# 2025 Harrington Academic Hall WTAMU Amarillo Center Campus Security Report

*Includes crime and fire statistics for 2022, 2023, 2024, and policy statements and procedures for the 2025 - 2026 Academic Year.*

*In compliance with the Jeanne Clery Campus Safety Act (20 USC § 1092(f), 34 CFR 668.46)*

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*This report is available on the West Texas A&M University Campus Safety and Security website at: www.wtamu.edu/safety*

Numerous links to websites are included.
Email kczesnowski@wtamu.edu for assistance if any link does not function.

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Office of the President
WTAMU Box 60997 • Canyon, Texas 79016-0001 • 806-651-2100 • wtamu.edu • wt125.wtamu.edu • president@wtamu.edu

## Message from the President

Our purpose – our calling – is to provide life-changing opportunities for students. This happens in many ways around the campus: in classrooms, laboratories, studios, theaters, performance halls, and arenas. In addition, our gathering spaces inside and outside of buildings, as students, faculty, staff, and visitors alike, move to and from during the course of the day, are all "places of learning."

To the extent that people are safe, and feel safe, learning will be enhanced. The campus and community maintain a strong commitment to safety, and achievements made possible through the tireless and persistent efforts of public officials and public safety personnel. Equally important is the role each of us plays by remaining mindful of the value of a secure environment and taking personal responsibility to help sustain it.

Complacency would diminish that, and we seek to be positively engaged.

I urge all of us to continue to attend to our needs for a safe and secure learning environment that supports study so that we might best fulfill the aspirations of our students and the calling we answer.

On, On Buffaloes!

Walter V. Wendler
President

# WTMAU Harrington Academic Hall Amarillo Center

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

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

The West Texas A&M University Police Department (UPD), the Office of Civil Rights and Title IX (CRTIX), the Vice President for Student Affairs (VPSA), the Vice President for Research and Compliance, the Assistant Vice President of Risk and Compliance, the office of Communications and Marketing and the Vice President for Information Technology and Chief Information Officer are responsible for preparing, reviewing, and distributing the Campus Security and Fire Safety Report to comply with the Clery Act. The Campus Security and Fire Safety Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2025 Campus Security and Fire Safety Report contains crime statistics for calendar years 2024, 2023, and 2022.

The WTAMU divisions, departments and offices that share responsibility for developing and implementing these policies, practices, and procedures include but may not be limited to the UPD; the division of Student Affairs; the division of Research and Compliance; the office of the Provost and division of Academic Affairs; the office of the Vice President for Information Technology and Chief Information Officer; the division of Business and Finance; and the offices of Academic and Research; Environmental Health and Safety; Fire and Life Safety; Residential Living; External Programming; Study Abroad; Athletics; Human Resources; Office of Civil Rights and Title IX; Financial Services; and Communications and Marketing.

The Harrington Academic Hall WTAMU Amarillo Center (here in after referred to as Amarillo Center in this report) is located in the heart of Amarillo's downtown area, opened in their new location in November of 2018 with students arriving in January 2019. The Amarillo Center is a teaching site that is considered a separate campus according to The Clery Act. Additional information specific to the WTAMU Main Campus can be found in the 2025 West Texas A&M University Annual Security Report at www.wtamu.edu/safety.

## Annual Security Report Notifications

Each year, an email notification is distributed to all current students, faculty, and staff network email addresses providing the website to access this report. The full report can be found at www.wtamu.edu/safety.

Prospective employees are notified of the availability of the Campus Security Fire Safety Report on the "Job Vacancies" webpage of the Human Resources – Employment website. Applicants receive a return email from WTAMU upon applying for employment through the HR website. The email contains the link and notification of the annual campus security and fire safety report.

Prospective undergraduate students are notified of the availability of the Campus Security and Fire Safety Report through a return compliance email distributed after applying through the ApplyTexas One Application and selecting WTAMU.

Prospective graduate students are notified of the availability of the Campus Security and Fire Safety Report after clicking the WTAMU Graduate School Application link on the WTAMU Graduate School webpage. Applicants will receive a return compliance email with the necessary notification after applying through the ApplyTexas One Application and selecting WTAMU.

Printed copies of the report may be requested by contacting:

<table>
<tr><td>Vice President for Student Affairs<br>Jack B. Kelley Student Center 102<br>806-651-2050</td><td rowspan="2">University Police Department Clery Compliance Officer<br>Krystal Czesnowski, kczesnowski@wtamu.edu<br>Old Sub Building 102, 806-651-2300<br>PO Box 60295, Canyon, TX 79016</td></tr>
<tr><td>Human Resource Office<br>Old Main 308<br>806-651-2114</td></tr>
</table>

# Campus Law Enforcement Policies

## Police Department Overview

West Texas A&M University (WTAMU) police officers are state certified Texas Peace Officers and provide police services to all WTAMU owned properties. The department has 20 authorized full-time commissioned police positions including the Chief of Police, Assistant Chief, Police Lieutenant, Sergeant, Police Officer, and Detective. The Police Communications division has six full-time police communications officers including the dispatch supervisor.

To promote a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year-round on the WTAMU campus. Officers are on duty in the Amarillo Center during the posted hours of operation. Police Officers and shift Sergeant's may rotate three times a year to different shifts. Patrol Officers answer calls for service, respond to alarms, and enforce state criminal and traffic laws. WTAMU operates under a "no tolerance" level of enforcement relating to fighting, illegal alcohol use, and illegal drug use on University property.

## Enforcement Authority, Arrest Authority and Jurisdiction

UPD is the primary police authority for WTAMU and the Amarillo Center. Our police officers are certified Texas Peace Officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have arrest authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education to enforce

local, state, and federal laws. UPD's primary patrol jurisdiction is the WTAMU campus, the Amarillo Center; university owned and controlled non-campus locations and public property contiguous to these locations. UPD is computer linked to city, state, and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to UPD are investigated and referred for prosecution through the Randall County District Attorney office. Criminal matters involving university students may also be referred to university administration for disciplinary action.

## Working Relationships and Agreements

UPD maintains an excellent working relationship and often trains with other local law enforcement agencies. UPD has Mutual Assistance Agreements with the City of Canyon Police Department, the City of Amarillo Police Department and the Randall County Sheriff's Department. The agreements facilitate cooperation in the investigation of criminal activity and enforcement of the laws of Texas and may 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.

Working relationships are maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators collaborating on specific cases.

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

## Monitoring Non-Campus Locations

When a WTAMU student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies, but does not actively record or monitor criminal activity. UPD does not provide law enforcement services to non-campus residences or meeting sites of recognized University organizations unless specifically requested by the organization or the law enforcement agency with jurisdiction. Non-campus properties are monitored, recorded, and investigated by the police agency with jurisdiction of the specific location.

Institutional sponsored travel by students or student organizations to locations outside of Randall and Potter County may result in the location meeting the criteria for Clery non-campus property. UPD does not monitor criminal activity at these non-campus locations. The local law enforcement agency with jurisdiction of the location responds when police services are requested.

## Professional Standards

The UPD is an Accredited Law Enforcement Agency from the Texas Police Chiefs Association Accreditation Program. The accreditation program evaluates police department's compliance with over 170 Best Business Practices for Texas law enforcement. The Police Department's relationship with the community, and ensuring that we provide excellent service, is vital to achieving our overall mission of safe and secure campus. All members of the WTAMU community can expect to be treated in a courteous and professional manner by members of our department.

# Reporting Crimes

## Incident Reporting and Response

Any WTAMU campus or Amarillo Center emergency should be reported immediately to UPD by dialing 911 from any on-campus phone or 806-651-2300; or 911 from a cellular phone. 911 calls from a cellular phone will ping the closest tower. Dialing 911 from your cell phone on or around the WTAMU campus, most likely will reach the Randall County Sheriff's Office. Dialing 911 on a cell from the Amarillo Center, most likely will reach the Amarillo Emergency Communications Center. Please advise the emergency dispatcher of your location either on the WTAMU Canyon campus or the downtown Amarillo Center location. You will be assisted or forwarded to the UPD dispatcher immediately.

UPD calls for service to the WTAMU campus are received in the communications center by a dispatcher where the information is entered into a Computer Aided Dispatch (CAD) system. The dispatcher will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A police officer will then be dispatched to the scene or to the location requested by the reporting party. The police officer may issue a case number for the call and complete an incident report. Copies of all incident reports are kept with the UPD Records for a time-period mandated by institutional and state records retention policies.

UPD will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call.

WTAMU encourages accurate and prompt reporting of all crimes to the appropriate police agency when the victim of a crime elects to or is unable to make such a report. We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. If you witness a crime or emergency, promptly report it to UPD and be prepared to answer questions as accurately as you can. If you are the victim of a crime, or you have seen or received information of criminal activity or other emergency, please contact UPD immediately at 806- 651-2300.

## Reporting Criminal offenses to University Officials – Campus Security Authorities

Faculty, staff, and students are encouraged to report any criminal offense at WTAMU, the Amarillo Center, or any non-campus properties to UPD for the purpose of making timely warning notices and the annual statistical disclosure. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, you may also report criminal offenses of which you are aware to the following WTAMU and Amarillo Center offices.

