appropriate member university administrators to implement the interim removal/restriction. During the interim removal/restriction, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

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

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

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

### **Legal Rights and Options**

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

**Protective Orders:** Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual’s home, workplace, and/or children’s schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county

attorney (Brazos County Attorney's Office – Family Violence Unit, Family Violence and Mental Health Coordinator, 979-361-4657), the district attorney (Brazos County District Attorney's Office – Victim Assistance Division, 979-361-4320), or a private attorney. UPD (979-845-2345) will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpages: <http://brazoscountytexas.gov/index.aspx?NID=112> and <https://guides.sll.texas.gov/legal-forms/protective-orders>.

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

UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, UPD should be contacted immediately at 979-845-2345. Responding agencies can also be contacted for protective order violations including Bryan Police (979-361-3888), College Station Police (979-764-3600), or the Brazos County Sheriff's Department (979-361-4980). Violating protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

**Criminal Trespass Warning:** A criminal trespass warning is a supportive measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids them from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 979-845-2345 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at 979-845-2345. 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 UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

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

**Other Legal Options:** The UPD's Community Services Unit at 979-458-1674 is available to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>.

## Investigations and Disciplinary Proceedings<sup>5</sup> for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation

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

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- The university's disclosure of information related to an investigation, the DA's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

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

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

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<sup>5</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

Complaints are initially reviewed by RELLIS TIXC, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or any other university rule, SAP, code, or policy could have occurred. RELLIS TIXC informs the respondent's member university Title IX Office of applicable complaints to start initial review and preliminary assessment. A&M-Commerce will:

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

### **No Resolution**

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations, and/or whether or not a respondent poses a risk of harm to others. A&M-Commerce will consider the following factors when evaluating such requests:

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

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

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

### **Informal Resolution**

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

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



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

### **Formal Resolution**

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

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

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

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff ) and A&M-Commerce Rule 08.01.01.R2 (for AA students and faculty), or, that an investigation will not occur due to the complainant's request for no resolution, Texas A&M System Director of Human Resources and Title IX Coordinator (for staff) and A&M-Commerce Civil Rights Administrator/Title IX Coordinator (for students and faculty) may:

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

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

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

Once it has been determined that the university will proceed with a formal investigation, A&M-Commerce will appoint the Investigative Authority (IA) within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred.

A&M-Commerce (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available; and
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.
- the appointed IA; the appointed Designated Administrator (DA) and Appellate Authority (AA);<sup>6</sup>

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

If the respondent is an employee, Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that A&M-Commerce is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff ) and A&M-CommerceRule 08.01.01.R2 (for AA students and faculty), or other university rules, SAPs, codes, or policies.

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

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<sup>6</sup> The DA is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The DA cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a DA in any case involving an allegation of discrimination or harassment based on sex. The Appellate Authority is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the Appellate Authority is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an Appellate Authority in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, Appellate Authorities, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent.

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

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

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

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

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor<sup>7</sup> of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings or proceedings related to the investigation and resolution of the complaint. A party may select any person to be an advisor, including legal counsel.

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross-examination. If a party does not have an advisor for a hearing

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<sup>7</sup> An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. To the extent reasonably possible, the university will provide a party without an advisor with a list of trained advisors and allow the party to select an advisor to be appointed from the list.

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

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

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions<sup>8</sup>:

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

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<sup>8</sup> The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

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

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

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

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

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

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

Circumstances may warrant extensions to the timeframes in this section. The IA should send an extension request, if needed, to A&M Commerce both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff ) and member Rule 08.01.01.R2 (for AA students and faculty). If violation(s) are found, the DA may issue sanctions.

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

A&M-Commerce will appoint a university official and/or a hearing officer to be the DA. The university official and/or hearing officer will render decisions in cases with allegations against employees, third parties, and students<sup>9</sup>.

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

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

The DA will conduct a live hearing<sup>10</sup> to allow the parties to question witnesses, submit evidence or information, and to allow the DA and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

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

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

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<sup>9</sup> Exceptions: The chancellor or designee will serve as the DA in complaints against the Texas A&M President or an employee who reports directly to the Texas A&M President; a Chief Operating Officer or an employee who reports directly to the Chief Operating Officer. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

<sup>10</sup> Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the DA can see and hear one another in real time during the course of the hearing.

Following the hearing, the DA will develop a draft result<sup>11</sup> (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff ) and A&M-Commerce Rule 08.01.01.R2 (for AA students and faculty). If applicable, the DA will also include a decision as to whether the respondent violated any other university regulation, code, policy, SAP, or rule. If the DA determines that any regulations, policies, rules, SAPs, or codes have been violated, the DA will consider any information about impact, mitigation, aggravation, and the respondent's character include a decision about sanctions. The DA will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the DA.

Thereafter, the DA will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision letter must include the rationale for the decision and the sanctions<sup>12</sup>. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff) and A&M-Commerce Rule 08.01.01.R2 (for AA students and faculty), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or polices were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the DA does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

If for any reason there is reasonable cause for the university to delay the issuance of the decision letter, this will be communicated to the parties by the DA or designee. If a student respondent withdraws or graduates from the university pending the resolution of a complaint, the process will continue and, the university will not issue a transcript on behalf of the student until the conclusion of the process.

