



## **CAMPUS SECURITY AND FIRE SAFETY REPORT**

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(Includes crime statistics for 2012, 2013, 2014)

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## A Message from the President

Every day in classes across this campus, students are presented with issues that require them to think, to question, to consider the perspectives of others, to debate, to formulate opinions and theories, to make responsible choices and to be accountable for their words and actions.

I encourage our students, faculty, staff and campus guests to take those same lessons outside the classroom and apply them to your everyday lives.

We are very fortunate here at West Texas A&M University. We live, work and study on one of the safest campuses in the country and Canyon is routinely listed among Texas' safest cities. This reputation is due in large part to the quality of people who live in this area and to our commitment to on- and off-campus law enforcement and other crime-preventing efforts.

Reputation, however, no matter how well deserved, cannot ensure continued health and safety. I urge you to read this report, to take responsibility for yourself and your property, to look out for your friends and colleagues, to attend University-sponsored safety workshops, and to follow common-sense security rules and guidelines.

Together, we will enjoy a safe, healthy and happy year.

Sincerely,



J. Patrick O'Brien  
President/CEO

# University Police Department

West Texas A&M University police officers are certified Texas Peace Officers having arrest powers and statewide jurisdiction to enforce local, state and federal laws. The department employs a 24-hour staff of trained licensed dispatchers and patrols and handles all investigations of criminal offenses on the WTAMU campus. WTAMU operates under a "no tolerance" level of enforcement relating to fighting, weapons, alcohol and other drugs on University property.

UPD does not provide law-enforcement services to off-campus residences or meeting sites of recognized University organizations unless specifically requested. Off-campus properties and activities are monitored, recorded and investigated by the police agency with jurisdiction of the location.

UPD works and trains with other local police agencies and has Mutual Assistance Agreements with the City of Canyon Police Department, the City of Amarillo Police Department and the Randall County Sheriff's Department to facilitate cooperation in the investigation of criminal activity and enforcement of the laws of Texas and to assist in providing additional law enforcement officers and resources to protect the health, life and property of the residents, personnel and visitors of the university.

## Reporting and Disclosure Procedures

All employees of West Texas A&M University (WTAMU) are trained and designated as Campus Security Authorities (CSA) by the President of WTAMU and are required to report violations of federal, state and local laws. These violations as well as any public safety related incidents must be promptly reported to the University Police Department (UPD) for investigation or disposition. Students and employees should report any criminal offense for the purpose of making timely warning notices (Crime Alerts) and annual statistical disclosure to UPD by calling 806-651-2300, which includes incidents that occur at non-campus WTAMU property or locations. These incidents should immediately be reported to the law enforcement agency with jurisdiction for the location. Although statistical information is requested annually from these jurisdictions, UPD requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the UPD Police Chief or the Clery Coordinator at 806-651-2300. The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [www.wtamu.edu/university\\_police/upd-campus-security-authority-guidelines.aspx](http://www.wtamu.edu/university_police/upd-campus-security-authority-guidelines.aspx).

Reporting responsibilities also extend to WTAMU campus volunteers designated as CSA's, which are required to report crimes to UPD. An annual training assignment and campus-wide e-mail notification is sent from the University President to notify CSA's of their responsibility. Professional and pastoral counselors may encourage their clients to consider voluntarily and confidentially reporting crimes, when

applicable. These and all such reports are compiled and coordinated through the University Police Department and the Office of the Vice President for Student Affairs. Also, UPD receives mutual aid from both local and state police agencies. UPD requests, monitors, and records, through local police agencies, criminal activity at non-campus locations on behalf of student organizations and students attending WTAMU. Each incident, whether or not a formal police report is filed or an investigation ensues, counts as one offense and is reflected on the University's annual crime statistics report.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, in residential facilities, on non-campus University property and on public property contiguous to campus boundaries. All reported violations that have taken place in these designated areas during the previous three years, whether or not a WTAMU student, faculty, or staff member was involved, are reflected in the report. The report is made available to prospective students and employees as well as current students, faculty, and staff.

## Confidential Reporting

The University Police Department encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other WTAMU employees as they are trained and designated as campus security authorities. WTAMU will protect the confidentiality of victims to the extent permissible by law. Reports filed confidentially are counted and disclosed in the annual crime statistics for the University.

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent permissible by law. When a complainant does not consent to the disclosure of his or her name or other identifiable information of the alleged perpetrator, the university's ability to respond to the complaint may be limited.

## Emergency Operations Plan

West Texas A&M University officials take the safety of the campus community very seriously and are consistently evaluating the Emergency Operations Plan (EOP) to ensure it is timely and effective. The EOP located at [www.wtamu.edu/risk](http://www.wtamu.edu/risk) addresses both evacuation and shelter-in-place procedures. Emergency response procedures within the plan are tested annually. The University has implemented mass notification systems on campus to assure campus members are kept informed of any emergencies, as well as performing regular drills to test the plans' effectiveness. The University is involved in emergency management planning on all levels, including city, county and state, to address possible responses to disasters which may occur. Mutual aid agreements and contracts are in place to hasten the University's recovery from any type of emergency.

## ***In case of Emergency, call 911.***

To report a non-emergency incident, call 806-651-2300

### Safety Check Points



- ✓ Walk with friends in lighted areas.
- ✓ Always lock your car.
- ✓ Park in well-lighted areas.
- ✓ Have your keys ready when you approach your car. Check the front and back seats before entering.
- ✓ Keep your keys secure, lock your room or apartment, and do not leave personal belongings unattended.
- ✓ Engrave your name or identification on personal property.
- ✓ Enter property ID on UPD's Operation Lockout Theft at [www.wtamu.edu/lockout](http://www.wtamu.edu/lockout)
- ✓ Be alert for strangers.
- ✓ If you are followed, cross the street, change direction and go to a well-lighted public area.
- ✓ Report the loss or theft of keys and valuables immediately to UPD, 806- 651-2300.
- ✓ Report crimes, suspicious situations and security concerns immediately to UPD, 806-651-2300.
- ✓ The University Police Department provides on-campus escort service for students, faculty and staff.
- ✓ Call 806-651-2300 to request an escort.

### Security Education and Prevention Programs

West Texas A&M University offers educational workshops and programs on topics including: anxiety and depression, smoking cessation and steroid abuse. Peer Educators (PULSE) is a student organization that seeks to educate and support students in making healthy lifestyle choices with regard to important social issues faced by college students. Certified Peer Educators are trained for presenting in the following areas: (Drugs, Alcohol and Tobacco Awareness; Distracted Driving Prevention; Healthy Relationships; Internet Safety; Nutrition; Sexual Responsibility; Stress Management; Time Management; and Healthy Body Image.) University Police Department officers and staff provide upon request several programs per semester related to personal safety, crime prevention, sexual assault awareness and prevention, dating violence/domestic violence/stalking, and alcohol and other drug awareness. For drug and alcohol abuse education, tools such as videos, testimonials, beer goggles and the TIPS program, group activities, assessments from



personal counseling and an online interactive course are available. At the beginning of each fall semester, the office Student Engagement and Leadership conducts student organization risk management training to educate students on safety procedures and encourage students to be responsible for their security.

For a complete schedule or to request a program specific to the interests and needs of your organization, call the Office of Student Engagement and Leadership, 806-651-2313, or the University Police Department, 806-651-2300.

## Missing Student Procedure

If a member of the West Texas A&M University community has reason to believe that a student who resides on campus is missing; he or she should notify the University Police Department (UPD) at 806-651-2300. If any staff member in Residential Living is notified that a residential student may be missing, they in turn will contact University Police. Once University Police have been notified, they will begin an investigation, to determine if a missing person report needs to be made.

If UPD determines that the student, who resides in on campus housing, has been missing for more than 24 hours, UPD will notify the student's missing person contact or emergency contact, if a missing person contact is not listed, no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated (legal independent status) individual, UPD will notify the student's parent or legal guardian immediately after the student has been determined to be missing for more than 24 hours. UPD will inform the law enforcement agency or agencies in the location of the student's last known whereabouts, within 24 hours after determining the student is missing.

In addition to registering an emergency contact, students residing on campus have the opportunity to identify confidentially an individual to be contacted in the event the student is determined to be missing for more than 24 hours. Beginning November 1, 2015, a new process has been established for collecting the missing student contact information. In partnership with the University Registrar, all students will be required to update their emergency contact info in Datatel/Colleague before they will have the opportunity to enroll for classes. At this time students will also have the opportunity to list a missing person contact, should they ever be determined to be missing for more than 24 hours. All contact information will be kept confidentially in Datatel/Colleague. The missing student contact information provided will be accessible only to authorized campus officials and Law Enforcement personnel and may not be disclosed outside of a missing student investigation.

## Timely Warning Notices/Crime Alert

The West Texas A&M University (WTAMU) Police Department (UPD) Chief of Police or a designee will develop timely warning notices for the University community to notify members of the community about serious crimes against people that occur on campus or contiguous to campus, where it is determined that the incident may pose a serious or continuing threat to members of the WTAMU community. These warnings

will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority or any local police agency. Crime Alerts may be issued on a case-by-case basis pending information received by UPD. The Chief will determine if the release of the Crime Alert would compromise law enforcement efforts and determine the appropriate time for release to be made.

The department issues/posts Crime Alerts for incidents of

- Criminal Homicide
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WTAMU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by UPD)
- Major incidents of arson
- Other crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the Chief or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

UPD will draft the alert and an email containing the proposed Crime Alert and forward it to the Vice President for Business and Finance. VPBF will forward to the President and appropriate senior administrators for review. After review and revision UPD will forward Crime Alert to Information Technology with instructions for transmitting the email containing the Crime Alert to the University community as a blast email. Updates to the WTAMU community about any particular case resulting in a crime alert also may be distributed electronically via blast email or posted on the University's Web site.

Crime Alerts may also be posted in campus buildings, when deemed necessary. When a Crime Alert is

posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.

A daily crime log is available for review at [www.wtamu.edu/police](http://www.wtamu.edu/police) or at UPD in the Old Sub building on campus from 8 a.m.–5 p.m. Monday through Friday, excluding holidays.

The department does not issue Crime Alerts for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WTAMU community have been mitigated by the apprehension.
2. If a report was not filed with UPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow UPD to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.

## Emergency Notification

The West Texas A&M University (WTAMU) Police Department (UPD) Chief of Police or a designee will develop an emergency notification for the University community to notify members of the community about a serious crime, a natural disaster or a manmade emergency that poses an immediate threat to the health and safety of the WTAMU community or a segment of the community. If the institution implements the procedures regarding notification of the WTAMU community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures.

The types of incidents that may cause an immediate threat to the WTAMU community could include but are not limited to emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a WTAMU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc. The notification will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority, any local police agency or other appropriate agency. UPD has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community.

The UPD supervisor on duty is responsible for immediately notifying the UPD Chief of Police or designee of any situation that poses an immediate threat to the community. The Chief of Police or designee will confirm the significant emergency or dangerous situation and notify the WTAMU Vice President for Business and Finance of the need for an emergency notification. The VPBF will notify the President and appropriate senior administrators.

The Chief of Police or designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: UPD, Canyon Police Department, Canyon Fire Department, Randall County Sheriff's Department, Texas Department of Public Safety, Amarillo Police Department, Amarillo Fire Department and BSA Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Chief of Police or designee will determine the appropriate segment or segments of the campus community to receive the emergency notification.

WTAMU and UPD have various systems in place for communicating information quickly to the WTAMU community, including:

1. Network emails (Students, Faculty and Staff)
2. Buff Alert (text message)
3. BRG Emergency Public Address System (radio frequency based speaker system inside all buildings and two outdoor) some buildings with electronic message boards display the message.
4. Department of Communication and Marketing (media releases, social media, website notifications)
5. Information Technology may post messages on the WTAMU Weather Closing phone line at 806-651- 2010.

Some or all of these methods of communication may be activated in the event of an immediate threat to the WTAMU campus community. Media releases are made to local and regional affiliates if dissemination to the larger community is necessary. Follow up information of the incident will be provided using the same methods as the first notification.