- University Police Department 806-651-2300

Non-Emergency:

- Executive Director of Civil Rights and Title IX 806-651-3199
- Assistant Vice President of Human Resources 806-651-3150
- Vice President for Student Affairs 806-651-2050
- Director of Harrington Academic Hall Amarillo Center 806-651-8200

All employees of WTAMU are trained through an annual training assignment, are designated as Campus Security Authorities (CSA) by the President of WTAMU, and are required to report violations of federal, state, and local laws and other emergencies. These violations as well as any public safety related incidents must be promptly reported to the UPD for investigation or disposition. Students and employees should report any criminal offense for the purpose of making timely warning notices 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. The Campus Security Authority guidelines and CSA Crime Report are available on-line to review and report Clery Crimes.
Campus Security Authority Guidelines
Campus Security Authority Crime Report - Non-emergency

Reporting responsibilities extend to all WTAMU campus employees and student employees designated as CSA's and are required to report crimes to UPD. Professional and pastoral counselors may encourage their clients to consider voluntarily and confidentially reporting crimes, when applicable, and to identify to the persons they are counseling of procedures the counselor must follow to report offenses confidentially for purposes of inclusion in the annual disclosure of crime statistics. These and all such reports are compiled and coordinated through UPD, Human Resources, and the Office of Civil Rights and Title IX. In addition, 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 and Anonymous Reporting

The UPD encourages anyone who is the victim or witness of any crime to promptly report the incident to the police department. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. Victims, witnesses and others can generally make voluntary anonymous reports for purposes of inclusion in the annual disclosure of crime statistics and crime log, to WTAMU employees that are designated as campus security authorities. Reports filed anonymously 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 full 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.

Persons who are designated by the institution as a person, with whom students may speak confidentially, are identified specifically as student counselors, while performing their duties as a student counselor for Student Counseling Services; pastoral counselors; and the physician(s) at Student Medical Services. These individuals are requested to provide information anonymously for the purpose of notifying campus of emergency situations and for accurate disclosure of crime statistics.

## Missing Student Policy

If a member of the WTAMU community has reason to believe that a student who resides on- campus is missing, he or she should notify the UPD at 806-651-2300 and the Office of Residential Living 806-651-3000 to initiate the Residence Life Missing Student Procedure. If any staff member in Residential Living is notified that a residential student may be missing, UPD will be contacted. 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. If a missing person contact is not listed, the student's emergency contact will be notified by UPD 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 and in addition, will notify any additional contact person designated by the student. 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 can confidentially identify an individual to be contacted in the event the student is determined to be missing for more than 24 hours. The Clery Compliance Officer will provide an email to the Assistant Director for Housing and Operations to be distributed through StarRez, (the electronic platform used by Residential Living Housing@wtamu.edu), to only on-campus residential students. This email will be distributed on or before the 12th class day of each fall and spring semester. The email provides instruction on how to add or update the Missing Student Contact with an explanation of why students living on-campus have this opportunity outside of designating an emergency contact, that this information will only be accessed by Residential Living or WTAMU staff members with emergency response job responsibilities, and the contact may not be disclosed outside of a missing person investigation.

### Missing Student Procedure

When a member of the WTAMU community has reason to believe that a student who resides on-campus is missing:

- Notify the University Police Department 806-651-2300 (24 hour number)
- Notify Residential Living 806-651-3000

UPD will begin an investigation to determine if a missing person report needs to be made. If the

student is confirmed to have been missing for 24 hours:

- UPD will contact within 24 hours; the student's designated Missing Person contact or their Emergency Contact if a Missing Person contact was not designated.
- If the student is under 18 years of age and is not emancipated, UPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours.
- UPD will inform the local law enforcement agency or agencies with jurisdiction in the location of the student's last known whereabouts, within 24 hours after determining the student is missing.

## Timely Warning Notice

The procedures disclosed in this section apply to incidents occurring at the WTAMU campus and the Harrington Academic Hall Amarillo Center that warrant a Timely Warning Notice.

The UPD Chief of Police or a designee will develop timely warning notices for the University community to notify students and employees in a timely manner about serious crimes against people that occur on campus or contiguous to campus, and when it is determined that the incident may pose a serious or continuing threat to members of the WTAMU community. The warning is provided to students and employees by network email in a manner that is timely, will withhold the names of victims as confidential, and will aid in the prevention of similar occurrences. Information may be provided to local news media and posted on UPD social media accounts. The 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. WTAMU is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. Timely warning notices are issued on a case-by-case basis pending information received by UPD. The Chief or designee will determine if the release of the timely warning would compromise law enforcement efforts and determine the appropriate time for release. A Timely Warning Notification will be recognizable with the Timely Warning graphic followed by Timely Warning Notification.

Circumstances in which a Timely Warning Notice will be generated include but are not limited to, the receipt of a report to UPD or other campus security authority of a crime reportable under the Clery Act that poses a serious or continuing threat to the campus community.

The department issues/posts timely warning notices 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 timely warning, 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 designee in his or her absence

A timely warning notice will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves and their property. Typically, they 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 suspects in a case will only be included in the notice if there is a sufficient amount of detail to describe the individual. If the only known descriptors are perceived gender and race, description will not be included in the warning.

The Clery Compliance Officer or designee will draft the proposed timely warning and forward it to the Chief of Police or designee. The University's Communication and Marketing or appropriate senior administrators may review if necessary. After review and revision, the Chief of Police or designee will transmit the Timely Warning Notice to the University community as a blast email. Transmission of the Timely Warning Notice may be completed by but not limited to Communication and Marketing, Information Technology or UPD. The Chief of Police or designee will notify the Vice President for Business and Finance (VPBF) and the President of the timely warning to be distributed. Updates to the WTAMU community about any particular case resulting in a timely warning also may be distributed electronically via blast email or posted on the University's web site.

Timely warning notices may also be posted in campus buildings, when deemed necessary. When a timely warning is posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance or high traffic area of the affected building(s) or residential facilities for seven (7) days.

The department does not issue timely warnings if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WTAMU community has been mitigated by the apprehension.
2. If a report is 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 7-14 days after the date of the alleged incident, which 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, Response, and Evacuation

The procedures disclosed in this section apply to emergency situations occurring on the campus of WTAMU or the Amarillo Center. The institution does not have separate procedures for emergencies occurring on non-campus property.

## Emergency Notification System

UPD will coordinate using the Emergency Notification Procedure to issue an immediate notification

when deemed necessary. It is the policy of WTAMU to immediately notify the campus community, via a Buff Alert through the SafeZone mobile app emergency notification system, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on either the WTAMU campus or the Amarillo Center teaching site. The 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. A Buff Alert – Emergency Notification email will be recognizable with the Buff Alert graphic followed by Emergency Notification.

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

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 o r n e ar a campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado warning within immediate proximity of campus, 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, a pandemic, 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 campus community.

The UPD supervisor on duty or most senior officer is responsible for immediately notifying the UPD Chief of Police or designee if it is determined a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to: law enforcement, fire department, National Weather Service, Environmental Health and Safety, and other campus officials of any situation that poses an immediate threat to the campus 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 necessary 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 professional judgment of responsible authorities, (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. A Buff Alert through SafeZone is issued to the West Texas A&M University campus community, including WTAMU students and employees at the Amarillo Center, or specific segments of the campus population.

In circumstances where time is of the essence, certain employees are authorized to make a final determination of a significant emergency or dangerous situation, compose an alert (or select and modify one of the warnings that are pre-scripted for that purpose), and send the Buff Alert via SafeZone. These employees include: UPD Chief of Police, UPD Assistant Chief of Police, Police Lieutenant(s), Police Sergeant(s) and as directed, UPD Dispatchers or Clery Compliance Officer as directed. An example of such an urgent message could include a Buff Alert or SafeZone message issued for a tornado in direct proximity of campus or for an active attacker.

Individuals designated to send Buff Alerts or SafeZone alerts include specific employees: UPD Chief of Police, UPD Assistant Chief of Police, Police Lieutenant(s), Police Sergeant(s), including UPD Dispatchers and Clery Compliance Officer. Victim names and other identifying information of victims are not included in emergency notifications. In the event of a system problem, a UPD employee will contact on-call WTAMU Information Technology individuals to issue an alert from a remote location.

WTAMU and UPD have various systems in place for communicating information quickly to the WTAMU community. Emergency notifications are issued using some or all of the following sources. The Chief of Police or designee will initiate the notification.

1. Network emails (Students, Faculty and Staff)
2. SafeZone mobile app (text message/push notification)
3. WT Desktop alerts
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 will be activated in the event of an immediate threat to the WTAMU campus community. Media releases are made to local and regional affiliates when necessary. Follow up information of the incident will be provided using the same methods as the original notification.

## Disseminating Information to the Larger Community (External Audiences)

In the event a long-term crisis occurs on WT property, the WT Office of Communication and Marketing will be notified as soon as possible. As chief spokesperson(s) for the campus, the University's Communication and Marketing staff are responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. Marketing will work with the UPD Public Information Officer to prepare and disseminate internal and external messages, distribute news releases, respond to media inquiries, update the main university website with pertinent information, and share timely information as appropriate via digital channels. WT's Office of Risk Management will serve in a liaison capacity when necessary. In addition, the University's Communication and Marketing will be responsible for planning, scheduling and managing news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, the West Texas A&M University main website will be updated with current information pertaining to the incident at https://www.wtamu.edu/.