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<sup>11</sup> Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

<sup>12</sup> The decision of the DA will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

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

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

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

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

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

The DA will develop a draft decision, based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff) and A&M-Commerce Rule 08.01.01.R2 (for AA students and faculty). If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

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

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

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



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

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

Sanctioning for Employees: If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for AA staff) and A&M-Commerce Rule 08.01.01.R2 (for AA students and faculty) (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

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

Sanctioning for Students: In all cases, investigations that result in a finding of responsible, in using the preponderance of the evidence standard (more likely than not that the alleged action took place in violation of the Student Code of Conduct or System Rule 08.01.01.S1 occurred) will lead to the initiation of disciplinary procedures against the accused individual. The sanctions applied will be in accordance with the Model Sanctioning Matrix For Sexual Violence And Sexual Harassment Violations By Students In The Texas A&M University System. University sanctions including one or more of the following may be imposed by the university upon individuals, groups or organizations. Sanctions for violations may be administered regardless of whether actions of the student are also civil or criminal violations. Whenever disciplinary action leads to the student leaving the university, grades will be assigned in accordance with the university grade policy and the academic calendar.

Sanctions for students may include but are not limited to:

- Reprimand
- Loss of privileges
- Imposition of certain tasks
- Probation
- Suspension
- Expulsion
- Revocation of Degrees
- Organizational sanctions

For additional information concerning the Model Sanctioning Matrix For Sexual Violence And Sexual Harassment Violations By Students In The Texas A&M University System please visit:

<http://assets.system.tamus.edu/files/policy/pdf/08-01-01-Appendix.pdf>

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

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

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

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

If the allegations are against a:	Student	Non-Faculty Employee and Third Party	Faculty Employee
Then the Appellate Authority is:	Chief Ethics & Compliance Officer	Chancellor or designee	Chief Ethics & Compliance Officer

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

Appeals must be submitted in writing and must include a statement outlining the basis for the appeal<sup>13</sup> and any evidence which supports the appeal. Appeals must be filed at the location and within the timeframe dated in the DA’s written notice of the decision (within 5 business days of notification of the decision). Decisions made by the DA shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when all parties choose not to appeal.

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<sup>13</sup> Results (decision and/or sanctions) or dismissal of a complaint can be appealed on any of all of the following bases, as applicable: (a) A procedural irregularity that affected the outcome; (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new evidence must be provided at the time of the appeal through the designated mechanism for filing an appeal; (c) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or (d) The appropriateness or severity of the sanctions. If an employee was found to have sexually harassed another member of the university or agency community, the appropriateness or severity of the sanction cannot be appealed.

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

If the Appellate Authority determines that an appeal is not valid, the Appellate Authority will provide simultaneous written notice to the parties and A&M-Commerce that no valid appeal was filed and that the decision of the DA is final and the case is closed.

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

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

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

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

- Modify the decision on sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances<sup>14</sup>. The Appellate Authority will impose new sanctions, which are final.

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

To the extent reasonably possible:

- For student respondents: The Appellate Authority will provide the written decision simultaneously to the parties and A&M-Commerce within 10 business days following the 3 business day review deadline. Appellate Authorities exempt from obtaining OGC review of decisions for student respondents prior to issuance but may request assistance from OGC and SECO when needed.
- For employee or third-party respondents: The Appellate Authority will provide a draft decision to OGC for review within 5 business days following the 3 business day review deadline. System Office officials will provide its review of the draft decision to the Appellate Authority within 5 business days. To the extent possible, the Appellate Authority will provide a final written decision simultaneously to the parties and A&M-Commerce within 5 business days of receipt of the review from the System Office. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed.

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

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

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

Any employee disciplined pursuant to this regulation may appeal that action in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#); [System Policy 32.01, Employee Complaint and Appeal Procedures](#); [System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members](#); [System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#); and/or other system policies or regulations as appropriate.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the code of conduct for student grievances, [Student Rule 51. Student Conduct Separation and Appeal](#).

### **Extensions**

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

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<sup>14</sup> If an employee was found to have sexually harassed another member of the university or agency community, the Appellate Authority may not render a decision which modifies the sanctions.

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or Appellate Authority to A&M-Commerce for review and approval by the A&M-Commerce or designee. A&M-Commerce will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

#### Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process<sup>15</sup> under federal law. However, at the discretion of the A&M-Commerce, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

#### Mandatory dismissals

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

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

#### Discretionary dismissals

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

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

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<sup>15</sup> Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

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

#### Primary Prevention and Awareness Programs<sup>16</sup>

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

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

Primary prevention programs include the following: (A&M-Commerce)

- The university requires a mandatory online training module for incoming freshmen, undergraduate transfers, and incoming and transfer graduate students: Sexual Assault Prevention for Undergraduate and Sexual Assault Prevention for Graduate Students (VectorSolutions)
- The University provides programs throughout the year geared toward the prevention of dating violence, domestic violence, sexual assault and stalking. Other topics covered are campus services and reporting. Programs are sponsored by several different departments (UPD; Student Affairs; Counseling Center; Student Engagement; Residential Living; Title IX; etc.). Some of which are sponsored individually and some in conjunction with multiple departments.
- New employees receive primary prevention information through a web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter.