Students, Faculty and Staff are encouraged to sign up for the campus Buff-Alert System, which alerts participants by email, pager and/or cell phone text of any emergency broadcast message. The campus can sign up for Buff-Alert on the homepage of the WTAMU website or at: <http://apps.wtamu.edu/buffalert>. The entire campus community, or appropriate segment of campus, will be notified by the BRG Emergency Public Address System when there is at least the potential that a very large segment of the community will be affected by a dangerous situation or when a situation threatens the operation of the campus as a whole.

## Campus Access and Security

WTAMU is a public and open campus. No effort is made to restrain the general public from entering the campus; however, the University Police Department reserves the right to bar individuals who are

considered a threat to the well-being of the University community. UPD provides 24-hour patrol of campus property and facilities, and designated building coordinators establish and maintain access to respective buildings. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery, and members of the University community are encouraged to report locations of concern.

The on-campus community at WTAMU is comprised of over 2300 students residing in eleven residence halls. Key access or electronic card access is required at hall entrance doors. All hall sleeping rooms require keys for entrance. Guests in all halls are to be escorted as per hall rules. Residents have card access to their hall only. Residents also have access to UPD and Residential Living staff members for assistance.

## Crime Report, Arrest and Referral Statistics

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West Texas A&M University's crime statistics are categorized according to the Federal Bureau of Investigation's uniform crime reporting standards without regard to guilt or innocence. Statistics reflect reports made to campus security authorities as well as University, local and requested police departments and are compiled according to Clery Act guidelines and coordinated by the University Police Department and Office of the Vice President for Student Affairs.

### Hate Crimes

According to Texas law, a hate crime is any criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against race, gender, ethnicity, religion, national origin, disability, gender identity or sexual orientation.

- **2012** – *no hate crimes reported*
- **2013** – *no hate crimes reported*
- **2014** – *no hate crimes reported*

## Crime Chart 2012, 2013, 2014

OFFENSE (Crimes Reported by Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
<b>Murder/Non Negligent Manslaughter</b>	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Negligent Manslaughter</b>	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Rape</b>	2014	2	0	0	2	2	0
	2013	2	0	0	2	1	
	2012	1	0	0	1	1	
<b>Fondling</b>	2014	1	0	0	1	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Incest</b>	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Statutory Rape</b>	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Robbery</b>	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
<b>Aggravated Assault</b>	2014	3	0	0	3	2	1
	2013	1	1	0	2	1	
	2012	0	0	0	0	0	
<b>Burglary</b>	2014	7	0	0	7	7	0
	2013	3	0	0	3	3	
	2012	14	1	0	15	14	
<b>Motor Vehicle Theft</b>	2014	0	1	0	1	0	1
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	

*\*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

**BLACKED OUT** categories are not reportable categories for that year or offense.

Offense (Crimes Not Reported by Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	
	2012	0	0	0	0	0	
Domestic Violence	2014	2	0	1	3	0	0
	2013	0	0	0	0	0	
	2012						
Dating Violence	2014	1	0	0	1	1	0
	2013	0	0	0	0	0	
	2012						
Stalking	2014	1	0	0	1	1	0
	2013	1	0	0	1	0	
	2012						
Larceny Theft	2014	70	2	1	73	11	11
	2013	40	2	0	42	7	
	2012						

### Arrest and Referrals 2012, 2013, 2014

OFFENSE (Crimes Reported by Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Liquor Law Arrests	2014	51	6	31	88	35	0
	2013	10	7	44	61	7	
	2012	31	9	13	53	29	
Drug Law Arrests	2014	24	0	55	79	20	0
	2013	30	1	27	58	27	
	2012	26	0	38	64	22	
Weapons Law Arrests	2014	0	0	3	3	0	0
	2013	1	0	2	3	1	
	2012	0	0	1	1	0	
Liquor Law Violations Referred for Disciplinary Action	2014	39	1	0	40	38	
	2013	12	0	0	12	12	
	2012	24	0	0	24	23	
Drug Law Violations Referred for Disciplinary Action	2014	15	0	0	15	15	
	2013	8	0	0	8	8	
	2012	15	0	0	15	9	
Weapons Law Violations Referred for Disciplinary Action	2014	1	0	0	1	1	
	2013	0	0	0	0	0	
	2012	2	0	0	2	2	

\*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.

\*\*Not required by law; however included to provide transparency of crime on campus

**BLACKED OUT** categories are not reportable categories for that year or offense.

## Major Crimes Reported to Police at Selected Universities 2013

Institution	Student Population	Total Major Crimes	Population/Crime Ratio
Prairie View A&M University	8336	128	65
Abilene Christian University	4367	62	70
Texas A&M University--Kingsville	11350	132	86
Stephen F. Austin State University	12999	136	96
Midwestern State University	5916	61	97
Texas Tech University	32467	310	105
Angelo State University	6888	63	109
University of Texas--Austin	52186	453	115
Texas A&M University	50627	402	126
West Texas A&M University	7909	54	146

Information/data for this chart was gathered by the University Police Department from Crime in the United States 2013, Uniform Crime Reports. **The higher the number in the "Population/Crime Ratio" column, the safer the university community according to population and major crimes reported.**

## Sexual Harassment Reporting

West Texas A&M University provides equal opportunity to all employees, students, applicants for employment, and the public regardless of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. West Texas A&M University will promptly and thoroughly investigate all complaints of discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws, A&M System Policy 08.01 and Regulation 08.01.01, and university rules and/or procedures.

Sexual harassment is a form of discrimination based on sex. It is defined as unwelcome conduct of a sexual nature, which includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence, which includes rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment that needs to be reported by calling UPD at 806-651-2300. Any member of the campus community or public who witnesses, is subjected to, or is informed about incidents of discrimination, sexual harassment, and/or related retaliation involving faculty, staff, or students should contact Becky Lopez, Title IX Coordinator, 2501 4th Avenue, Killgore Research Center 147, Canyon, Texas, (806) 651-3199.



# Sexual Harassment Awareness Training

New employees are required to take "Creating a Discrimination-free Workplace" online training within the first 30 days of their employment. The training is required every two years from their original training date and is tracked through the Human Resources Department.

## Non-Stranger Rape

A **RAPIST IS NOT ALWAYS A STRANGER** attacking late at night in an isolated place. A rapist may sit next to you in class, compete on your intramural team or belong to the same organization. Rape doesn't just conjure up thoughts of a crazed stranger in a dark alley anymore. Non-stranger rape is rape.

## If You Are Raped . . .

### Tell Someone

Collect your thoughts, then call:

- 911 or any police department
- University Police Department (806-651-2300)
- Victim Assistance (806-651-2307)
- Amarillo Rape Crisis Center (806-374-5433)
- WTAMU Student Medical Center (806-651-3287)
- WTAMU Counseling Center (806-651-2340)

### Get Medical Care

As soon as possible, seek medical care from a hospital emergency room, the WTAMU Student Medical Center or a private physician. A general exam by a rape/sexual assault nurse at the Northwest Texas Hospital Emergency Room, 806-354-6933, is advised to collect information for documentation of evidence should you decide to prosecute. The exam may also include testing and treatment to help prevent sexually transmitted diseases. Medication to help prevent pregnancy may be administered up to 72 hours after the sexual assault through WTAMU's Student Medical Services.

### Report the Rape

It is your decision whether to report the rape; however, most rapists are repeat offenders and your report may prevent future attacks from occurring. University personnel will assist you in notifying the police if needed. If you plan to file a report, do not clean up the area or alter it in any way prior to UPD's arrival, and do not bathe, shower, douche or change clothes prior to the medical examination.

## Seek Counseling

The local Rape Crisis Hotline and the WTAMU Counseling Center are staffed with well trained and compassionate counselors. They can assist you in dealing with the emotional trauma and pain associated with sexual assault. University officials will also help you change academic and living situations if that is your choice and such options are reasonably available.

## Non-Stranger Rape Prevention Checklist

- ✓ Set sexual limits. You don't "owe" anyone sex. Communicate those limits. People can't read your mind.
- ✓ Trust your feelings. If you feel pressured, you probably are.
- ✓ Pay attention to behavior that doesn't seem right. Power stares, someone who grabs or pushes, someone who doesn't listen or disregards what you are saying, someone who blocks your way, or someone sitting or standing uncomfortably close are all clues that you should stay alert.
- ✓ Be assertive. Get angry and act immediately with a negative response if things seem out of hand. Stand up for yourself. It's OK to make a scene or be rude if someone is pressuring you.
- ✓ Control your environment. Decide whether you want to be in a particular place or not, and don't depend on casual acquaintances for money, shelter, transportation, etc.
- ✓ If you choose to drink alcohol, drink responsibly. Seventy-five percent of date and non-stranger rapes occur when one or both persons are under the influence of alcohol.

## West Texas A&M University: A Drug-Free Campus

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### Alcoholic Beverages

State and federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced on the West Texas A&M University campus and at off-campus WTAMU-sponsored events. In addition to these statutes, the University prohibits possession, use, and sale of alcoholic beverages on campus or in University public buildings and public areas unless otherwise authorized and designated for alcohol use at special events. Making alcohol available to a minor and possession of alcoholic containers is also prohibited.

# Drugs

According to state and federal laws, the possession, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of West Texas A&M University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

## High Risk Alcohol Intake

People who consume large amounts of alcohol over a short period of time can reach very high blood alcohol levels before they pass out. This can lead to decreased breathing and death. Vomiting associated with high levels of alcohol may also cause choking and death.

## How to Help an Intoxicated Friend

### **Do:**

- Keep calm and get lots of help. Individuals with high alcohol-blood levels can be unpredictable and violent.
- Speak in a clear, firm, reassuring manner.
- Stay with a person who is vomiting. If the victim is lying down, turn them on their side, keep the tongue from falling back into the throat and protect them from choking.
- Monitor the person. If they become unconscious (will not wake up or talk to you) or if they appear to have problems breathing, seek medical help immediately. Call 911.

### **Don't:**

- Don't try to walk, run or exercise the person. Don't try to keep them awake.
- Don't force anything orally—food, liquid (coffee, etc.) or drugs—in an attempt to sober them up.
- Don't give the person a cold shower; this can be very dangerous.
- Don't try to restrain the person without lots of sober assistance.
- Don't permit the person to drive.

# Health Risks of Alcohol

Health hazards associated with excessive use of alcohol or alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than for nonusers of alcohol.

Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination. Damage to the liver often results in cirrhosis. Other risks include impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles.

Damage to nerves and organs is usually irreversible.

# Health Risks of Other Drugs

Use of illicit drugs may lead to physiological and mental changes similar to those caused by alcohol, although changes are frequently more severe and more sudden. Death or coma resulting from overdose of drugs is also more frequent.

Illicit drugs are commonly classified in seven categories: cocaine, amphetamines, heroin and other opiates, hallucinogens, solvent inhalants, steroids, and marijuana.

In addition to adverse effects associated with use of a specific drug, intravenous-drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus and infections in the heart. Brain damage may also result.

# Substance Abuse and Education

West Texas A&M University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the Texas A&M University System policy (#34.02) and regulation (#34.02.01) regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the West Texas A&M University Code of Student Life, the Residential Living Handbook, and the Student Athlete Handbook. Examples of the types of programming offered for students include:

National Collegiate Alcohol Awareness Week, an annual campaign each fall semester co-sponsored by PULSE (Peers Understanding, Listening, Speaking, Educating). Events run throughout the week that promotes alcohol awareness and education. Residence Hall staff and Resident Assistants (R.A.s) are specifically selected and trained to provide mandatory floor/unit meetings each semester addressing alcohol use and the consequences of alcohol abuse. Also, Safe Spring Break week is an annual event co-sponsored with the University Alcohol and Other Drugs (AOD) Committee that educates students on drug and alcohol use related to spring break. The University curriculum also offers over fifty academic courses each year that address the use and abuse of alcohol and other drugs.

Students needing education and/or counseling for alcohol and drug abuse may contact Student Counseling Services-Classroom Center Room 116, #806-651-2340 and Student Medical Services, Virgil Henson Activities Center Room 104, #806-651-3287.