**Buff Alert** is an opt-out (email) emergency alert system. When the Buff Alert system is activated, all active WTAMU network email accounts receive the Buff Alert email being distributed.

Buff Alert mobile app, **SafeZone**, is an opt-in emergency system. The app allows Students, Faculty and Staff to receive immediate texts, push notifications, as well as email when the Buff Alert system is activated. It is highly encouraged all Students, Faculty and Staff to download the mobile application on their device and register their cell phone numbers. WT network emails will be included; however, the download of the app is necessary to receive the full benefit of SafeZone. Download the app at www.safezoneapp.com and search WTAMU. SafeZone is limited to current Students, Faculty and Staff. Surrounding community members may follow University social and local media outlets for campus news. The campus can learn more about Buff Alert mobile app on the homepage of the WTAMU website or at: http://apps.wtamu.edu/buffalert.

## Emergency Operations Plan

WTAMU officials take the safety of the campus community very seriously and are continually evaluating the Emergency Operations Plan to ensure it is current and effective. The EOP www.wtamu.edu/risk under Emergency Information addresses both evacuation and shelter- in-place procedures. Emergency response procedures within the plan are tested and published annually. The tests may be announced or unannounced.

The University will document for each test, testing reports and review documentation to include a description of the exercise, the date, time, and whether the exercise was announced or unannounced. The University implemented mass notification systems on campus to assure campus members are informed of any emergencies. The mass notification systems are also utilized during regular drills which test the effectiveness of the EOP. The University is involved in emergency management planning on all levels; including city, county and state, to address possible responses to reasonably expected disasters. Mutual aid agreements and contracts are in place to hasten the University's recovery from any type of emergency. The Amarillo Center follows the same protocols as the main campus.

## Evacuation Procedures

Emergency response and evacuation procedures are to be publicized annually. Additionally, a test is simulated via email distribution to all WTAMU students and employees on campus and at the Amarillo Center. The email will communicate information regarding the WTAMU Emergency Operations Plan and emergency contacts. A Buff Alert and/or SafeZone alert test distribution may also be used to publicize this information to West Texas A&M University students and employees.

WTAMU personnel are likely to be the first on the scene of an emergency within the university. They will normally take charge and remain in charge of the incident until it is resolved or until other responders, who are more qualified, assume command. They will seek guidance and direction from local officials and seek technical assistance from state and federal agencies, or industry partners, when appropriate.

UPD is responsible for activating the WTAMU EOP and the initial response. Evacuation or in- place sheltering is typically limited to the immediate area of the incident.

- Evacuation – Requires all faculty, staff and students to leave the building. Evacuation can be highly effective if it can be completed before the arrival of the hazard.

- Reverse Evacuation – Requires all faculty, staff, and students to go to safe places in the building from outside the building.
- Lock Down – All exterior doors and classroom doors with interior doors locks are locked and everyone stays in their classrooms.
- Shelter-in-place – Faculty, staff and students are held in the building; windows and doors are sealed and all ventilation systems are shut off. Limited movement is allowed. Shelter-in-place is most effective during emergencies involving hazardous materials, which produce toxic vapors outside of the facility. Taking shelter inside a sealed building is highly effective in keeping everyone safe.
- Avoid, Deny, Defend – Faculty, staff and students drop low, take cover under furniture, cover eyes and protect internal organs.

## The Daily Crime and Fire Log

Each business day the UPD Clery Compliance Officer or other trained UPD staff publishes a Daily Crime and Fire Log that is available for public review. This summary identifies the date the crime/fire was reported, the nature of the crime, the general location, the date and time occurred and the disposition. You may view the Daily Crime and Fire Log during regular business hours 8-5, Monday – Friday with the exception of University holidays in the UPD office, Old Sub 102 or via the UPD webpage at www.wtamu.edu/police at the Daily Crime and Fire Log link. Crime Logs may also be viewed at the Amarillo Center UPD office #192 during the posted hours of operation for that building.

## Security of and Access to Campus Facilities

### General Provisions

The WTAMU campus is a public and open campus. No effort is made to restrain the public from entering the campus; however, UPD reserves the right to bar individuals who are considered a threat to the well-being of the University community. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (Texas Education Code Section 51.209)

UPD provides 24-hour patrol of campus property and facilities (including residence halls). The Assistant Vice President for Risk and Compliance designates building coordinators for each University building. The designated building coordinator will establish access hours and maintain access to respective buildings. The Amarillo Center has no residential facilities and the Director of the Amarillo Center is considered the building coordinator.

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

### Academic and Administrative Buildings

The campus of WTAMU is located within the City of Canyon, and the public areas are therefore readily accessible. In general, the academic and administrative buildings are open to the public at a minimum,

during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings or portions of buildings may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access.

The Amarillo Center is an academic and administrative building. The building has set hours. Please visit the WTAMU Amarillo Center website www.wtamu.edu/amarillocenter for specific hours. (Saturday hours may be paused during the summer months unless a specific event is planned.) Access is not limited during the open hours although may be restricted to individuals that have no official business needs in the building. The building may be scheduled for specific events outside of these hours. If the event is approved, UPD police staff will be onsite.

## Parking Areas

Approximately 36 parking zones are in and around the WTAMU campus. Parking is by permit only. All vehicles parking on campus (including the Harrington Academic Hall in Amarillo) must have a guest permit or a valid WTAMU parking permit to park in any parking lot, except the First United Bank Center.

A person having a valid WTAMU permit, is entitled to 21 days of free temporary parking permits, per semester. Temporary permits are available at Parking Services in the Old Student Union Building or the Information Desk in the JBK. Temporary parking permits are also available after regular business hours at UPD Dispatch. They are open 24/7/365 in the Old Student Union Building.

Violators of parking rules and regulations may be cited, booted, towed or a combination of all three. The rules can be viewed online at:

https://www.wtamu.edu/_files/docs/university-police/parking-services/WT-Parking-Rules-and-Regulations-2025-2026.pdf

The Amarillo Center has two main parking areas at the S. Tyler Street location. Client, staff and faculty parking is located immediately west of the building. Student/overflow parking is located at the corner of SW 8th Avenue and S. Harrison Street.

Parking permits will not be enforced during the summer months or between long semesters. Signed spaces and all other parking rules and regulations still apply.

## Residence Halls

The Amarillo Center has no residential facilities.

## Maintenance of Campus Facilities

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the WTAMU and Amarillo Center campuses. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. 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.

# Alcoholic Beverages, Illegal Drugs, and Weapons

## Education Programs

In accordance with the Drug-Free Schools and Communities Act, WTAMU reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at Biennial Review of Alcohol and Other Drug (AOD) Program. WT's Drug and Alcohol Abuse Prevention Program (DAAPP) is published annually and provided to all current students and staff. The DAAPP is made available online here. Consumer Information is made available at Consumer Information.

## Alcohol Policy

All members of the university community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. (System Policy 34.02, Drug and Alcohol Abuse and System Policy 34.03, Alcoholic Beverages TAMUS policy/regulation). Underage drinking is strictly prohibited on the WTAMU campus, the Amarillo Center, and at off-campus WTAMU-sponsored events. In addition to these laws, the University prohibits possession, use, and distribution of alcoholic beverages on campus or in university public buildings and public areas unless otherwise authorized and designated for alcohol use at special events. Also prohibited is making alcohol available to a minor and possession of alcoholic containers.

## Illegal Drug Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. Also prohibited under Texas state law is the possession of drug paraphernalia. Drug paraphernalia includes all equipment, products and material used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to System Policy 34.02, Drugs and Alcohol Abuse, TAMUS policy/regulation all students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. Alleged violations of these laws on university property or property under control of WTAMU or at any event sponsored by the University or any University student organization, whether conducted on or off University property, including student travel on behalf of the University, is prohibited and may result in criminal charges and be adjudicated through university conduct procedures.

## Substance Abuse and Education

WTAMU 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 Drug and Alcohol Abuse) and regulation (34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs) TAMUS policy/regulation regarding drug and alcohol abuse upon hire and annually thereafter.

Students may review the Campus Security and Fire Safety Report and Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is made available through the WTAMU Student Handbook website, and the Student

Athlete Handbook. Students seeking 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.

The Work/Life Solutions program by Guidance Resources will provide resources related to confidential emotional support, work-life solutions, legal guidance, financial, alcohol and substance abuse, and online support such as podcasts, videos and "ask the expert."
(866-301-9623 or TTY 800-697-0353) online: www.guidanceresources.com.