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<sup>16</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

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

(Member and AA)

## Bystander Intervention and Risk Reduction<sup>17</sup>

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

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

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

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

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

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

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<sup>17</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.

## Definitions of Clery Act Offenses

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

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

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

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

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

*Consent*: [Texas A&M University System Regulation](#)

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

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

### Texas Penal Code

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

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

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

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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



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

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

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

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

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

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or

(12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;

(13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or

(14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.

(c) In this section:

- (1) "Child" means a person younger than 17 years of age.
- (2) "Spouse" means a person who is legally married to another.
- (3) "Health care services provider" means:
  - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
  - (B) a chiropractor licensed under Chapter 201, Occupations Code;
  - (C) a physical therapist licensed under Chapter 453, Occupations Code;
  - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
  - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
  - (A) licensed social worker as defined by Section [505.002](#), Occupations Code;
  - (B) chemical dependency counselor as defined by Section [504.001](#), Occupations Code;
  - (C) licensed professional counselor as defined by Section [503.002](#), Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section [502.002](#), Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section [501.003](#), Occupations Code; or
  - (G) special officer for mental health assignment certified under Section [1701.404](#), Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section [250.001](#), Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
- (7) "Human reproductive material" means:
  - (A) a human spermatozoon or ovum; or
  - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
  - (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not:
        - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#); or
        - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is:
  - (1) a felony of the first degree if the victim was:

- (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#);  
or
  - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
- (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

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

(a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:

- (1) touches the anus, breast, or any part of the genitals of another person;
- (2) touches another person with the anus, breast, or any part of the genitals of any person;
- (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
- (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

(b) An offense under this section is a Class A misdemeanor, except that the offense is

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense

under this section, other than an offense punishable under Paragraph (B); or

(B) the defendant is a health care services provider, or a mental health services provider and the act is:

- (i) committed during the course of providing a treatment or service to the victim; and
- (ii) beyond the scope of generally accepted practices for the treatment or service; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B).

(c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) In this section, "health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

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

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
- (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

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

- (i) causes the penetration of the anus or sexual organ of a child by any means;
- (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

- (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
- (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02\(a\)\(3\)](#), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
- (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02\(a\)\(3\)](#), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
- (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
- (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
- (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;

(B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or

(C) the victim is an elderly individual or a disabled individual.

(b) In this section:

(1) "Child" has the meaning assigned by Section [22.011\(c\)](#).

(2) "Elderly individual" has the meaning assigned by Section [22.04\(c\)](#).

(3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section [22.011\(b\)](#).

(d) The defense provided by Section [22.011\(d\)](#) applies to this section.

(e) An offense under this section is a felony of the first degree.

(f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:

(1) the victim of the offense is younger than six years of age at the time the offense is committed; or

(2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

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

(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;

(2) the actor's current or former stepchild or stepparent;

(3) the actor's parent's brother or sister of the whole or half blood;

(4) the actor's brother or sister of the whole or half blood or by adoption;

- (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
- (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

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

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

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim or applicant for a protective order:

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

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

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

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

(1) the length of the relationship;

(2) the nature of the relationship; and

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

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

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

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

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

- (2) abuse, as that term is defined by [Sections 261.001\(1\)\(C\), \(E\), \(G\), \(H\), \(I\), \(J\), \(K\), and \(M\)](#), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

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

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

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other 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; or
    - (B) that an offense will be committed against:
      - (i) a member of the other person's family or household;
      - (ii) an individual with whom the other person has a dating relationship; or
      - (iii) 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:
    - (A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against 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, or the other person's property; or
    - (B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person under circumstances similar to the circumstances of the other person to:
    - (A) fear bodily injury or death for the person;
    - (B) fear that an offense will be committed against 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, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
  - (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

#### Sec. 42.07. Harassment.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern;

or

Text of subdivision as added by Acts 2023, 88th Leg., R.S., Ch. 839 (H.B. 2715), Sec. 7

(9) tracks or monitors the personal property or motor vehicle of another person, without the other person's effective consent, including by:

(A) using a tracking application on the person's personal electronic device or using a tracking device; or

(B) physically following the other person or causing any person to physically follow the other person

Text of subdivision as added by Acts 2023, 88th Leg., R.S., Ch. 1118 (H.B. 1427), Sec. 1

(9) makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.

(b) In this section:

- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
- (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
  - (B) a communication made to a pager.
- (2) "Family" and "household" have the meaning assigned by Chapter [71](#), Family Code.
- (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:
- (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) or (8) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter [129A](#), Civil Practice and Remedies Code.
- (d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001](#), Civil Practice and Remedies Code.
- (e) For purposes of Subsection (a)(9), it is presumed that a person did not give effective consent to the actor's conduct if:
- (1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under one of those provisions; or
  - (2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.



End of Report