## Resources related to AOD

National Institute on Drug Abuse ([www.drugabuse.gov](http://www.drugabuse.gov))

National Institute on Alcohol Abuse

(<http://www.niaaa.nih.gov>)

### **Life Challenge of Amarillo**

6500 Hope Road  
Amarillo, Texas 79124  
(806) 352-0385 (by appointment)

### **Amarillo Council on Alcoholism and Drug Abuse**

803 South Rusk  
Amarillo, Texas 79106  
(806) 374-6688

### **Amarillo Alcoholic Women's Recovery Center, Inc. (The Haven)**

1308 South Buchanan  
Amarillo, Texas 79101  
(806) 374-5654

### **Northwest Texas Healthcare System**

1501 South Coulter  
Amarillo, Texas 79106  
(806) 354-1000

## The Pavilion

Northwest Texas Healthcare System  
7201 Evans Blvd.  
Amarillo, Texas 79106  
1 (800) 537-2585

# Violence Against Women Reauthorization Act of 2013

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West Texas A&M University does not discriminate on the basis of sex in its educational programs; and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, WTAMU issues this statement of policy to inform the campus community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, WTAMU prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of WTAMU's procedure governing sexual misconduct, Civil Rights Complaint Procedure 08.01.01.W1.01, visit [www.wtamu.edu/rules](http://www.wtamu.edu/rules)

For a complete copy of WTAMU's Code of Student Life, visit [www.wtamu.edu/reports](http://www.wtamu.edu/reports)

For a complete copy of The Texas A&M University System's policy governing sexual misconduct, visit <http://policies.tamus.edu/08-01-01.pdf>

## Definitions

### Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

**Domestic Violence:** The term "domestic violence" means

- 1) Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or

intimate partner;

(iv) 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

(v) 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.

- 2) For the purposes of complying with the requirements of this section and section §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence:** The term "dating violence" means 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 based on the reporting party's statement and with 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---

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

- 3) For the purposes of complying with the requirements of this section and section §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Sexual Assault:** "Sexual assault" means 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 act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

1) **Rape** is defined as 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.

2) **Fondling** is defined as the touching of the private parts of another person for the purposes 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.

3) **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4) **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** The term "stalking" means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (i) Fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
  - (i) *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.
  - (ii) *Reasonable person* mean a reasonable person under similar circumstances and with similar identities to the victim.
  - (iii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 3) For the purposes of complying with the requirements of this section and section § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Texas Penal Code defines Domestic Violence in § 71.004 as Family Violence.

### **Sec. §71.004. FAMILY VIOLENCE.** "Family violence" means:

- (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 § 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 § 71.0021.

The Texas Penal Code defines **Dating Violence** in § 71.0021.

### **Sec. §71.0021. DATING VIOLENCE.**

- (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).

The Texas Penal Code defines **Sexual Assault** in §22.011 as:

**Sec. §22.011. SEXUAL ASSAULT.**

(a) A person commits an offense if the person:

(1) intentionally or knowingly:

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

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

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

(2) intentionally or knowingly:

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

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

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

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

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

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

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

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

(3) the other person has not consented and the actor knows the other person is unconscious or

physically unable to resist;

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

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

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

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

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

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

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

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

(c) In this section:

(1) "Child" means a person younger than 17 years of age.

(2) "Spouse" means a person who is legally married to another.

(3) "Health care services provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;

(B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;

(D) a physician assistant licensed under Chapter 204, Occupations Code; or

(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 505.002, Occupations Code;

(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;

(C) licensed professional counselor as defined by Section 503.002, Occupations Code;

(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;

(E) member of the clergy;

(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or

(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

(5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.

(d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense; or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; and

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

### **Sec. 21.11. INDECENCY WITH A CHILD.**

(a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

(b) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than three years older than the victim and of the opposite sex;

(2) did not use duress, force, or a threat against the victim at the time of the offense; and

(3) at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

(b-1) It is an affirmative defense to prosecution under this section that the actor was the spouse of the child at the time of the offense.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

(1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or

(2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

#### **Sec. 25.02. PROHIBITED SEXUAL CONDUCT.**

(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.

The Texas Penal Code defines **Stalking** in §42.072 as:

#### **Sec. 42.072. STALKING.**

(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, 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.

The Texas Penal Code defines Consent in §1.07 as:

**Sec. §1.07. Definitions.**

(a) In this Code

- (11) **Consent** means assent in fact, whether express or apparent.

## Victims' Rights

The University Police Department employs a victim assistance coordinator who works directly with innocent parties of crime. The Victim Assistance Coordinator may assist in notifying the appropriate law enforcement authority if requested. For more information, call 806-651-2307.

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Texas a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as taken from the Texas Code of Criminal Procedure Chapter 56. Rights of Crime Victims.

**Art. 56.01. DEFINITIONS.** In this chapter:

- (1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (2) "Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- (2-a) "Sexual assault" means an offense under Section [21.02](#), [21.11\(a\)\(1\)](#), [22.011](#), or [22.021](#), Penal Code.
- (3) "Victim" means a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another.

**Art. 56.02. CRIME VICTIMS' RIGHTS.**

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 651 (H.B. [899](#)), Sec. 1

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- (3) the right, if requested, to be informed:
  - (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
  - (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
- (4) the right to be informed, when requested, by a peace officer concerning the defendant's right

- to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
- (5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
  - (6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article [56.06](#) for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
  - (7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
  - (8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
  - (9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
  - (10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
  - (11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section [21.02](#), [21.11\(a\)\(1\)](#), [22.011](#), or [22.021](#), Penal Code;
  - (12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;
  - (13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
    - (A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
    - (B) by the Board of Pardons and Paroles before an inmate is released on parole;

(14) to the extent provided by Articles [56.06](#) and [56.065](#), for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility;

(15) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section [71.004](#), Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and

(16) if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) Designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

#### Art. 56.02. CRIME VICTIMS' RIGHTS.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. [1192](#)), Sec. 2

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by



Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article [56.06](#) for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole; and

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section [71.004](#), Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 651 (H.B. [899](#)), Sec. 1

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a

deceased victim is afforded the rights granted by this article and, on request, an explanation of those rights.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. [1192](#)), Sec. 2

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article [56.021](#) and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article [56.021](#). The failure or inability of any person to provide a right or service enumerated in this article or Article [56.021](#) may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

#### Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT.

(a) In addition to the rights enumerated in Article [56.02](#), if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;

(2) if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;

(3) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(4) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(5) for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(6) to the extent provided by Articles [56.06](#) and [56.065](#), for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

(b) A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3).

Added by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. [1192](#)), Sec. 3, eff. September 1, 2013.

#### Art. 56.045. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION.

(a) Before conducting a forensic medical examination of a person who consents to such an examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the person the opportunity to have an advocate from a sexual assault program as defined by Section [420.003](#), Government Code, who has completed a sexual assault training program described by Section [420.011](#)(b), Government Code, present with the person during the examination, if the advocate is available at the time of the examination.

(b) The advocate may only provide the injured person with:

(1) counseling and other support services; and

(2) information regarding the rights of crime victims under Articles [56.02](#) and [56.021](#).

(c) Notwithstanding Subsection (a), the advocate and the sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d) The sexual assault program providing the advocate shall pay all costs associated with providing the advocate.

(e) Any individual or entity, including a health care facility that provides an advocate with access to a person consenting to an examination under Subsection (a) is not subject to civil or criminal liability for providing that access. In this subsection, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section [1.07](#), Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Articles [56.02](#) and [56.021](#) and may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

The representative must be approved by the penal institution and must be a:

- (1) psychologist;
- (2) sociologist;
- (3) chaplain;
- (4) social worker;
- (5) case manager; or
- (6) Volunteer who has completed a sexual assault training program described by Section [420.011\(b\)](#), Government Code.

## Civil Rights Compliance Policy

Whether or not criminal charges are filed, the university<sup>1</sup> or a person may file a complaint under the Texas A&M University System Civil Rights Compliance Policy 08.01.01 alleging that a student or employee violated the University's procedure on Civil Rights Complaint 08.01.01 W1.01. The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution to the process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal or informal disciplinary meetings and hearings;
3. The disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunity to have others present during any

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<sup>1</sup> Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor or their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding.

5. The accuser and the accused will be notified simultaneous, in writing, of any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as the final result once the appeal is resolved.

- If you believe you have been subjected to discrimination, sexual harassment and/or related retaliation, you should promptly report the incident to your supervisor, department head/dean and the Title IX Coordinator or Director of Human Resources.
- The Title IX Coordinator shall notify the university President within one (1) business day.
- The investigative authority will be assigned within five (5) business days.
- The investigative authority will review the complaint, interview witnesses, if applicable, and provide a report on the merits of the complaint to the respective authority (Director of Human Resources or Provost/Vice President for Academic Affairs- when faculty) within fifteen (15) business days unless unusual circumstances require more time.
- Extensions should not be more than fifteen (15) business days.
- The decision rendered will be provided in writing to the President, Director of Human Resources, the appropriate Vice President, the complainant, the respondent(s), the investigative authority, and the complainant's and respondents' supervisor(s) and department head(s) within five (5) business days after receiving the investigative authority's report.
- This will be the final decision regarding the merits of the complaint.
- Any employee disciplined pursuant to this procedure 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 Process for Faculty Members, System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Members, WTAMU Rule 32.01.01.W1, Complaint Procedure for Faculty Members, WTAMU Rule 32.01.02.W1, Complaint Procedure for Non-Faculty Members, and/or other procedures, as appropriate.
- Any student disciplined pursuant to this regulation may appeal the action in accordance with

procedure for student grievances outlined in the WTAMU Code of Student Life: **Rules and Procedures for Students.**

Reports of all domestic violence, dating violence, sexual assault and stalking made to the University Police Department will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The vice president for student affairs is the student disciplinary officer for the University and ensures the Code of Student Life is administered equitably and preserves the rights of the University and the student.

## Title IX

Title IX of the Education Amendments of 1972 states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. Sexual assault and violence are forms of sexual harassment prohibited by Title IX and Texas A&M University System policy and regulation. West Texas A&M University complies with applicable laws prohibiting discrimination, including Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act; Executive Order 11246; Title IX of the Education Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Vietnam Era Veterans Readjustment Assistance Act, as amended; the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended; and the Genetic Information Nondiscrimination Act of 2008.

WTAMU does not unlawfully discriminate on the basis of race, color, national origin, religion, sex, age, disability, genetic information or veteran status in admission or access to, or treatment or employment in, its programs or services. Members of the West Texas A&M University community, guests and visitors have the right to be free from sexual harassment and violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. West Texas A&M University believes in a zero tolerance policy for sex-based misconduct. When an allegation of misconduct is brought to an appropriate administrator’s attention, and a respondent is found to have violated this policy, serious sanctions will be applied. The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints, in compliance with Title IX, due process, the First Amendment to the federal Constitution, and other applicable laws and regulations. The following information is broadly available to students, employees, and members of the public as part of the University’s efforts to ensure that they are aware of the resources available to them in the event of

sexual misconduct by faculty, staff, students, or visitors. Your health, safety, and well-being are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