## Resources related to AOD

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|---|---|
| **National Institute of Drug Abuse** www.drugabuse.gov | |
| **National Institute on Alcohol Abuse and Alcoholism** www.niaaa.nih.gov | |
| **Life Challenge of Amarillo**<br>6500 Hope Road<br>Amarillo, Texas 79124<br>(806) 352-0385 (by appointment) | **Downtown Women's Center Haven House**<br>1308 South Buchanan<br>Amarillo, Texas 79101<br>(806) 374-5654 or<br>24/7 treatment help 844-201-5157 |
| **Northwest Texas Healthcare System Behavioral**<br>7201 Evans Drive<br>Amarillo, Texas 79106<br>(800) 537-2585 or 806-354-1810 | **Northwest Texas Healthcare System**<br>1501 South Coulter<br>Amarillo, Texas 79106<br>806-354-1000 |
| **Amarillo Council on Alcoholism and Drug Abuse**<br>803 South Rusk<br>Amarillo, Texas 79106<br>(806) 374-6688 or 800-566-6688 | **TELUS App**<br>Student Support app available for download.<br>Call. Chat. Anytime. Anywhere.<br>https://studentsupport.telushealth.com/ca/home |

## Weapons Policy

In accordance with Texas Penal Code Ch. 46.03, it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by the school or educational institution in being conducted, or a passenger transportation vehicles under the direct control of the educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of WTAMU (all land and buildings owned or leased by WTAMU) or in a university vehicle unless prohibited by state law, federal law, or University Rule 34.06.02.W1 Carrying Concealed Handguns on Campus www.wtamu.edu/rules. Prohibited areas include but are not limited to campus daycares; collegiate and interscholastic sporting events; swimming pool area of the Virgil Henson Activities Center; the Panhandle Plains Historical Museum; and locations with official signage pursuant to Section 30.06, Texas Penal Code. Any resident of the WTAMU campus housing who is a handgun license holder and wants to store a handgun in his/her room must store it in a safe that is rented from and installed by the Department of Residential Living.

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

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance (https://policies.tamus.edu/08-01-01.pdf), WTAMU Rule 08.01.01.W1 Civil Rights Compliance (www.wtamu.edu/rules) prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment[1] and sex- based misconduct[2]), complicity, and retaliation[3]. The policies apply whether this conduct occurs on or off campus and when notice of potential misconduct is received by the university.

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

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

| **Agency** | **Phone** |
|---|---|
| University Police Department | 806-651-2300 |

[1] Sexual harassment is a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise):(1) by an employee of the university who conditions the provision of an aid, benefit, or service of the university on an individual's participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking based on sex. For the purposes of defining sexual harassment specified in (2): severe means of sufficient seriousness to interfere with the rights, privileges, and legal activities of an individual, as well as actions that would be deemed by a reasonable person to be extreme or life-threatening; pervasive means conduct existing in or spreading over a large area of an activity or program over a period of time; and objectively offensive means behavior determined by a reasonable person to be offensive (actions that cause unreasonable harm or distress to another individual or group of people). Includes complaints based on sex, sexual orientation, and/or gender identity.

[2] Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) 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, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Includes complaints based on sex, sexual orientation, and/or gender identity.

[3] Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01 Section 2.1. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

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|---|---|
| Canyon Police Department | 806-655-5005 |
| Amarillo Police Department | 806-378-3038 |
| Randall County Sheriff's Office | 806-468-5800 |
| Potter County Sheriff's Office | 806-335-4116 |
| Emergency | 911 |

UPD and the Office of Civil Rights & Title IX are available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection; conduct criminal and institutional investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Randall County District Attorney's Office. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

WTAMU employees and students are responsible for ensuring their work, and educational environments are free from discrimination. Employees are mandatory reporters who must promptly report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment[4]. Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

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

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

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

[4] Exceptions include confidential employees described in the "Confidential and Anonymous Reporting" section of this report.

enforcement agency.

Reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy including discrimination of other protected classes on the WTAMU Canyon campus or the Amarillo Center location should be made to:

Executive Director, Office of Civil Rights and Title IX
Nancy Hampton
2620 Russell Long Blvd, VHAC 262, 806-651-3199
nhampton@wtamu.edu or TitleIX@wtamu.edu
Online reporting: https://cm.maxient.com/reportingform.php?WestTexasAMUniv&layout_id=0

The WTAMU President shall designate the Executive Director of Civil Rights and Title IX as the Title IX Coordinator. The Executive Director shall 1) ensure that all allegations of discrimination are promptly, thoroughly, and equitably investigated and resolved; 2) periodically follow up on situations in which discrimination is found to ensure that the situation does not recur; 3) develop, conduct, coordinate, and oversee campus civil rights compliance training; and 4) provide periodic updates to managers and the campus community regarding the civil rights compliance programs in accordance with Texas A&M University System Regulations and West Texas A&M University Rules.

The Investigative Authority shall review each reported allegation, interview witnesses (if applicable), review relevant documentation, investigate fully, and prepare a draft report on the merits of the allegations for review by The Texas A&M University System Office of General Counsel (OGC) and The Texas A&M University System Ethics & Compliance Office (SECO) in accordance with system policy. If determined not to be a Civil Rights discrimination complaint, the allegation will be submitted for processing to Human Resources for employee and third-party respondents and the Office of Community Standards for student respondents.

The Civil Rights and Title IX (CRTIX) Office is designated by the university to receive, investigate, and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity.

However, reports that the following individuals have engaged in conduct prohibited by this policy: the Texas A&M University System Chancellor; the Texas A&M President; a Chief Operating Officer; an employee who reports directly to the Chancellor, President, or Chief Operating Officer; the Title IX Coordinator or a Deputy Title IX Coordinator; the Chief Risk, Ethics, and Compliance Officer; or the Hearing Officer should be made to:

Texas A&M System Ethics and Compliance Office (SECO)
301 Tarrow, 6th Floor
College Station, TX 77843
979-458-6120
civilrightsreporting@tamus.edu

Additional options for reporting to the university include:

- Submitting an anonymous report through
https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html

- Submitting an electronic report through https://apps.wtamu.edu/complaint/

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

The CRTIX office has procedures in place to inform individuals of their rights to file criminal charges and the availability of services on and off campus. A complainant[5] may request assistance from and/or will be assisted by CRTIX in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

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

The Executive Director of CRTIX conducts an initial review and preliminary assessment of all reports/complaints that are received by CRTIX to assess and address the safety and well-being of the complainant, respondent[6], and the community. As part of the initial review, CRTIX will take the following steps: 1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with CRTIX, 2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, 3) inform the individual of the right to decline to contact law enforcement, and 4) inform the individual of the right to file a complaint with state and federal agencies. CRTIX will offer the opportunity to request supportive measures to provide for the safety of the individual and campus community.

[5] The individual(s) who is alleged to have been subjected to discrimination.
[6] An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

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

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

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

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

- Go to a safe place as soon as you can.
- Contact the police at 911 or UPD at 806-651-2300.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Northwest Texas Hospital 1501 S. Coulter Street, Amarillo 806-354-1000 is the community's designated forensic nursing facility offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. Go to the hospital's emergency room and request to be seen by a SANE. A forensic examination can also be performed for victims of domestic violence.
- Try to preserve all physical evidence. Do not bathe, douche, smoke, use the toilet, swim, brush teeth, change clothing or clean the location where incident occurred if you can avoid it. If you do change clothes, save all clothing, sheets, or towels in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages,

communications, pictures, or other documents, if any, that would be useful to police or investigators.

Personnel are available to help explain options, give information, and provide emotional support. Personnel include: Civil Rights and Title IX 806-651-3199, Student Counseling Service 806-651-2340, Student Medical Services 806-651-3287, UPD Victim Services 806-651-2307, Work/Life Solutions Program by Guidance Resources 1-866-301-9623, and the Amarillo Rape Crisis/Domestic Violence Hotline 806-374-5433.

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

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

## Confidentiality/Privacy

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

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations and must report de-identified statistics to the Executive Director of CRTIX for any type of sex-based incident made known to them and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information[7]. Incidents are shared in a way that does not identify the individuals. However, for the

[7] Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, email, or internet protocol address, or

purposes of reporting and maintaining public safety, the individuals to whom disclosures occur may share information about an incident in a way that does not identify the individuals concerned. Researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law. For students, Student Counseling Services (806-651-2340) is available and for employees, the Work/Life Solutions program by Guidance Resources (866-301-9623 or TTY 800-697-0353) are confidential, licensed mental health counseling services available for emotional support. Currently enrolled students can access Student Medical Services at (806-651-3287). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report. (see footnote for private[8])

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

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

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

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response (persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services). The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered by the official contact in the context of the university's obligation to act upon the complaint and the right of the charged party to be informed about the charges against him/her. The official contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part

telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

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

of the university may be limited. Individuals 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.

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

## Resources, Rights, and Options

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when the Executive Director of CRTIX or other designees receive notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures. Other designees include personnel who are likely to receive reports of prohibited conduct in the office of Student Affairs; the office of Human Resources, and UPD. Available assistance is also shared through prevention and awareness education. Additional information about any of the resources, rights, and options discussed in this section can be requested from the Executive Director of CRTIX.