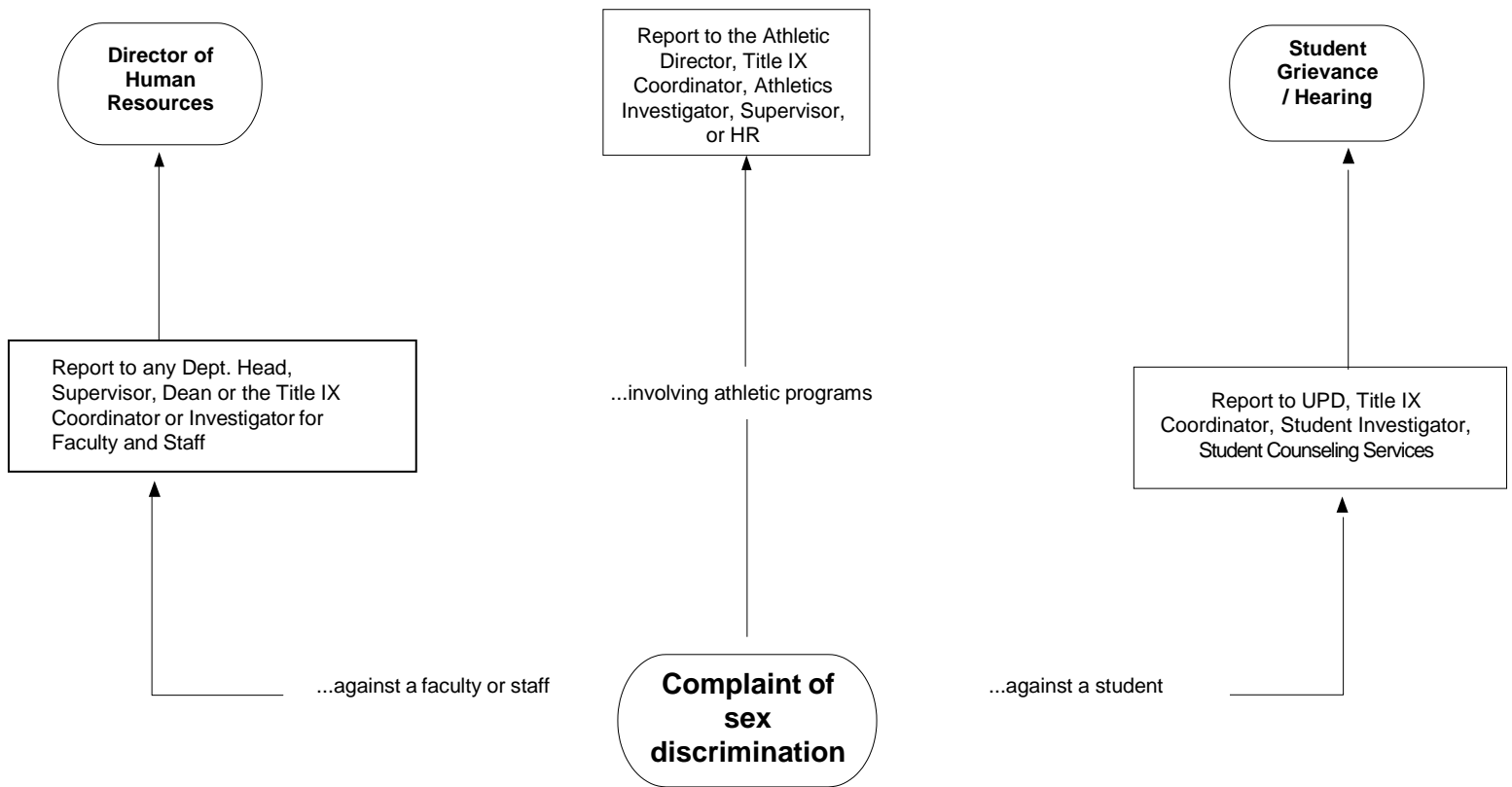
Assistance can be obtained 24 hours a day, seven days a week, from:

- Emergency – 911
- University Police Department (806)651-2300
- Family Violence/Rape Crisis Line (806)374-5433
- During business hours (8 a.m. to 5 p.m., Monday through Friday), you are also strongly urged to contact Becky Lopez, Title IX Coordinator, for purposes of the University's sexual misconduct policy: Telephone (806)651-3199, Email at [blopez@wtamu.edu](mailto:blopez@wtamu.edu) or [TitleIX@wtamu.edu](mailto:TitleIX@wtamu.edu) or in person at the Killgore Research Center, Room 147.
- In addition, contact Student Counseling Services, Classroom Center Room 116, or call (806)651-2340
- Additional information can be obtained at [www.wtamu.edu/titleIX](http://www.wtamu.edu/titleIX)

## Evaluation of requests for confidentiality pertaining to Title IX

If the complainant requests confidentiality or asks that the complaint not be pursued, the university will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If the complainant insists that his/her name or other identifiable information not be disclosed to the alleged perpetrator, the Title IX Coordinator will inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the accused. The Title IX Coordinator shall notify the complainant of the information that will be disclosed, to whom it will be disclosed, and why. The Title IX Coordinator shall also explain that Title IX includes protections against retaliation, and that university officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. If the complainant still requests that his/her name not be disclosed to the accused or that the recipient not investigate or seek action against the accused, the Title IX Coordinator will need to determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, including the complainant who reported the harassment.

**Note: Anyone may bring any concern or complaint directly to the Title IX Coordinator.**



## WEST TEXAS A&M UNIVERSITY Title IX Coordinator and Reporting Structure

### Procedures for Reporting a Complaint

Additional information is provided in this report specifically relating to students and faculty as taken from the Code of Student Life and Faculty Handbook.

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional



remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. Students should contact the Vice President for Student Affairs at 806.651.2050 in JBK 102 and employees should contact the Director of Human Resources at 806.651.2116 in Old Main 116.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Northwest Texas Hospital 1501 S. Coulter Street, Amarillo 806-654-1000. Also available to students is Medical Services located in the Virgil Henson Activities Center (VHAC 104) 806-651-3287. In Texas, evidence may be collected even if you choose not to make a report to law enforcement. Forensic evidence collection must be conducted at Northwest Texas Hospital. The Non-Reported Sexual Assault Evidence Program was created in HB 2626 by the 81st Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a medical forensic exam and have evidence collected, without cost to the victims, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to two years to decide to report the crime. Information related to the program can be found in Chapter 56.065 Code of Criminal Procedure. In Texas, a sexual assault victim has an option to choose a pseudonym (fictitious name) and address to maintain confidentiality. The pseudonym will be assigned at the victim's request.<sup>2</sup> It is important that a victim of

sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, 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 disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Dial 911 for all emergencies or contact the following agencies for non-emergencies on non-campus properties. The Canyon Police Department having primary jurisdiction in the city of Canyon outside of WTAMU properties is located at 301 16<sup>th</sup> Street, Canyon and may be reached directly by calling 806.655.5005. Additional information about the Canyon Police Department may be found online at <http://www.canyontx.com/police>. The Randall County Sheriff's Department having primary

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<sup>2</sup> Texas Code of Criminal Procedure, Chapter 57 Confidentiality of Identifying Information of Sex Offense Victims

jurisdiction outside of the city of Canyon in Randall County may be contacted by calling 806-468-5800 or in person at 9100 Georgia Street S., Amarillo. Additional information about the Randall County Sheriff's Department may be found online at <http://www.rc-sheriff.com/>. The Amarillo Police Department having primary jurisdiction in the city of Amarillo may be contacted by calling 806-378-3038 or in person at 200 SE 3<sup>rd</sup> Avenue, Amarillo. Additional information about the Amarillo Police Department may be found online at <http://police.amarillo.gov/>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Becky Lopez, by coming into the office to report in person at the Killgore Research Center Room 147, in writing to [blopez@wtamu.edu](mailto:blopez@wtamu.edu) or [TitleIX@wtamu.edu](mailto:TitleIX@wtamu.edu), or by calling 806.651.3199 and the University Police (if the victim so desires.)<sup>3</sup> The University will provide resources, on campus, off campus or both, to include medical and health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the University Police Department or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

## Disciplinary Procedures

All violations of federal, state and local laws and University regulations and rules are reported to the University Police Department. Each violation is considered one offense. Once a criminal report is filed with UPD, it is investigated by the UPD Criminal Investigation Division. When a suspect is identified, the case is referred to the Randall County District Attorney's Office for prosecution.

State and Federal Criminal Penalties are based on language contained in applicable Texas statutes and are subject to change at any time by the Legislature and the Governor. The federal penalties are based on language contained in the applicable federal statutes regarding controlled substances and are subject to change at any time by Congress and the United States President. Title 21 U.S.C Section

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<sup>3</sup> The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information less the victims identifying information will be provided to the Clery Coordinator at the University Police Department even if the victim chooses not to alert the University Police Department personally.

860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1000 feet of a school or a public university.

Aside from the criminal charges, the vice president for student affairs refers the suspect for University disciplinary action. The vice president may choose to hear cases that involve charges of a sexual nature, hazing, cases involving temporary suspension or other cases in which the law may grant authority. If the vice president chooses not to hear a case, a judicial officer or judicial board will be appointed to pursue the case. All disciplinary hearings will adhere to the procedures for notification, evidence, counsel/advisors, burdens of proof, records, findings and appeals as outlined in the current edition of the Code of Student Life. University actions may include but are not limited to monetary fines, university service hours, probation, mandatory participation in specific awareness/rehabilitation programs and/or suspension or expulsion from WTAMU.

In all hearings, both the accused and accuser will have the opportunity to present their versions of the facts, to present other evidence in support of the case including witnesses, and to question evidence presented. In cases of alleged sexual assault, both the accuser and accused will be informed of the outcome of any disciplinary hearing simultaneously in writing.

For students living in campus residence halls the Residence Hall Handbook is made available on line at [www.wtamu.edu/residentialliving](http://www.wtamu.edu/residentialliving) or a printed copy will be provided upon request. Included in the handbook are the regulations concerning alcohol and other drugs, as well as the disciplinary process to resolve violations of the rules and procedures. Additionally, all NCAA student athletes are provided with the Student-Athlete Handbook and are required to sign the NCAA Drug Testing Consent Form at the beginning of the academic year. The form provides each student athlete with NCAA rules, regulations, and sanctions regarding drugs and drug testing.

The handbook is available on line at

[http://www.gobuffsgo.com/documents/2015/9/10/S\\_A\\_Handbook\\_201527.pdf](http://www.gobuffsgo.com/documents/2015/9/10/S_A_Handbook_201527.pdf).

## Sanctions and Protective Measures

Sanctions may be imposed upon those determined to have violated policy. The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking to protect the complainant. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Code of Student Life. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective

measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Texas A&M University. The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

In all cases, investigations that result in a finding of more likely than not that a violation of the sexual misconduct policy occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions for nonfaculty employees as addressed in the Texas A&M University System Policy 32.02.02 Discipline and Dismissal of Nonfaculty Employees include:

### **3. TYPES OF DISCIPLINARY ACTION**

3.1 A member's human resources office should be consulted before taking the disciplinary actions outlined below. If circumstances warrant, the chief executive officer (CEO) may designate another person to perform the duties of the human resources officer. A supervisor must obtain appropriate higher level approval, as determined by each member, before taking these actions. Absent exceptional circumstances, the Office of General Counsel (OGC) must review and approve in advance for legal sufficiency any suspension without pay, transfer, demotion, reduction in salary or dismissal. When exceptional circumstances prevent OGC review, OGC must be notified as soon as possible after the disciplinary action.

3.2 In most cases, inappropriate job-related conduct or job performance can be addressed by the supervisor who is counseling the employee and providing guidance on appropriate conduct or performance. For more serious incidences or if counseling does not achieve the desired results, the supervisor may issue a written reprimand.

3.2.1 Suspension without pay: An employee may be temporarily removed from duties without pay or be temporarily placed in a non-paid status. Any suspension without pay for more than five

(5) work days must be submitted to the CEO or designee for approval.

3.2.2 Transfer, demotion and/or reduction in salary: These actions include the realignment of an employee's assigned duties, title and/or salary for disciplinary reasons.

3.2.3 Dismissal: An employee may be dismissed from system employment in accordance with Section 5 of this regulation. The expiration of a wage position, for reasons other than disciplinary action, is not a dismissal for purposes of this regulation.

3.3 All notifications to the employee regarding disciplinary actions should be made in writing. An employee should also be informed in the written notification of the appeal procedure as described in Section 7. Copies of all documents pertaining to disciplinary action or dismissal will be filed in the employee's official personnel file.

#### **4. EXTENDED SUSPENSION WITH PAY**

An employee may be suspended with pay by the CEO or designee for up to 30 work days upon a finding that the suspension is in the best interests of the member or to investigate allegations against the employee. Any delegation of authority under this section must be established in writing by the CEO. Additional time for the suspension beyond 30 days may be granted only by the CEO.

#### **5. DISMISSAL**

5.1 An employee may be dismissed immediately after all approvals stated in Section 3.1 of this regulation are granted. The employee must be notified of the dismissal in writing. The prescribed personnel action form confirming the dismissal must be processed through administrative channels.

5.2 When practicable, a minimum of two weeks' notice should be given to an employee unless the employee is in a wage position. The employee shall be placed on suspension with pay until the effective date of the dismissal. Severance pay for time not worked or earned will not be authorized.

Sanctions of faculty will follow the Texas A&M University System Policy 12.01 Academic Freedom, Responsibility and Tenure and reference Faculty Handbook – Faculty Contracts

#### **4. Dismissal of Fixed-Term Faculty**

4.1. Fixed - Term Faculty whose appointment have not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under System Policy 12.01, Section 4.3.

4.2. System academic institutions shall follow System Policy 12.01, Section 6, when dismissing a Fixed- Term Faculty member for cause.