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

### On Campus Resources

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|---|---|---|
| University Police Department | Main Campus - Old Sub 102<br>Amarillo Center – Room 192 | 806-651-2300 |
| UPD Victim Assistance | Old Sub 106 | 806-651-2307 |
| Student Counseling | Virgil Henson Activities Center, Suite 242 | 806-651-2340 |
| Student Conduct (Office of Community Standards) | JBK 102 | 806-651-2389 |
| Student Medical Services | Virgil Henson Activities Center | 806-651-3287 |
| Human Resources | Old Main 308 | 806-651-2114 |
| The Work/Life Solutions Program by Guidance Resources | www.wtamu.edu/HR | 1-866-301-9623 |
| UPD Escort Service | Old Sub 102 | 806-651-2300 |

| | | |
|---|---|---|
| International Student Office | Old Main 124 | 806-651-2020 |
| Office of Civil Rights and Title IX | Virgil Henson Activities Center, Suite 262 | 806-651-3199 |
| Scholarships Services | https://www.wtamu.edu/student-support/scholarships/index.html | 806-651-3330 |
| Student Financial Aid | https://www.wtamu.edu/student-support/financial-aid/index.html | 806-651-2055 |
| Military and Veteran Services | Classroom Center 133 | 806 651-4930 |

## Off Campus Resources

| | | |
|---|---|---|
| Canyon Police Department | 301 16th Street #3, Canyon | 806-655-5000 |
| Randall County Sheriff's Department | 9100 S. Georgia Street, Amarillo | 806-468-5800 |
| Amarillo Police Department | 200 SE 3rd Avenue, Amarillo | 806-378-3038 |
| Potter County Sheriff's Office | 13103 NE 29th Avenue, Amarillo | 806-379-2900 |
| Northwest Texas Hospital | 1501 S. Coulter St., Amarillo | 806-354-1000 |
| BSA Health System | 1600 Wallace Blvd. Amarillo | 806-212-2000 |
| Domestic Violence/Sexual Assault Hotline | Bilingual 806-374-5433 | 844-363-3452 |
| Family Support Services | www.fss-ama.org | 806-342-2500 |
| National Suicide Prevention Lifeline | | 800-273-8255 |
| Suicide Crisis Local Hotline | 1501 S. Polk Amarillo | 806-359-6699 |
| National Mental Health Helpline | | 855-995-9489 |
| Legal Aid of Northwest Texas | 203 W. 8th Street, Suite 600 Amarillo | 806-373-4309 |
| Sexual Assault Legal Services & Assistance | http://www.tlsc.org/ | 1-888-343-4414 |
| Texas Association Against Sexual Assault | TAASA http://taasa.org/ | 512-474-7190 |
| Stalking Resource Center | Victimsofcrime.org/stalking-resource-center | |
| National Center for Victims of Crime | Victimsofcrime.org | 202-467-8700 |

## Other Resources (available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking

<table>
<tr><td colspan="2">Rape, Abuse & Incest National Hotline 1-800-656-HOPE (4673) http://www.rainn.org</td></tr>
<tr><td colspan="2">Department of Education, Office of Civil Rights http://www2.ed.gov/about/offices/list/ocr/index.html</td></tr>
<tr><td rowspan="2">Northwest Texas Healthcare System<br>(SANE exam available, 24 hours service)<br>1501 South Coulter, Amarillo, Texas 79106<br>(806) 354-1000</td><td>Family Medicine Center of Canyon<br>911 23rd Street<br>Canyon, Texas 79015<br>(806) 655-2104</td></tr>
<tr><td>BSA Health System<br>(24 hours service)<br>1600 Wallace Boulevard<br>Amarillo, Texas 79106<br>(806) 212-2000</td></tr>
</table>

## Institutional Rights and Options (Supportive Measures)

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

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

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

CRTIX can assist with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, CRTIX considers the request; the safety of the complainant, respondent, and the university

community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate.

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

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

*Mutual No Contact Restriction:* A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the CRTIX at 806-651-3199. CRTIX may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in CRTIX's tracking system.

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

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

*Emergency Removal:* At any point in the process, a respondent may be subject to removal from the campus activity on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with the WTAMU behavioral intervention team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the

decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within 5 business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. This does not preclude suspending with pay, reassigning, and/or placing an employee in another type of temporary status pending completion of the investigation and final resolution of the allegations. These actions are not considered a disciplinary action.

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

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

## Legal Rights and Options

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

WTAMU 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 CRTIX. 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[9] Order

| Type | Who can File | Length | Requirements |
|---|---|---|---|
| Magistrate's Order for Emergency Protection | victim of family violence, sexual assault or stalking | 31-61 days; with deadly weapon 61-91 days | Offender must be arrested |
| Temporary Ex Parte | 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 |
| Family Violence Protective Order | 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 |
| Sexual Assault Protective Order | 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 |
| Stalking Protective Order 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 |
| Stalking Protective Order 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 |

## Criminal Trespass Warning

A criminal trespass warning is a supportive measure issued by UPD, which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property that can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 806-651-2300 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass

[9] Protective orders are criminally enforceable by arrest without warrant if a police officer has reasonable grounds to believe the order was violated. In Texas, restraining orders are enforced by civil penalties only.

warning is violated, UPD should be contacted immediately at 806-651-2300 24/7. A violation of the criminal trespass warning occurs when the individual is issued a warning, but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

*Other Legal Options:* The UPD employs a victim assistance coordinator who works directly with innocent parties of crime. The UPD's Victim Assistance Coordinator is available at 806-651-2300 or 806-651-2307 to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. For additional information, you may also visit the Office of the Texas Attorney General's website at https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation.

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

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are promptly, thoroughly, and equitably investigated and resolved. They are consistent with the institution's policies and equitable to the complainant and respondent. The investigation provides that:

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor, the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, their status in the civil rights process is determined by the context of the allegations; these individuals are subject to civil rights processes, as well as student conduct and employment standards set by the institution. The Executive Director of CRTIX will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. Consideration will be given to the known facts and circumstances, including which role predominates in the context of the prohibited conduct.
- The university's disclosure of information related to an investigation, the Hearing Panel or Designated Administrator's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

Individuals conducting investigations and other decision makers, at a minimum, receive annual training on the issues related to sexual assault, dating violence, domestic violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. All of those involved in the administration of civil rights complaints at the university

(including but not limited to: reporting, administering, investigating, adjudicating, advising, and informal resolution) complete annual training specific to their roles in accordance with requirements established in System Regulation 08.01.01, Appendix B, Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Informal Resolution in The Texas A&M University System. Minimum training requirements include university rules and procedure, applicable federal and state laws, how to conduct comprehensive civil rights investigations and prepare reports, trauma-informed investigation techniques and considerations, due process protections, how to value and weigh evidence and assess credibility, sanctioning, appellate processes, etc.

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

Complaints are initially reviewed by CRTIX, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.W1 and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment, CRTIX will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal or informal resolution of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint[10] that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

*No Resolution*

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

- All of the known circumstances, including any corroborating evidence;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the

[10] a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the member investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint.

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

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

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

*Informal Resolution*

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

At any time prior to the determination of a final decision, the parties may seek informal resolution to resolve the complaint. The following conditions apply to informal resolution:
- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with SECO, must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: a) written notice of the allegations; b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fail to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.

- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

*Formal Resolution*

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

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

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

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.W1; or, that an investigation will not occur due to the complainant's request for no resolution, CRTIX may, after consultation with OGC:

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

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

Once it has been determined that the university will proceed with a formal investigation, CRTIX will appoint the Investigative Authority (IA)[11] within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy

[11] The IA is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the investigative authority will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of witnesses and evidence.

occurred.

The Executive Director of CRTIX (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available; and
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.
- the appointed IA; the appointed Designated Administrator (DA)[12] and Appellate Authority (AA)[13];

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

If the respondent is an employee, the Executive Director of CRTIX (or designee) shall notify, in writing, the respondent's supervisor that CRTIX is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.W1 or other university rules, SAP, codes, or policies.

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

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

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[12] The DA is the decision-making entity specified in member rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the designated administrator is to determine whether or not allegations of misconduct rise to the level of a violation of this regulation based on the evidence provided and utilizing the preponderance of the evidence standard. The designated administrator cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a designated administrator in any case involving an allegation of discrimination or harassment based on sex. Designated administrators may consist of a single decision-maker (hearing officer for formal hearings) or a group of decision makers (hearing panel for formal hearings). When a hearing panel is utilized by a member, it must be chaired by a voting member and consist of an odd number of total voting members.

[13] The AA is an individual or panel responsible for rendering appeal decisions as specified in member rules. The role of the appellate authority is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an appellate authority in any case involving an allegation of discrimination or harassment based on sex.

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

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

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

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor[14] of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. A party may select any person to be an advisor, including legal counsel.

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

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross-examination. If a party does not have an advisor for a hearing involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. To the extent reasonably possible, the university will provide a party without an advisor with a list of trained advisors and allow the party to select an advisor to be appointed from the list.

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

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

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC and SECO for review. The initial draft investigation report[15] includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions:

- statement of the allegation(s)
- listing of individuals interviewed including dates of the interviews
- all inculpatory evidence (evidence that would tend to support a finding that a respondent is responsible for the alleged misconduct) that is directly related to the allegations

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

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

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

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

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: 1) written comment or feedback; 2) additional evidence or information; 3) the names of additional witnesses or a request for the collection of other information by the IA; and/or 4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

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

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the final draft investigation report. The IA will have 10 business days to complete this process.

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

sanctions.

Circumstances may warrant extensions to the time frames in this section. The IA should send an extension request, if needed, to CRTIX. Both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the Hearing Panel/DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If violation(s) are found, the Hearing Panel/DA may issue sanctions.

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

Trained university personnel will be appointed to be the Hearing Panel Chair and Hearing Panel. The Hearing Panel will render decisions in cases with allegations against employees, third parties, and students[16].

The Hearing Panel will review the unredacted final investigation report, the documentary evidence, the record of the hearing (if applicable), and any other relevant information. The Hearing Panel Chair or designee will provide the final investigative report and exhibits to the parties. The parties will also be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution. The parties have at least 10 business days to review the final investigative report and to respond in writing to the Hearing Panel Chair or designee (if desired) prior to the hearing. The Hearing Panel Chair has the sole discretion to determine the relevance of evidence and whether it should be heard at a hearing. The Rules of Evidence do not apply in hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

Unless waived by the parties, following the pre-hearing conference the parties will be given a minimum of 5 business days' notice of any formal hearing. The notice must include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means. The Hearing Panel Chair along with the Hearing Panel will conduct a live hearing[17] to allow the parties to question witnesses, submit evidence or information, and to allow the Hearing Panel and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

[16] Exceptions: The chancellor or designee will serve as the DA in complaints against the West Texas A&M President or an employee who reports directly to the West Texas A&M President; a Chief Operating Officer or an employee who reports directly to the Chief Operating Officer. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

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

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

The Hearing Panel Chair will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The Hearing Panel Chair cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Following the hearing, the Hearing Panel Chair will develop a draft result (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If applicable, the Hearing Panel Chair will also include a decision as to whether the respondent violated any other university regulation, code, policy, or rule. If the Hearing Panel Chair determines that any regulations, policies, rules, SAP, or codes have been violated, the Hearing Panel Chair will consider any information about impact, mitigation, aggravation, and the respondent's character and include a decision about sanctions. The Hearing Panel Chair will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the Hearing Panel Chair.

Thereafter, the Hearing Panel Chair will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision[18] letter must include the rationale for the decision and the sanctions. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include 1) identification of the allegations; 2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; 3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; 4) conclusion regarding the application of the

[18] The decision of the DA will include how the university weighed the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

university's conduct standards to the facts; 5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; 6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or polices were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the Hearing Panel Chair does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

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

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

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. CRTIX or designee provides written notice of the delay and the reason for the delay to the complainant and the respondent.

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

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

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

The DA will develop a draft decision, based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each

allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If it was alleged that any other system regulations or university rules, SAP, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

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

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

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

## Sanctioning Considerations

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

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

## Sanctioning for Employees

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.W1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and

termination.

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

In the case of a complaint against a staff employee, WTAMU will use the judicial process described in the A&M System Regulation #32.01.02.W1.99, Complaint and Appeal Process for Nonfaculty Employees.

In the case of a complaint against a faculty employee, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the Faculty Handbook refers these types of complaints to seek remedy through normal administrative review channels or WTAMU Procedure 08.01.01 W1.1 Civil Rights Complaint Procedure as appropriate.

## Sanctioning for Students

For student conduct rule violations, including sexual assault, dating violence, domestic violence, and stalking, WTAMU will use the Student Handbook to determine annotations to be included on the student's transcript, as well as the student's eligibility to represent WTAMU in extracurricular activities, both on and off campus. The initial determination of eligibility for participation in extracurricular activities must exclude any administrator who has an inherent conflict of interest in the student's participation in that activity (e.g., the coach of a student-athlete, the advisor to a student club or organization). Civil Rights discrimination complaint sanctions must be handled in accordance with WTAMU's minimum sanction guidelines, which are found in the Student Handbook website.

Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. 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 WTAMU student rules.
- Social Probation (for organizations): A period of time during which a student group or organization will not be allowed to have, host, or attend social gatherings as an entity of their organization.
- Conduct Review: An official warning given when a student is under review for a specific timeframe because the student's conduct is in violation of West Texas A&M University Student Handbook, but not sufficiently serious to warrant expulsion. This sanction may require regular meetings with an appropriate official to ascertain and evaluate the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the University. If there is a finding of responsibility for subsequent violations of the Student Handbook during this period of time, more severe sanctions may be administered.
- Disciplinary Probation: An official warning when a student is deemed "not in good standing" with the University for a specific period of time due to the student's conduct that is in violation of the WTAMU Student Handbook, but not sufficiently serious to warrant expulsion or suspension. If there is a finding of Responsibility for subsequent violations of the Student Handbook during this period of time, more severe sanctions may be administered.
- Disciplinary Suspension: Suspensions may be implemented by immediate or deferred

implementation of suspension. A student who has been issued a suspension sanction is deemed "not in good standing" with the University. At the end of the suspension period, the student is eligible for reenrollment. The student is not guaranteed readmission at the end of the suspension but is guaranteed a review of the case and a decision regarding eligibility for readmission. The suspension takes effect pending exhaustion of the disciplinary process.

    - Deferred Suspension: The sanction of suspension may be placed in deferred status, and if the student is found in violation of any University rule during this time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be applied. Actual admission to the University will be determined by the academic rules in place at the time of application for reenrollment.
    - Immediate Suspension: Separation of the student from the University for a definitive period of time.
- Disciplinary Expulsion: Separation of the student from the University whereby the student is not eligible for readmission to West Texas A&M University.

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

A request for appeal of the finding or sanction must be submitted in writing, within 5 business days of receipt of the finding or sanction, to the Executive Director of CRTIX.

The AA will be assigned by the Executive Director of CRTIX to review the appeal request and begin the appeal screening process. With respect to allegations of sex discrimination, including sexual harassment and sex-based misconduct, the DA's decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), but only on the following bases, as applicable:

- a procedural irregularity that affected the outcome;
- new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the appropriate appeals form;
- the Executive Director of CRTIX, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome;
- the appropriateness or severity of the sanctions.

The AA will consider the request based on its merit for appeals. If the appeal request does not meet the threshold for granting an appeal, all parties will be notified of this decision, and the decision will be final. If the request is approved, the appeal will move forward through the appellate process.

An AA must meet the mandatory training requirements under the Clery Act, including annual training in the areas of sexual assault, sexual misconduct, domestic/dating violence, and stalking. Additionally, an AA must have successfully completed university Civil Rights Hearing Process Orientation and A&M System-approved biennial certification.

In order to avoid the appearance of a conflict of interest, appeals must be directed to an AA who had no previous involvement and/or participation in the investigation and/or decision. The appellate

authority decision with regard to the appeal will be final.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full rehearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within 5 business days of notification of the decision. The appeals process carries a presumption that the original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.

WTAMU shall notify the other party in writing when an appeal is filed and implement appeal procedures equitably for both parties. Parties will be given 3 business days to review the appeal and submit any written response in support of, or challenging, the outcome to the appellate authority.

If the respondent is an employee or third party, the AA will provide a draft decision to OGC for review within 5 business days after receiving the appeal(s). OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. The AA will then have 5 additional business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the IA simultaneously to the extent possible. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed. Circumstances may warrant extensions to the timeframes in this section. The AA should send extension requests, if needed, to the office or individual(s) who appointed them. Both the complainant(s) and the respondent(s) must be notified of any extensions in writing.

For student cases, the AA has 10 business days to reach the decision and provide it to the complainant(s), the respondent(s), and the IA simultaneously to the extent possible. AA are exempt from obtaining OGC review of the decision prior to issuance but may request assistance from OGC and SECO when needed.

The appellate authority may reach one of the following outcomes:
- affirm the original finding and sanction;
- affirm the finding and modify the sanction; or
- remand the case to a new hearing or review.

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

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

Employees appealing sanctions issued pursuant to this regulation will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation

may appeal the sanction in accordance with the Student Handbook for student grievances.

## Extensions

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

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to the Executive Director of CRTIX for review and approval by the CRTIX or designee. CRTIX will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

*Dismissals under Title IX*

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process[19] under federal law. However, at the discretion of the CRTIX, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct, which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

*Mandatory Dismissals*

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

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

action under

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

*Discretionary Dismissals*

WTAMU may also dismiss a formal complaint if the complainant:

- Notifies the Executive Director of CRTIX or designee in writing that the complaint wishes to withdraw it,
- if the respondent is no longer enrolled or employed by WTAMU, or
- if specific circumstances prevent WTAMU from collecting sufficient evidence to reach a determination.

Such dismissal does not preclude action under another provision of the WTAMU conduct standards, nor does it preclude WTAMU proceedings with a civil rights process as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes.

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

## Education Programs

WTAMU offers educational workshops and programs on topics including anxiety and depression; the "Active Minds" student organization is used as a peer-to-peer program to support emotional health; smoking cessation; steroid abuse; drugs, alcohol and tobacco awareness; distracted driving prevention; healthy relationships; internet safety; nutrition; sexual responsibility; stress management; time management; and healthy body image. UPD officers and staff provide, upon request, several programs per semester related to personal safety including but not limited to crime prevention, sexual assault awareness and prevention, dating violence/domestic violence/stalking, alcohol and other drug awareness, human trafficking awareness, hazing awareness and prevention, and Civilian Response to Active Shooter Events (CRASE). There are several other prevention and awareness programs available and UPD also partners with other service providers to bring additional resources to our campus community. 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. Each year and at the transition of new student organization leadership, the Office of Student Engagement and Leadership provides student organization risk management training on the policies and guidelines, educating students on safety procedures. Employees are notified at New Staff Orientation and New Faculty Orientation about services and programs available to them on safety procedures and to encourage employees to take added responsibility in their own personal safety and the safety of others.