4.3. Fixed-Term Faculty may be placed on administrative leave pending investigation as described in System Policy 12.01, Section 5.

# Disciplinary Appeals

Any employee disciplined pursuant to this procedure 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 Process for Faculty Members, System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Members, WTAMU Rule 32.01.01.W1, Complaint Procedure for Faculty Members, WTAMU Rule 32.01.02.W1, Complaint Procedure for Non-Faculty Members, and/or other procedures, as appropriate.

## Student

Specifically for students as taken from the Code of Student Life:

Initial complaints should be filed in the applicable department. Should students need assistance in determining how or where to proceed with filing a complaint, they may contact the ombudsman in the Office of Student Affairs or online at [www.wtamu.edu/studentaffairs](http://www.wtamu.edu/studentaffairs) or by phone 806-651-2051. To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online incident report form. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Jack B. Kelley Student Center; Suite 102. Complaints against the Office of Student Affairs may be lodged with the Office of the President.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, listed below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

## STUDENT DISCIPLINARY RIGHTS

Prior to the formal hearing process, a student will be provided a Student Disciplinary Rights document. This document will be reviewed and signed by the student prior to an interview with the student conduct officer. The Student Disciplinary Rights document informs the student of his or her rights to be exercised before and during the conduct process. Those rights include:

1. Refrain from making any statement relevant to the investigation. Students have the right to refuse to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. If a student does not provide information during the investigation, he or she will not be allowed to present new information during the hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the investigator's questions but not others), then during the hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary.

2. Notification of the alleged misconduct.
3. Know the source of the allegation(s).
4. Know the specific alleged violation(s) prior to the Formal Hearing.
5. Know the sanctions, conditions, and/or restrictions that may be imposed because of the alleged violation(s).
6. Be accompanied by an advisor at any Office of Student Conduct proceeding or any other related proceeding. An “advisor” can be any one of the following: a member of the West Texas A&M Community (faculty, staff, or student), a Victim’s Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the University. The complainant and/or the student accused of alleged misconduct is responsible for presenting his or her own information. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer upon written request five (5) University working days in advance of the scheduled hearing date. The complainant and/or respondent must notify the Office of Student Conduct if an advisor will be present. The Office of Student Conduct may not allow an advisor if the notice occurs with less than 2 University working days prior to the hearing.
7. To have the opportunity to respond to the allegation(s) and/or present information.
8. Know that if it is discovered that the student made any false or misleading statement(s) during the student conduct process, that student will be subject to further disciplinary action under the *Code of Student Life*.

## VICTIM’S RIGHTS

1. When allowed by law (i.e. in cases of sexual assault) the victim shall be informed as well as allowed to be present and heard at all crucial stages of the student conduct process. Victims may inquire as to how the procedures work for a student conduct process.
2. The victim shall be informed about the availability of crime victim’s compensation and other victim’s services by contacting the victim assistance coordinator of the University Police Department.
3. The victim shall be protected from intimidation.
4. The victim shall be protected from retaliation.
5. The victim shall have the right to submit a victim impact statement.
6. The victim shall have the right to seek restitution from the offender.
7. The victim shall have the right to have the proceeding’s officer take the safety of the victim or his/her family into consideration as an element in determining the final disposition for the accused.
8. The victim shall have the right, upon request, to be provided with a waiting area, separate or secure from other witnesses, including the accused offender and relatives of the accused offender before testifying in any proceeding concerning the accused offender; if a separate waiting area is not

available, other safeguards should be taken to minimize the victim's contact with the accused offender and the accused offender's relatives and witnesses, before and during the proceedings.

9. The victim shall have the right to seek legal counsel. The counsel may advise the student but not present the case.

## SEXUAL MISCONDUCT POLICY

### 1. PURPOSE

West Texas A&M University is committed to providing an educational experience that prioritizes the health, safety, and wellbeing of its students. Members of the campus community (students, faculty, and staff) share a responsibility and obligation to treat one another with respect, trust, and good will. Incidents of sexual misconduct damage a collective sense of trust and respect and will not be tolerated.

### 2. SCOPE

This document is for students at West Texas A&M University and is applicable to students who have been the victim of sexual assault as well as students who have been accused of perpetrating sexual assault. When students are allegedly victimized by faculty or staff, the report is referred to the University's Title IX Coordinator and administrators charged with holding University employees accountable for their personal and professional conduct. When the allegation is student-on-student and the complainant wishes to use the University judicial system to adjudicate the case, the Vice President for Student Affairs, or designee, will oversee the process. Such action does not preclude the student from pursuing criminal charges through the University Police Department. The University's Title IX coordinator will be advised of such allegations and provide supplemental support as needed.

### 3. DEFINITIONS

- a. Consent – Means assent in fact, whether express or apparent. Consent is communicated through words or clear actions indicating a freely given agreement to perform a particular sexual act. It is the responsibility of the person who wants to engage in sexual activity to endure the consent of their partner. Consent must be present throughout the sexual activity.
  - Individuals cannot willingly give their consent when they are coerced, forced, manipulated, intimidated, pressured, threatened or in a state of helplessness. The ability to consent is also jeopardized when there is an actual or perceived power differential between individuals.
  - Individuals must be of sound mind meaning they are not mentally incapacitated by unconsciousness, disability, drugs, alcohol, sleep, sleep deprivation, injury, or involuntary physical constraint.
  - Consent to engage in sexual activity at one time and place does not mean consent is implied for future sexual activity. Consent must be willingly given for each time, place, and form/type of sexual activity. This is true regardless of the length of the relationship between individuals.
  - Consent cannot be inferred from or interpreted by silence.
- b. Gender-based Harassment – Any acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on gender or gender-stereotyping even if those acts do not involve conduct of a



sexual nature. Gender-based harassment occurs when individuals are subjected to such treatment because they exhibit a perceived stereotypical characteristic for their gender or for failing to conform to stereotypical notions of masculinity or femininity. When such harassment interferes with an individual's performance in any activity, program or event sponsored or administered by the University or creates a hostile working, learning or living environment, it is a violation of University rules.

- c. Dating Violence – an act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm.
- d. Domestic Violence – an act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, sexual assault, or the threat of which reasonably causes fear of such harm.
- e. Stalking – knowingly engaging in conduct that a person reasonably believes is threatening to harm them, a member of their family or household, or their property. Such behaviors or actions need not be conducted in person and will be considered a violation if carried out, in whole or in part, using e-mail, social media forums, telephone calls, voice messages, or text messages.
- f. Sexual Assault – The use of physical force, threat of harm, emotional coercion or intentional impairment of an individual's judgment to force oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. Intercourse without conscious and total consent is assault. An individual who is mentally incapacitated (e.g. intoxicated), unconscious, or unaware that sexual assault is occurring is considered unable to give consent. Sexual assault is not restricted to strangers but may include an employer, acquaintance, classmate, professor/ instructor, coworker, spouse or partner. As defined by the Texas Penal Code (Section 22.011).

If 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.

- g. Sexual Exploitation – Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, and invasion of sexual privacy.
- h. Sexual Harassment – A form of sex discrimination that can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, and physical conduct of a sexual nature. The creation of an environment hostile to learning through offensive sexual comments or propositions, engaging in suggestive touching or showing offensive sexual materials is also prohibited.

#### 4. RESPONDING TO SEXUAL VIOLENCE

- a. Go to safe place as soon as possible.
- b. Seek medical assistance and preventative care.
  - You should seek medical attention regardless of the desire to press charges. Visit Student Medical Services in the Virgil Henson Activities Center (VHAC) or go the emergency room at Northwest Texas Hospital (806.354.1000) located in Amarillo at 1501 South Coulter Street. The hospital has a trained sexual assault nurse examiner (SANE) on call who can conduct a sexual assault examination and gather evidence, whether or not you choose to prosecute at that time. This procedure includes a physical exam and the collection of evidence of the assault. You should bring an extra set of clothing as the clothing worn during the assault will be collected as evidence.
  - It is important to preserve physical evidence of any assault. If you believe you have been drugged, traces of the drug may still appear up to 96 hours after ingestion (depending on dosage, and individual metabolism) the chances of getting proof are best when the sample is obtained quickly. In general, evidence collection is best if done immediately following an assault or within 96 hours. The more time that passes between the sexual assault and medical collection of evidence; the less likely it will be to collect evidence that may be used in the prosecution of a criminal case. Victims of sexual assault should NOT shower or bathe, wash hands, use the toilet, change clothing, or wash clothing or bedding. If the victim has changed clothes and is at a location other than the crime scene, carefully place all clothing worn at the time (or bedding) into a paper bag to be given to the police.
  - You may also call the University Police Department at 806.651.2300 and the Victim Assistance Coordinator (located in the Old SUB, Suite 102) at 806.651.2307.
- c. Consider seeking psychological counseling or other support.
  - Confidential counseling services (806.651.2340) are available on campus in the Classroom Center, Room 116.
  - Counseling is also available from Family Support Services located in Amarillo at 1001 South Polk Street. Family Support Services maintains a 24-hour sexual assault crisis hotline at 806.374.5433.

## 5. REPORTING AN ASSAULT

- a. West Texas A&M University encourages individuals who have been victimized by sexual assault to report incidents so that the University can provide assistance and support for those harmed by sexual assault and pursue all available opportunities to protect them and the campus community. Victims should report instances of sexual misconduct to the Title IX Coordinator or the University Police Department. Sexual Misconduct may also be reported to the Vice President for Student Affairs. Victims may also be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses. The option to make a report of an incident, the manner in which an individual chooses to make that report, or the decision to decline to notify authorities about the incident is a matter of personal choice.
- b. A concerned third-party may report alleged incidents of sexual misconduct. University employees are obligated to report any information they may have about an alleged incident of sexual misconduct to the University's Police Department and Title IX Coordinator unless their

communication with the student is protected by law (privileged communication). The University will seek to contact the individual(s) that is identified as the victim(s) in the report to extend resources and support and discuss the University's subsequent actions to resolve the allegations.

c. Official Contacts of the University

- Title IX Coordinator, Killgore Research Center Room 147, 806.651.3199
- University Police Department, Old SUB, 806.651.2300
- Vice President for Student Affairs, JBK Room 102, 806.651.2050

d. Confidentiality of Reports

- Privileged Reports – Communications that, by law, cannot be disclosed to any other person except under limited circumstances such as an imminent threat of danger to self or others, the individual victimized is under 18 years of age, or the individual victimized is considered a member of a vulnerable population (e.g. disabled, elderly). If a person reports an alleged incident of sexual assault to any of the following, the information cannot be shared with others unless the reporting person provides consent beforehand:
  - Counselors (psychologists, psychiatrists, social workers, etc.)
  - Healthcare Providers (physicians, nurses, etc.)
  - Clergy (priests, bishops, ministers, etc.)
- Notifying Parents, Guardians and Partner – If a victim of sexual assault is facing a health or safety concern, the University may notify a parent, guardian, or partner. In deciding to contact a parent, guardian, or partner, the University will consider the victim's wishes and interests while also weighing the circumstances for protecting their health, safety, and well-being.
- Complainant Requests for Confidentiality or Anonymity – Complainants may request that their names or identifiable information not be revealed to others participating in the investigation. Such requests may limit the ability of the investigator(s) and the University to respond to and resolve the allegations. While the University will do its best to honor the request(s) of the individual victimized, the seriousness of the complaint may at times outweigh a request to remain anonymous thus compelling the University to proceed in a manner it deems necessary to protect the interests of the University community and its members.
- Campus Notifications – If a report of sexual assault contains information indicating the campus community may be at risk, the University Police Department may issue an alert (Timely Warning Notices/Crime Alert) to the campus and public. In determining when to issue an alert, University officials will consider the safety of students, faculty, and staff along with the privacy interests of those involved in the reported incident. Regardless of the action taken by the University, the name of any person involved will not appear on security alerts.

6. FORMAL COMPLAINT PROCEDURES

Once an individual discloses information to a university official, he or she will be considered to have filed a complaint with the university. Complaints where the alleged offender is a West Texas A&M University student should be filed with the Vice President for Student Affairs.

Upon receipt of a complaint, the University will exercise due diligence in determining what occurred and further action that may be warranted based on the information provided. The Title IX Coordinator will be promptly informed if the complaint alleges sexual harassment or another form of sex discrimination.

The Title IX Investigator, composed of one or more people, is responsible for all administrative activities required to conduct the investigation. The complaint will be investigated and a determination will be made as to whether further investigation or a student conduct conference is warranted. Refer to the Code of Student Life for information about the student conduct process.

If further investigation or a conference is warranted, the alleged offender will be informed of the allegations and the facts surrounding the allegations.

A representative from the Vice President for Student Affairs shall notify the alleged offender and the complainant regarding the resolution of the complaint including any sanctions. Refer to the Code of Student Life for information about possible sanctions.

The University will respond to complaints in a prompt and equitable manner. Resolution of complaints will be completed within 60 days from the date of the original complaint. Reasonable extensions can be made for extenuating circumstances. These extensions are granted by the Title IX Coordinator or designee.

#### 7. APPEALS OF SANCTIONS

Sanctions imposed as a result of an individual being found responsible for charges of sexual misconduct may be appealed by the complainant and/or the offender. Please refer to the Code of Student Life for the Appeals Process.

#### 8. PROTECTION OF COMPLAINANT, ALLEGED OFFENDER, AND OTHERS

The university will take prompt steps to protect the complainant as necessary including taking interim steps before the completion of the investigation (including avoiding contact by allowing a change in class schedule and/or living arrangements as appropriate), or other actions as appropriate. These measures may be implemented regardless of whether or not the complainant chooses to report the crime to the police or local law enforcement.

The university will take reasonable action to assure that the complainant, the alleged offender, and those providing witness statements on behalf of either party or supporting either party in other ways are protected from retaliation. This action may come at any time during or following an investigation of a sexual misconduct complaint. Instances of retaliation will be investigated and may result in further conduct charges.

To the extent possible, university proceedings will be conducted in a manner that protects the confidentiality of all parties involved.

## The Conduct Process

All disciplinary proceedings will adhere to the following procedures.

1. The student will be informed in writing of the allegations made and the date, time, and place of the initial conference with a Student Conduct Officer. This information will be sent to the accused student's West Texas A&M University email address. For University-related correspondence, it is the student's responsibility to provide an accurate local mailing address, maintain it and check it regularly, as well as check their University email account.
2. An opportunity for the student to review the evidence, except official University Police Department reports on cases pending action in the district attorney's office or while the case is still under investigation, prior to the hearing, shall be provided upon request. An appointment must be set up with the Student Conduct Officer in the Office of Student Affairs, in the Jack B. Kelley Student Center, Room 102, to review this information.
3. During the initial conference, the student may bring an advisor of his or her choosing. This person may advise the student but may not actively participate in the conference. The initial conference is not recorded and may result in the following outcomes:
  - a. The student(s) is found not to be in violation
  - b. The student(s) is found in violation and subject to those sanctions described in this Code
  - c. The conduct officer decides that more investigation is needed and continues the conference at a later date.
4. If a student is found not in violation, the process ends. If a student is found to be in violation, this determination will be provided in writing to the student. The student will have three (3) university working days to accept or reject the finding. If the finding is not challenged within those three (3) days, it will be accepted as final. If a student rejects the finding within those three (3) days, a formal hearing will be scheduled and the student will be notified in writing of the date and time of the hearing. The formal hearing will be held before a Student Conduct Officer. For cases involving sexual misconduct, the hearing may take place before a University Discipline Committee.
5. During the course of the formal hearing, the student may seek advice of legal counsel/adviser at his/her own expense. Counsel may advise the student but may not present the case. The respondent and the complainant may have one person accompany him/ her in the hearing. This person cannot be a witness. In sexual misconduct cases, the complainant will have the right to be present throughout the hearing but will not be required to attend the hearing. The survivor shall have the opportunity to submit an impact statement. Complainants also have the right to not have past sexual history discussed during the hearing.
6. The University will present evidence supporting the allegations first and has the burden of proving its case by the preponderance of evidence. Preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred than not. A determination of the facts will be based only on the evidence as presented. The technical rules of evidence applicable to civil and criminal cases shall not apply.
7. An opportunity will be provided for the respondent to present his/her own version of the facts and to present other evidence in support of the current case including witnesses. Witnesses not having information directly pertaining to the scheduled case may not be allowed. The responding student should notify and make arrangements with their witnesses to attend the hearing or provide

notarized written information or official University re-ports to be included in the hearing. The respondent will also have the right to hear evidence and question evidence presented through the Student Conduct Officer. The Student Conduct Officer may impose reasonable limitations upon the presentation of evidence and questioning of witnesses.

8. A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify or to appear at the hearing, no inference may be drawn from this action; however, the hearing will proceed and a decision will be made based on the facts presented. In the event that the respondent, witness, or any other person involved with the case is more than 10 minutes late to the hearing, the hearing body is not responsible for beginning the hearing over, recalling witnesses or re-entering any evidence into the record.
9. Disorderly or disruptive behavior by any individual during the conduct process may result in removal of that individual from the conduct process, at the discretion of the Student Conduct Officer, and the hearing process may continue.
10. The University will record the hearing and that recording remains the property of the institution. Deliberations will not be recorded. FERPA provides that when information on more than one student is contained in a single education record, each student may inspect only the information specifically related to him/her. If the recording pertains to only the requesting student, arrangements may be made to review the recording. An appointment will be required to re-view the recording, if applicable. Suspension/expulsion sanctions result in records being maintained permanently in the Office of Student Affairs.
11. Upon conclusion of the hearing, a written statement of the findings, the formal action to be taken by the University, and a description of the appeals process will be forwarded (delivered or postmarked) to the student within five (5) working days, as defined by the University. In cases of sexual misconduct, the findings, formal action to be taken by the University, a rationale for those actions, and a description of the appeals process will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
12. Disciplinary hearings will be closed with the exception of those directly involved in the hearing. The disciplinary proceedings will not be open to the media.
13. At the University's discretion, notices and student conduct correspondence will be issued to the student's local and/or permanent address of record, delivered by staff, or via email. It is the student's responsibility to keep the address of record current and to check their University email account. A letter sent to the address listed in the registrar's records or staff delivered shall constitute full and adequate notice. The failure of a student to provide an address change or forwarding address, the refusal to accept/receive a letter (sent either by first class mail or certified mail or by staff delivery), or failure to check University email shall not constitute good cause for failure to comply with the content of the official University correspondence. Disciplinary action may be taken against a student for failure to appear after proper notice.

## The following guidelines apply to student conduct proceedings in cases of alleged sexual misconduct or sexual harassment:

1. The complainant may be present during the student conduct proceedings and has the right to be assisted by an adviser of his or her choosing. The adviser may advise the student but may not present the case.
2. The complainant shall not be required to attend the student conduct conference but will have the opportunity to submit an impact statement detailing the alleged consequences suffered by the complainant.
3. The complainant shall have the right not to have his or her past sexual history discussed during the conduct proceeding.
4. The complainant shall have the opportunity to request immediate on-campus housing relocation (based on available space), transfer of classes or other steps to prevent unnecessary or unwanted contact or proximity to the responding student if such accommodations are reasonably available.
5. The complainant, or complainant's family member if the student dies as a result of the alleged misconduct, shall be informed of the outcome of the student conduct conference. This will include a description of the appeals process. The proceedings and outcome of all student conduct proceedings are considered confidential information in accordance with the Family Educational Rights and Privacy Act of 1974. Such information shall not be otherwise re-disclosed.
6. In conduct cases which may result in a University mandated separation from the University for the accused student, there shall be a single verbatim record of all student conduct conferences. Deliberations shall not be recorded. The record shall be the property of the University.

## Sanctions

SANCTIONS are defined as the primary outcome of the alleged violation.

DISCIPLINARY REPRIMAND - An official warning that the student's conduct is in violation of West Texas A&M University Student Rules.

DISCIPLINARY PROBATION is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the Code of Student Life during this period may result in additional sanctions, conditions and/or restrictions.

DEFERRED DISCIPLINARY SUSPENSION is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Further instances of misconduct under the Code of Student Life during this period may result in additional sanctions, conditions and/or restrictions. A student on deferred suspension is deemed "not in good standing" with the University.

DISCIPLINARY SUSPENSION - Time-limited disciplinary suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of disciplinary suspension will be shown on the student's academic record, including the transcript. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Student Conduct Officer may deny readmission to a student.

DISCIPLINARY EXPULSION occurs when the student is permanently withdrawn and separated from the University. The status of expulsion will be shown permanently on the student's academic record, including the transcript.

INTERIM SUSPENSION OF A STUDENT -A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Vice President for Student Affairs, or a designee, The physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Vice President for Student Affairs or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

Upon immediate temporary suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the West Texas A&M University Police Department.

Conduct, on or off campus, which typically results in interim suspension:

1. A significant and articulable threat to the health or safety of a student or other member(s) of the University community.
2. Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation.
3. Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats.
4. Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests.
5. Violation of a No Contact Order
6. Retaliatory harm, discrimination or harassment



## Conditions for Continued Enrollment

In situations where a student endangers or displays the potential to endanger others, the University may require, without a hearing, the student to meet certain conditions which may include an evaluation from the University's counseling staff as a condition of continued enrollment. The University's counseling staff will determine if further referrals are necessary.

### Not In Good Standing

A student who is not in good standing is subject to the following restrictions:

1. Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed office of the University.
2. Ineligibility to represent the University in any way, including representing the University at any official function, intercollegiate athletics or any forms of intercollegiate competition or representation. This includes events taking place both on and off of the University campus.
3. Ineligibility to receive a University administered scholarship when the length of the period of not in good standing is greater than one semester. Some scholarships adhere to more strict guidelines, and, therefore, ineligibility may result from a lesser length of not in good standing. This sanction implies a serious offense and must be uniformly applied by the office administering the scholarship upon notification by the University Conduct Administrator.
4. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

### Condition

A condition is an additional component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:

1. Personal and/or academic counseling intake session
2. Discretionary educational conditions and/or programs of educational service to the University and/or community.
3. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
4. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
5. Monetary assessment owed to the University.
6. Completion of an alcohol or drug education program.
7. University Service Hours: A student may be offered an opportunity to complete a specified number of hours of Community/University Service.

## Restrictions

A restriction is an additional component of a disciplinary sanction. A restriction is to occur in conjunction with the sanction and will usually be time specific. Some examples of restrictions include, but are not limited to:

1. Revocation of parking privileges.
2. Denial of eligibility for holding office in registered student organizations.
3. Denial of participation in extracurricular activities.
4. Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
5. Loss of privileges on a temporary or permanent basis.

## Parental Notification

Violations of the alcoholic beverages or narcotics or drugs standard may result in notification to the parents/guardians of dependent students under the age of 21.

## Appeal Procedure

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Office of Student Conduct by submitting a written petition to the Vice President for Student Affairs Office within three (3) University working days of receiving the written decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

1. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
3. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The Vice President for Student Affairs Office has ten (10) University working days to make a decision on the appeal.