In 2022-2023 and 2023-2024, programs were hosted for campus partners at UPD and Health and Wellness Promotions. These efforts ranged on many topics.

The University provides programs throughout the year geared toward the prevention of dating

violence, domestic violence, sexual assault and stalking as defined in this publication by the Violence Against Women's Act (VAWA). Programs are sponsored by several different departments such as (UPD; Student Affairs; Office of Student Engagement and Leadership; Residential Living; Title IX; etc.)

UPD typically offers a variety of crime prevention & awareness programs and services to WTAMU students and employees. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Situational Awareness & Basic Self-Defense Tips/Demo – scheduled upon request
- Crime Prevention (includes Operation LOCKOUT Theft) – scheduled upon request
- UPD Self-Defense Program – offered during fall move in week and regularly during fall and spring semesters
- Alcohol Awareness – scheduled upon request
- Drug Awareness – scheduled upon request
- Sexual Assault Awareness & Prevention – scheduled upon request
- Domestic/Dating Violence Awareness & Prevention -scheduled upon request
- Active Attacker Preparedness– scheduled upon request
- Hazing Awareness & Prevention – scheduled upon request
- Trafficking Awareness- scheduled upon request
- UPD Intro – scheduled upon request
- Start By Believing - scheduled upon request
- Stop the Bleed - scheduled upon request
- Basic Auto Care - scheduled upon request
- Distracted Driving – scheduled upon request
- Digital Internet Safety - scheduled upon request

Specific topics of programs, handouts, tables and social media related were provided in 2024:

- Welcome Week – Start Strong
- Hazing Prevention Month
- Sexual Assault Awareness Month
- Human trafficking Awareness Program
- First Friday Festival Mocktails – Alcohol Awareness Event
- B.A.D.D. – Brothers Against Drunk Driving
- Domestic Violence Faith Community Summit
- National Night Out
- No Excuse for Drug Abuse
- Healthy Relationship Week
- Domestic Violence Month – Be the Change
- Preventing Relationship Violence
- Shattering the Silence of Sexual Violence
- Start By Believing
- Stop the Bleed & Civilian Response to Active Shooter Events

For a complete schedule or to request a program specific to the interests and needs of your

organization, contact the Office of Student Engagement and Leadership, 806-651-2313, or UPD, 806-651-2300, WTpolice@wtamu.edu. Since the beginning of the COVID-19 Pandemic, many programs have been provided virtually. Follow this link for local and virtual programming at Student Event Calendar.

## Prevention and Awareness 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, 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 new incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies are intended to stop dating violence, domestic violence and sexual assault, and stalking before they occur. The programs identify sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The ongoing awareness and prevention campaigns for students and employees have the primary goal of preventing crime before it occurs. The information provided programming, initiatives, and strategies that will help all members of the university community take an active role in their personal safety and property protection. The different programs include:

a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

b. Defines, using definitions provided both by the VAWA 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. Information pertaining to the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault and stalking.

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

### Primary prevention programs include the following:

- The university provides an easy online training video featuring WT students and staff. This program

covers topics such as important definitions, bystander intervention, reporter responsibilities, and prevention skills for high-risk topics. The video consists of a few engaging clips to increase your self-awareness. We want to foster a safe and mindful community of students. We are hopeful that it will increase the satisfaction of your educational experience for you and those around you. The video program is used primary prevention and awareness for all new incoming students, new transfer students, new graduate students, and made available for new employees. Additional video modules may be used for ongoing prevention and awareness for returning students and employees.

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

## Ongoing prevention and awareness campaigns

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

The University provides programs throughout the year geared toward the prevention of dating violence, domestic violence, sexual assault and stalking as defined in this publication by the Violence Against Women's Act (VAWA). Programs are sponsored by several different departments such as (UPD; Student Affairs; Student Engagement and Leadership; Residential Living; Title IX; etc.)

## Start By Believing Campaign

Start by Believing (SBB) is a public awareness campaign dedicated to ending the cycle of silence. The overall Start by Believing campaign was launched during Sexual Assault Awareness Month in April 2011 in conjunction with the International Conference on Sexual Assault, Domestic Violence and Stalking hosted by End Violence Against Women International (EVAWI) in Chicago.

SBB is designed to encourage both professionals and public to start an orientation of believing when someone discloses sexual assault/victimization – as opposed to starting with the assumption that the victim is lying. The UPD and the Campus SART co-sponsored the kickoff of this campaign on our campus in 2017.

Because a friend or family member is typically, the first person a victim confides in after an assault, each person's reaction is the first step in a long path toward justice and healing. Knowing how to respond is critical—a negative response can worsen the trauma and foster an environment where perpetrators face zero consequences for their crimes.

Because rapists often re-offend, one failed response can equal additional victims. Start by Believing will lead the way toward stopping this cycle, by creating a positive community response, informing the public, uniting allies and supporters, and improving our personal reactions. The goal is to change the world, and outcomes for victims, one response at a time.

## Bystander Intervention and Risk Reduction[20]

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

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

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

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

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

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

### Sex Offender Registration

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

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

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

required by law to register.

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.

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the campus of WTAMU or the Amarillo Center teaching site.
Notification may come from either the Canyon Police, Amarillo Police, Randall County Sheriff's Office, or the Potter County Sherriff's Office. The authority for campus notification at WTAMU or the Amarillo Center is:

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

If you need to arrange for an appointment for registration or if you have questions concerning sex offenders or registration, call UPD.

To access a list of current Sex Offenders registered with UPD see the Sex Offender Registration Requirement Information page on the WTAMU website.

Texas Sex Offender Registration List https://publicsite.dps.texas.gov/SexOffenderRegistry/Search

### Prohibition of Retaliation

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

## Victims' Rights

The UPD employs a victim assistance coordinator who works directly with innocent parties of crime. The UPD's Victim Assistance Coordinator is available at 806-651-2300 to provide information or direct

victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. For additional information, you may also visit the Office of the Texas Attorney General's website. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense may 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.

### Victim Notification

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

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

## Definitions of Clery Act Offenses

***Murder and Non-negligent Manslaughter:*** The willful (non-negligent) killing of one human being by another.

***Manslaughter By Negligence:*** The killing of another person through gross negligence.

***Sexual Assault:*** An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (see consent section below).

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

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

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

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

## Consent:

Texas A&M University System Regulation

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

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

### *Texas Penal Code*

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

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

*Sexual Assault* is defined in the Texas Penal Code, Section 22.011 as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

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

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

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

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

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

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

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

(E) causes the mouth of a child to contact the anus or sexual organ of another

person, including the actor.

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

(1) the actor compels the other person to submit or participate by the use of physical force 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 knows that the other person is intoxicated or impaired by any substance to the extent that other person is incapable of consenting;

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

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

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

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

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

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

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

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

(c) In this section:

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

(1-a) "Consent" has the meaning assigned by Section 1.07.

(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; or

(F) a massage therapist licensed under Chapter 455, Occupations Code.

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

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

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

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

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

(E) member of the clergy;

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

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

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

(6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.

(7) "Human reproductive material" means:

(A) a human spermatozoon or ovum; or

(B) a human organism at any stage of development from fertilized ovum to embryo.

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

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

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

(2) that:

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

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

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

(B) the victim:

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

(ii) was not:

(a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or

(b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is:

(1) a felony of the first degree if the victim was:

(A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or

(B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or

(2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

*Indecent Assault* is defined in the Texas Penal Code, Section 22.012 as follows.

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

(1) touches the anus, breast, or any part of the genitals of another person;

(2) touches another person with the anus, breast, or any part of the genitals of any person;

(3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or

(4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

Text of subsection as amended by Acts 2025, 89th Leg., R.S., Ch. 596 (H.B. 2593), Sec. 1

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

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

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

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

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; or

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

(3) a felony of the second degree if the victim is a disabled individual or an elderly individual.

Text of subsection as amended by Acts 2025, 89th Leg., R.S., Ch. 1145 (S.B. 1610), Sec. 4

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

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

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

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

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

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

(3) a felony of the third degree if the offense is committed by an actor who is committed to a civil commitment facility, against:

(A) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:

(i) while the officer or employee is lawfully discharging an official duty; or

(ii) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:

(i) while the person or employee is engaged in performing a service within the scope of the contract; or

(ii) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract.

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

(d) In this section:

(1) "Disabled individual" and "elderly individual" have the meanings assigned by Section 22.04.

(2) "Health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

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

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

*Aggravated Sexual Assault* is defined in the Texas Penal Code, Section 22.021 as follows.

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

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

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

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

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

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

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

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

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

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

(2) if:

(A) the person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;

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

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

(b) In this section:

(1) "Child" has the meaning assigned by Section 22.011(c).

(2) "Elderly individual" has the meaning assigned by Section 22.04(c).

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

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

(d) The defense provided by Section 22.011(d) applies to this section.

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

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

(1) the victim of the offense is younger than 10 years of age at the time the offense is committed; or

(2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

*Prohibited Sexual Conduct* is defined in the Texas Penal Code, Section 25.02 as follows.

(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

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

*Dating Violence* is defined in the Texas Family Code, Section 71.0021 as follows.