## Institutional Procedure

<b>Incident Being Reported:</b>	<b>Procedure Institution Will Follow:</b>	<b>Evidentiary Standard TO MEET YOUR STANDARDS</b>
<b>Sexual Assault</b>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> <li>1. Complainant is provided with access to medical care if applicable.</li> <li>2. The immediate safety needs of complainant are assessed.</li> <li>3. Assistance is provided to complainant in contacting local police if requested.</li> <li>4. Referrals to on and off campus mental health resources are provided to complainant.</li> <li>5. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a “No Contact” directive between both parties if needed.</li> <li>6. Provide a “No trespass” directive to accused party if deemed appropriate.</li> <li>7. Written instructions will be provided on how to apply for a Protective Order.</li> <li>8. Information is provided to complainant related to charges and the outcome of any conduct hearing.</li> <li>9. The Texas A&amp;M University System policy regarding retaliation will be enforced and immediate and separate action is taken against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>	Preponderance of the evidence

<p><b>Stalking</b></p>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> <li>1. The immediate safety needs of complainant are assessed.</li> <li>2. Assistance is provided to complainant in contacting local police if requested.</li> <li>3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a “No Contact” directive between both parties if needed.</li> <li>4. Written information is provided to complainant regarding the preservation of evidence.</li> <li>5. Provide a “No trespass” directive to accused party if deemed appropriate.</li> <li>6. Written instructions will be provided on how to apply for a Protective Order.</li> </ol>	<p>Preponderance of the evidence</p>
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<p><b>Dating Violence</b></p>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> <li>1. The immediate safety needs of complainant are assessed.</li> <li>2. Assistance is provided to complainant in contacting local police if requested.</li> <li>3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a “No Contact” directive between both parties if needed.</li> <li>4. Written information is provided to complainant regarding the preservation of evidence.</li> </ol>	<p>Preponderance of the evidence</p>
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	<ol style="list-style-type: none"> <li>5. Provide a “No trespass” directive to accused party if deemed appropriate.</li> <li>6. Written instructions will be provided on how to apply for a Protective Order.</li> </ol>	
<b>Domestic Violence</b>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> <li>1. The immediate safety needs of complainant are assessed.</li> <li>2. Assistance is provided to complainant in contacting local police if requested.</li> <li>3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a “No Contact” directive between both parties if needed.</li> <li>4. Written information is provided to complainant regarding the preservation of evidence.</li> <li>5. Provide a “No trespass” directive to accused party if deemed appropriate.</li> <li>6. Written instructions will be provided on how to apply for a Protective Order.</li> </ol>	Preponderance of the evidence

## Faculty

Specifically for faculty employees as taken from the Faculty Handbook:

## Sexual Harassment Procedure

Section D.34.01 of The Texas A&M University System Policies and Regulations Manual (SPRM), February 27, 1995

Contact for interpretation: associate vice chancellor for human resources

It is the policy of The Texas A&M University System that the employment and educational environment of all A&M System

members should be free from all forms of adverse discrimination and harassment, including sexual harassment. Conduct constituting sexual harassment is hereby specifically prohibited and will result in appropriate sanctions.

### **Definition**

Sexual harassment means unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege or immunity, either explicitly or implicitly.

In relation to the foregoing, sexual harassment may range from unthinking and often unintentional verbal denigration of a person on the basis of gender to actual physical assault. Some examples that may constitute sexual harassment are offensive sexual flirtations, advances or pressure for sexual activity; unwanted touching, pinching or unnecessary brushes; unwanted exposure to sexual graffiti, photographs or suggestive objects; sexual innuendoes or statements made at inappropriate times or disguised as humor, or obscene gestures; disparaging remarks about one's gender; or any offensive or abusive physical contact.

Conduct, whether on or off A&M System property, will constitute sexual harassment when:

1. Submission to, or toleration of, such conduct is made (either explicitly or implicitly) a term or condition of employment or participation in other A&M System-related activities;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academically related decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's ability to function normally, or of creating an intimidating, hostile or offensive environment.

### **Responsibility**

The chief executive officer of each member of the A&M System is responsible for the effective implementation of this policy in the respective A&M System member. Supervisors, in any capacity, including academic areas, should be aware that it is their responsibility to prevent or correct any such conduct among those they supervise

### **Procedures**

In order to deal promptly and fairly with charges of sexual harassment and to protect the rights and dignity of all individuals involved, [faculty who feel they are victims of sexual harassment should contact the provost/vice president for academic affairs]. Such procedures shall facilitate and encourage reporting and shall assure timely investigation, resolution and appropriate sanctions against persons found to have violated this policy. Complainants should know that the reporting of allegations of sexual harassment is a very serious matter and that steps will be taken to resolve complaints.

### **Retaliation Prohibited**

Retaliation action of any kind is prohibited when taken against a witness or other person providing testimony or against the complainant seeking redress under the applicable procedures dealing with sexual harassment. Such retaliatory action shall be regarded as a separate and distinct cause of complaint.

## **Ombuds Officer**

An employee's complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01. If a claim of illegal discrimination/retaliation is raised to the Ombuds Officer, the officer should immediately forward the issue to the appropriate person under WTAMU Procedure 08.01.01W1.1.

## **Termination of Employment - Termination with Prejudice**

Any faculty member, including a tenured faculty member, may be dismissed for cause before completion of the term fixed in the member's letter of appointment. The following conditions constitute cause for dismissal:

1. Professional incompetence—defined as demonstrated inability to perform, at an acceptable level, the duties required of a position.
2. Neglect of professional responsibilities—defined as failure to comply with official directives and established University policies; neglect of departmental and University duties; failure to keep current and maintain competency in one's field; general inaccuracy, ineffectiveness and dishonesty in performance of teaching and/or research duties; or failure to comply with such reasonable requirements as the University may prescribe for achieving professional improvement and growth.
3. Moral turpitude—defined as any personal misconduct which impairs fulfillment of institutional responsibilities. While the ultimate interpretation of this provision rests with the University administration, moral turpitude is considered to include, but is not limited to, the following: immorality, conviction of a felony or illegal use of a controlled substance.
4. Sexual harassment—see Appendix VIII.

Any faculty member may be suspended with pay pending the outcome of an academic due process hearing as provided hereinafter.

## **Education and Prevention Programs**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- a. Are culturally relevant, inclusive of diverse communities and identifies, sustainable responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- b. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines, using definitions provided both by the Department of Education as well as Texas state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct;
- d. Provides a description of safe and positive options for bystander intervention. 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;

e. Information on risk reduction. 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.

f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University offered the following **primary prevention and awareness programs for all incoming students** in 2014:

Name of Program	Date	Location	Prohibited Behavior Covered?
Crime Prevention	9/30/2014	Classroom Center	DaV, SA*
Crime Prevention	10/1/2014	Classroom Center	DaV, SA*
Sexual Assault	10/14/2014	Classroom Center	SA*
Sexual Assault	10/20/2014	Classroom Center	SA*
Sexual Assault (2nd class)	10/20/2014	Classroom Center	SA*

\*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **primary prevention and awareness programs for all new employees** in 2014:

Name of Program	Date	Location	Prohibited Behavior Covered?
Residential Hall Coordinators	8/5/2014	Res Life Conference Room	DoV, DaV, SA*
Residential Hall Coordinators	8/6/2014	Res Life Conference Room	DoV, DaV, SA*
Residential Hall Coordinators	8/7/2014	Centennial Hall	DoV, DaV, SA*
Residential Hall Advisors	8/13/2014	Buff Hall	DoV, DaV, SA*

\*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **ongoing awareness and prevention programs for students** in 2014:

Name of Program	Date	Location	Prohibited Behavior Covered?
Sexual Responsibility Week/Sexual Assault Awareness	2/11/2014	JBK Commons	DaV, SA*
Sexual Responsibility Week/The Asia Project	2/13/2014	Legacy Hall	DaV, SA*



Sex and Candy	3/3/2014	Buff Hall	DaV,SA*
Safe Spring Break	March 3-7, 2014	JBK Commons	SA*
Family Support Services	3/10/2014	JBK Commons	DaV, DoV, SA*
Sexual Assault Awareness	4/16/2014	JBK Commons	SA*
Self Defense	Spring 2014	Stafford Hall	DaV, Dov, SA, S*
Sexual Assault Awareness	9/10/2014	Cross Hall	DaV, Dov, SA, S*
Self Defense	9/17/2014	Stafford Hall	DaV, Dov, SA, S*
Alcohol Awareness	10/17/2014	Guenther Hall	SA*
Sexual Assault	10/28/2014	Founders Hall (with Jones Hall)	SA*
Alcohol Awareness	11/20/2014	Cross Hall (with Jarrett Hall)	SA*
Family Support Services	11/28/2014	JBK Commons	DaV, DoV, SA*
Self Defense	Fall 2014	Shirley Hall	DaV, Dov, SA, S*
Self Defense	Fall 2014	Cross Hall	DaV, Dov, SA, S*
Self Defense	Fall 2014	Cousins Hall	DaV, Dov, SA, S*
Self Defense	Fall 2014	Connor Hall	DaV, Dov, SA, S*
Self Defense	Fall 2014	Buff Hall	DaV, Dov, SA, S*
Self Defense	Fall 2014	Centennial Hall	DaV, Dov, SA, S*
Self Defense/IDS	Fall 2014	Classroom Center	DaV, Dov, SA, S*
Self Defense/IDS	Fall 2014	Classroom Center	DaV, Dov, SA, S*

\*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2014:

Name of Program	Date	Location	Prohibited Behavior Covered?
Residential Hall Coordinators	1/3/2014	Res Life Conference Room	DoV, DaV, SA*

\*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

## How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>4</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>5</sup> of some ways to be an active bystander. Further information

<sup>4</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*,60, 779-792.

<sup>5</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

### Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse of violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work or school.
8. Being forced to do things you don’t want to do.

### Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Counseling Center or Medical Services for support services.
  2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
  3. Consider making a report with the University Police and/or the Title IX Coordinator and ask for a “no contact” directive from the University to prevent future contact.
  4. Consider getting a protective order – talk to UPD or the Victim Assistance Coordinator
-

5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
6. Trust your instincts – if something doesn't feel right in a relationship, speak up or end it.

### **Sexual Assault Prevention (from Rainn.org)**

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from unopened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.) If someone asks for your number, take his/her number instead of giving out yours

### **Traveling around campus (walking)**

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where you can use a phone
- Keep some change accessible just in case you need to use a pay phone
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and talk to UPD or the Physical Plant if lights need to be installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Walking back from the library very late at night is sometimes unavoidable, try to walk with a friend or call UPD for an escort
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, call UPD at 806-651-2300 for an escort

## **Resources**

West Texas A&M University complies with Texas law in recognizing orders of protection, any person who obtains an order of protection from Texas or any reciprocal state should provide a copy to the University Police and the Office of the Title IX Coordinator. A complainant may then meet with UPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may

include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with the filing of the police report. Protection from abuse orders may be available through the Prosecutor’s Office. The University may issue an institutional trespass order if deemed appropriate or at the request of the victim or accused.

Provided is a chart displaying the available types of Protective Order’s, their requirements, who can file and for what length of time.

## Types of Protective Orders

Type	Who can File	Length	Requirements
<b>Magistrate's Order for Emergency Protection</b>	victim of family violence, sexual assault or stalking	31-61 days; with deadly weapon 61-91 days	Offender must be arrested
<b>Temporary Ex Parte</b>	minor or adult victim of family/dating violence, sexual assault or stalking	until the hearing for final protective order usually 20 days	finding of clear and present danger of family violence, sexual assault or stalking
<b>Family Violence Protective Order</b>	a minor or adult victim of family /dating violence	two or more years	finding that family/dating violence has occurred and is likely to occur in the future
<b>Sexual Assault Protective Order</b>	A minor or adult victim of sexual assault	Any duration or two years if not specified.	Reasonable grounds to believe the applicant is a victim of sexual assault.
<b>Stalking Protective Order</b> Code of Criminal Procedure Ch. 7A	An adult or minor victim of stalking, or prosecutor acting on behalf of victim.	Any duration or two years if not specified.	Reasonable grounds to believe applicant is a victim of stalking.
<b>Stalking Protective Order</b> Code of Criminal Procedure Art. 6.09	An adult or minor victim of stalking whose offender has been criminally charged with stalking	two or more years	Probable cause to believe that stalking occurred and the defendant is likely to stalk in the future.

To the extent of the victim’s cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record - keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim.) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the University Police Department’s Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by going in person to the Registrar’s Office in Old Main 103 to fill out the form requesting the specific information they wish to be restricted. The Registrar’s phone number is 806-651-4911.

## On Campus Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

University Police Department	Old Sub 102	806-651-2300
UPD Victim Assistance	Old Sub 106	806-651-2307
Student Counseling	Classroom Center 116	806-651-2340
Student Medical Services	Virgil Henson Activities Center	806-651-3287
UPD Escort Service	Old Sub 102	806-651-2300
International Student Office	Old Sub 107B	806-651-2073
Title IX Coordinator	Killgore Research Center 147	806-651-3199
Buff Allies	<a href="http://www.wtamu.edu/buffallies">www.wtamu.edu/buffallies</a>	
Office of Veterans Services	Classroom Center 108B	806 651-4939
Office for Diversity & Inclusion	Classroom Center 133	806-651-8480

## Off Campus Resources

<b>Amarillo Rape Crisis/DV Hotline</b>		<b>806-374-LIFE (5433)</b>
<b>Family Support Services</b>	<b>1001 S. Polk Street Amarillo</b>	<b>806-342-2500</b>
<b>Suicide Crisis Regional Hotline</b>		<b>800-692-4039</b>

<b>Suicide Crisis Local Hotline</b>	<b>1501 S. Polk Amarillo</b>	<b>806-359-6699</b>
<b>Non-Crisis Behavioral Health</b>		<b>800-299-3699</b>
<b>Legal Aid of Northwest Texas</b>	<b>203 W. 8th Street, Suite 600 Amarillo</b>	<b>806-373-6808</b>
<b>Sexual Assault Legal Services &amp; Assistance</b>	<a href="http://www.tlsc.org/">http://www.tlsc.org/</a>	<b>1-888-343-4414</b>
<b>Texas Association Against Sexual Assault</b>	<b>TAASA</b> <a href="http://taasa.org/">http://taasa.org/</a>	<b>512-474-7190</b>
<b>Stalking Resource Center</b>	<a href="https://www.victimsofcrime.org/our-programs/stalking-resource-center">https://www.victimsofcrime.org/our-programs/stalking-resource-center</a>	
<b>National Center for Victims of Crime</b>	<a href="https://www.victimsofcrime.org/">https://www.victimsofcrime.org/</a>	<b>202-467-8700</b>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse & Incest National Hotline 1-800-656-HOPE (4673)

<http://www.ovw.usdoj.gov/sexassault.htm> -Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> -Department of Education, Office of Civil Rights

<http://taasa.org/resources-2/tx-safety-u-app/> A free mobile app for phones and tablets that easily connects you with local help and assistance when faced with sexual assault, dating violence, domestic violence or stalking. Select a Texas University and the app will pre-populate contact info and statistics for the campus you select.

Northwest Texas Healthcare System  
1501 South Coulter  
Amarillo, Texas 79106  
(806) 354-1000

Family Medicine Center of Canyon  
911 23<sup>rd</sup> Street  
Canyon, Texas 79015  
(806) 655-2104  
(24 hour minor emergency)

BSA (No SANE exam available)  
1600 Wallace Boulevard  
Amarillo, Texas 79106  
(806) 212-2000

# Office for Diversity and Inclusion

The Office for Diversity and Inclusion (ODI) assists the University with its mission and goals and assists the University in its commitment to support diverse students and enhance greater intercultural understanding on and off campus. Through its five (5) units- Black/African American student services, Hispanic student services, Intercultural Affairs Services, Excellence Through People 2013-2018 Diversity and Inclusion Strategic Action Plan, and Excellence Through Commitment to Education and Leadership (EXCEL) - ODI provides a variety of culturally sensitive services, programs, and activities. ODI also serves as a diversity and inclusion resource for the WTAMU community. For additional information contact Chief Diversity and Inclusion Officer, Angela Allen, in the JBK Student Center 133G or at 806.651.8482 or 651.8480 or by email at [aallen@mail.wtamu.edu](mailto:aallen@mail.wtamu.edu) or [diversity-inclusion@wtamu.edu](mailto:diversity-inclusion@wtamu.edu). ODI webpage can be located at <http://wtamu.edu/diversity>.

## Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, pursuant to Code of Criminal Procedure Article 62.153, workers or students at institutions of higher education are required to register.

(a) Not later than the later of the seventh day after the date on which the person begins to work or attend school or the first date the applicable authority by policy allows the person to register, a person required to register under Article 62.152 or any other provision of this chapter who is employed, carries on an a vocation, or is a student at a public or private institution of higher education in this state shall report that fact to:

(1)The authority for campus security for that institution

(b) A person described by Subsection (a) shall provide the authority for campus security of the local law enforcement authority with all information the person is required to provide under Article 62.051(c)

(c) A person described by Subsection (a) shall notify the authority for campus security no later than the seventh day after the date of termination of the person's status as a worker or student at the institution.

(d) The authority for campus security shall promptly forward to the administrative office of the institution any information received from the person under this article and any information received from the department under Article 62.005.

The authority for campus security at West Texas A&M University is:

Shawn Burns, Chief of Police University Police  
Department Old Sub 102  
P.O. Box 60295 Canyon, Texas 79016

To arrange an appointment for registration or if you have questions, contact UPD at 806-651-2300.

Current Sex Offenders Registered with UPD may be accessed at

[http://www.wtamu.edu/university\\_police/current-sex-offenders.aspx](http://www.wtamu.edu/university_police/current-sex-offenders.aspx).

Texas Sex Offender Registration List may be accessed at <https://records.txdps.state.tx.us>

## Annual Fire Safety Report

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West Texas A&M University is committed to the safety of all residents and is working diligently to maintain a safe environment for our campus. Training on proper use of a fire extinguisher is available for any student or employee by scheduling an appointment with the Fire and Life Safety office at 806.651.2134. A “fire” is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire safety rules and regulations are in place, including safe electrical use and the prohibition of smoking, open flame, candles, and incense. Allowed appliances include: coffee pots, hot pots, microwave/refrigerator (University-issued only), rice cookers, George Forman-type grills, blenders, and crock pots. Buff Hall residents may use cooking appliances that have no open flame and are UL approved. The hall staff reserves the right to remove any cooking appliances deemed to be unsafe in order to limit damages to the hall or the hall community. Fire drills are scheduled throughout the year and are an important part of the fire safety program at WTAMU. Additionally, hall staff conducts health and safety checks in all residents' rooms throughout the semester. The Fire and Life Safety Office conducts life/safety inspections and RA fire safety training each semester, and Campus Emergency response Team (CERT) fire safety training as requested, to identify safety issues and report deficiencies for corrective action.

Our University works closely with the Texas State Fire Marshal’s Office to adopt recommended fire safety measures. To report a fire call 911, or if you have any questions or updates, contact the Fire and Life Safety Director at 806.651.2134, UPD at 806.651.2300 or the Office of Residential Living at 806.651.3000.

## Residence Hall-Emergency/Fire Evacuation Procedures

In the event of an actual fire or a drill, all residents, guests and employees must evacuate the building in a timely manner. Follow the instructions of Residential Living staff, CERT team member, UPD Officers, and/or fire-fighting personnel. Recommended evacuation routes are posted in residence rooms and in the suites in Buff Hall.



Fire alarm pull stations and fire extinguishers are installed throughout the halls. Building alarm systems are monitored on a 24-hour basis.

When evacuating, the best way out may not be the way in...have an exit strategy ([www.haveanexitstrategy.com](http://www.haveanexitstrategy.com)).



## Fire Drills

The University will hold fire/evacuation drills to acquaint and train the campus on fire/evacuation procedures. All residents and guests should follow directions during the drills. Failure to evacuate the building may result in disciplinary action, a monetary fine, and possible suspension.

## Fire Equipment

Because it is imperative that fire and safety equipment functions properly when it is needed, the following acts are prohibited:

- Tampering, disabling or playing with fire extinguishers, smoke detectors, fire sprinkler heads and exit or emergency lights.
- Tampering with or pulling a fire alarm under false pretense.
- Removing smoke detectors or otherwise rendering a smoke detector inoperable.
- Propping open fire doors.
- Obstructing halls and stairwells with furniture, debris and other materials.
- Hanging objects from smoke detectors or fire sprinkler heads.
- Presence on fire escapes in non-emergency situations.

Residents who jeopardize the security or safety of any person will be subject to severe disciplinary action. Tampering with fire equipment or acts of arson can result in criminal prosecution, disciplinary measures, and/or possible fines. Future improvements to fire protection equipment in facilities are considered when planning for new construction or renovations.

## Open Flame

No items that have open flames, flammable fuels or open coils may be used in a residence hall. This includes, but is not limited to candles, lanterns, heaters, and incense. Violation of this rule may result in immediate relocation and disciplinary action. These items will be confiscated immediately.

## Fire Alarm Inspection, Testing, and Certification

Annual inspections, functional testing and certification of fire alarm systems in the Residence Halls are performed in accordance with the National Fire Protection Association; NFPA Fire Code 72 by a licensed fire alarm company.

## Fire-related Injury and Death

Fire-related injury or death is when a person is injured or killed as a result of a fire, including injury or death sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. This includes death within 1 year of injuries sustained as a result of a fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

# WTAMU-Residence Hall-Fire Safety Report Statistics

## 2012, 2013, 2014

	Buff	Centennial	Conner	Cousins	Cross	Founders	Guenther	Jarrett	Jones	Shirley	Stafford
<b>Location</b>	201 N26th St.	101 26th St.	2504 Russell Long Blvd.	200 26th St.	2610 Russell Long Blvd.	102 28th St.	203 N25th St.	2601 Russell Long Blvd.	2612 Russell Long Blvd.	105 26th St.	2309 N2nd Ave.
<b>Fire Alarm System</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Sprinkler System</b>	Yes	Yes	None	None	Partial	Yes	None	None	Partial	None	None
<b>Smoke Detection</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Portable Extinguishers</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Evacuation Plans</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b># Fire Drills/yr.</b>	4	4	4	4	4	4	4	4	4	4	4
<b>Fires/Building (2012/2013/2014)</b>	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0
<b>Fire Number</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Date/Time</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Cause of Fire</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b># People Injured</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b># Deaths</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Value of Property Damage</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Case #</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

*Partial - sprinkler systems only in certain sections of the building.*

*Full - sprinkler systems throughout the entire building.*

# McCaslin Apartments

McCaslin Hall was built in 1946 and became the privatized McCaslin Apartments in 1997. Residents of the apartment complex are primarily WTAMU students; however a WTAMU affiliation is not required. In the property lease agreement it was designated that the WTAMU Police Department would provide policing services to this property adjacent to WT’s core campus. Clery reportable crime stats are included in the annual reporting of crime statistics in this report in the On Campus category, but not in the Residential category. McCaslin Apartments are located at 2402 4<sup>th</sup> Avenue, adjacent to the WTAMU campus. It has its own onsite leasing office and is not affiliated with Residential Living at WTAMU.

Fire and safety management are provided by the privately owned management company. Instructions and tips are provided in writing to the residents at the time of leasing. Residents are prohibited from having candles, open flames, or charcoal fires in the apartment. They are advised to never leave hot cooking oil unattended and the stove and oven should always be in the “off” position when leaving the apartment. All smoke detectors must be in working condition and “in use” barbeque grills should be 10 feet from the building. In case of fire, leave the apartment immediately, call 911 and pull the handle of the red fire box (pull station) located near your apartment. Fire extinguishers are located in the laundry room.

McCaslin Apartments has a fire alarm system, a full (throughout the entire building) sprinkler system, smoke detection equipment, portable extinguishers and evacuation plans for its residents. They did not conduct any fire drills in 2014.

	Fire/year 2012 2013 2014	Fire #	Date/Time	Cause of fire	# of people injured	# deaths	Value of Property Damage Range	Case #
<b>McCaslin Apartments</b>  2402 4 <sup>th</sup> Ave.	0 1 0	1	4/29/2013 4:21 p.m.	Unintentional/ Cooking	1	0	\$10,000-\$24,999	2013-07337

## Important Contacts:

**UPD Emergency Dispatch**

911 (from campus phone)

806-651-2300

**UPD Administration**

806-651-2300

**UPD Victim Assistance**

806-651-2307

**Title IX Coordinator**

806-651-3199

**Student Counseling**

806-651-2340

**Student Medical Services**

806-651-3287

**UPD Escort**

806-651-2300

**Student Affairs**

806-651-2050

**Residential Living**

806-651-3000

**Anonymous Crime Tips**

806-374-4400

**Text WT Crime Tips**

50911

**Poison Control Center**

800-222-1222

**Amarillo Rape Crisis/Domestic Violence Hotline**

806-374-LIFE (5433)

**Sex Offender Registration List (Texas)**

<https://records.txdps.state.tx.us/SexOffender/>

**Suicide and Crisis Center**

806-359-6699

800-692-4039

For more information about West Texas A&M University guidelines and procedures, refer to the Code of Student Life at: [www.wtamu.edu/reports](http://www.wtamu.edu/reports), request a copy of the publication from the Office of Student Affairs or contact the University Police Department. This publication [www.wtamu.edu/reports](http://www.wtamu.edu/reports) as well as crime statistics and crime-prevention programs are available on the University's website at [www.wtamu.edu/police](http://www.wtamu.edu/police).

*West Texas A&M University serves people of all ages, regardless of socioeconomic level, race, color, gender, religion, disability or national origin. West Texas A&M University is an affirmative action/equal employment opportunity institution. Paper copies of this report are made available at the Office of Student Affairs, the Human Resources Office, and the Registrar's Office upon request. Sept 2015*