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;
(2) the nature of the relationship; and
(3) the frequency and type of interaction between the persons involved in the relationship.

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

***Domestic Violence:*** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of

the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Family Violence* is defined by the Texas Family Code, Section 71.004 as follows.
(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
(3) dating violence, as that term is defined by Section 71.0021.

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

*Stalking* is defined in the Texas Penal Code, Section 42.072 as follows.
(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
(A) bodily injury or death for the other person; or
(B) that an offense will be committed against:
(i) a member of the other person's family or household;
(ii) an individual with whom the other person has a dating relationship; or
(iii) the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship;
(A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship, or the other person's property; or
(B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person under circumstances similar to the circumstances of the other person to:

(A) fear bodily injury or death for the person;

(B) fear that an offense will be committed against a member of the person's family or household or an individual with whom the person has a dating relationship;

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;

(2) the laws of a federally recognized Indian tribe;

(3) the laws of a territory of the United States; or

(4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

*Harassment* Sec. 42.07.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern; or

(9) tracks or monitors the personal property or motor vehicle of another person, without the other person's effective consent, including by:

(A) using a tracking application on the person's personal electronic device or using a tracking device; or

(B) physically following the other person or causing any person to physically follow the other person

(10) makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text

message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(4) "Utility" has the meaning assigned by Section 22.01(e).

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) the actor has previously been convicted under this section; or

(2) the offense was committed under Subsection (a)(7) or (8) and:

(A) the offense was committed against a child under 18 years of age with the intent that the child:

(i) commit suicide; or

(ii) engage in conduct causing serious bodily injury to the child; or

(B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.

(3) the offense was committed against a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency.

(d) In this section, “matter of public concern” has the meaning assigned by Section 27.001, Civil Practice and Remedies Code.

(e) For purposes of Subsection (a)(9), it is presumed that a person did not give effective consent to the actor's conduct if:

(1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under

one of those provisions; or

(2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.

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

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

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

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

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

***Hazing:*** Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

(I) was committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

(II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including –

(aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

(bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

(cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;

(dd) causing, coercing, or otherwise inducing another person to perform sexual acts;

(ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

(ff) any activity against another per son that includes a criminal violation of local, State, Tribal, or Federal law; and

(gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.''

*Hazing* is defined in the Texas Education Code Subchapter F. Hazing, Sections 37.151 – 37.157 as follows.

Sec. 37.151. Definitions

In this subchapter:

(1) "Educational institution" includes a public or private high school.

(2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

(3) "Pledging" means any action or activity related to becoming a member of an organization.

(4) "Student" means any person who:

(A) is registered in or in attendance at an educational institution;

(B) has been accepted for admission at the educational institution where the hazing incident occurs; or

(C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

Sec. 37.152. Personal Hazing Offense

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

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Chapter 42A, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Sec. 37.153. Organization Hazing Offense

(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than $5,000 nor more than $10,000; or

(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than $5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Sec. 37.154. Consent Not a Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Sec. 37.155. Immunity from Prosecution or Civil Liberty Available

(a) In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.

(b) Any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

(1) reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and

(2) cooperates in good faith throughout:

(A) any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution; or

(B) any law enforcement agency's investigation regarding the incident, as determined

by the chief or other appropriate official of the law enforcement agency designated by the law enforcement agency.

(c) Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) A person is not immune under Subsection (b) if the person:

(1) reports the person's own act of hazing; or

(2) reports an incident of hazing in bad faith or with malice.

Sec. 37.156. Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

Sec. 37.157. Reporting by Medical Authorities

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

(1) may report the suspected hazing activities to police or other law enforcement officials; and

is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

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

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

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

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

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

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

individuals (a person who does not conform to the gender-based expectations of society).

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

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

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

***Additional Hate Crime Definitions:***

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

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

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

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

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

***Weapons:*** Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapons: carrying,

possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

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

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

## Institutional Definitions for Domestic Violence, Dating Violence, Sexual Assault and Stalking

***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.

***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.

***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.

***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 email, social media forums, telephone calls, voice messages or text messages.

***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 ensure 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.

## Definitions of Clery Act Locations

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

***Non-campus:*** Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution. No non-campus facilities are owned or controlled by RELLIS Campus, therefore, statistics for non-campus facilities are not required to be disclosed.

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

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

# Stop Campus Hazing Act

West Texas A&M University (WTAMU), a member of The Texas A&M University System, strictly prohibits hazing in accordance with the Stop Campus Hazing Act (SCHA) (Enacted December 2024, effective for the 2024-2025 academic year and subsequent academic years.), Texas state law, and the Texas A&M University System Policy 07.01 – Ethics (available at https://policies.tamus.edu/07-01.pdf).

Hazing is defined as any intentional, knowing, or reckless act, that endangers or threatens a person's physical or mental health or safety, or involves property destruction, for the purpose of initiation, admission, affiliation, or maintaining membership in any student organization (as defined by the SCHA), whether recognized by WTAMU or not, such as fraternities, sororities, athletic teams, or other groups. Examples include physical brutality (e.g., whipping, beating), activities causing extreme mental stress (e.g., sleep deprivation, humiliation), forced consumption of substances, or any act against another person violating the Texas Penal Code.

The Stop Campus Hazing Act mandates that WTAMU maintain and report hazing incident data, implement anti-hazing education programs, and enforce policies to prevent and address hazing. Additionally, System Policy 07.01 emphasizes ethical conduct, requiring all members to adhere to federal and state laws, including anti-hazing statutes, and to report unethical behavior. Consent is not a defense, and both individuals inflicting hazing and those submitting to it face disciplinary action.

Students and employees with firsthand knowledge of hazing must report it to the Vice President for Student Affairs (806-651-2389), Human Resource Office (806-651-2114), or the University Police Department (806-651-2300); failure to report is a violation. WTAMU encourages anonymous reporting and provides resources like the National Anti-Hazing Hotline (1-888-668-4293). Violations may lead to disciplinary actions, including probation, suspension, expulsion, or loss of organization recognition for students; termination for employees; and potential criminal consequences for both under Texas Education Code Sections 37.151–37.157 and 51.936, with fines up to $10,000 and possible jail time based on severity. In emergencies, call 911 or contact WTAMU Police.

## Investigation Process

WTAMU follows a structured process to investigate hazing allegations, ensuring fairness and compliance with the Clery Act and university policies:

1. **Receipt of Report**: Hazing reports are received by UPD or CSAs. Reports to CSAs are promptly forwarded to UPD at 806-651-2300; if report meets criminal elements, the information will be entered into UPD's Record Management System (RMS).
2. **Initial Response**: UPD dispatches a police officer to the scene or requested location to assess the situation. The officer may issue a case number and complete an incident report, which is maintained per institutional and state records retention policies.

3. **Investigation**: UPD investigates all reported hazing incidents, collecting evidence, interviewing witnesses, and consulting with involved parties. Investigations aim to conclude within 30 days, though complex cases may require additional time. Criminal matters are referred to the appropriate County District Attorney's office for review and prosecution.
4. **Student Conduct Process**: If the incident involves students, UPD refers the case to the Office of Community Standards (806-651-2389) for adjudication under the WTAMU Student Code of Conduct. The office conducts a review, which may result in sanctions such as suspension, probation, or educational interventions.
5. **Employee Process**: If the incident involves WTAMU faculty or staff, UPD refers the case to the Human Resource Office (806-651-2114) for investigation with reference to processes following Texas A&M System Policy 32.01.02-W1.99 and/or WTAMU Faculty Handbook. The Human Resource Office conducts a review, which may result in disciplinary action.
6. **Student Organization Process:** If the incident involves a national or recognized organization, such as a fraternity or sorority, UPD refers the case to the Office of Student Engagement and Leadership (OSEL) (806-651-2313) for initial review. This may include:
    a. Council Judicial Board Process: A formal hearing conducted by a council of student organization representatives to review the incident and recommend sanctions.
    b. Guided Resolution: An informal process involving mediation or restorative practices to address the incident and promote accountability.
7. **Findings and Notification**: Upon completion, UPD and/or any of the above-mentioned offices notify the student organization involved and affected parties of the findings and any disciplinary actions in writing. Notifications comply with the Family Educational Rights and Privacy Act (FERPA) to protect personally identifiable information.
8. **Confidentiality**: Reports filed anonymously are included in annual crime statistics but cannot be held in confidence due to state public records laws. Victim identities are protected to the extent permissible by law, particularly for sexual assault, domestic violence, dating violence, or stalking cases related to hazing.

## Employee and Faculty Disciplinary Actions

When a WTAMU staff or faculty member is found responsible for hazing, disciplinary actions may be imposed on the employee by the Human Resource Office, in alignment with the WTAMU Faculty Handbook and Texas A&M System Policy 32.01.02-W1.99. Employee disciplinary actions may range from a verbal warning to a written warning, a Performance Improvement Plan, paid suspension, and/or termination.

## Student Conduct Sanctions for Incidents of Hazing

When a student is found responsible for hazing, the following sanctions may be imposed, as determined by the Office of Community Standards, in alignment with the WTAMU Student Code of Conduct and SCHA reporting requirements:

- Disciplinary Reprimand: An official warning that the student's, or student organizations, conduct is in violation of the WTAMU Student Handbook.
- Social Probation (for organizations): A period of time during which a student group or organization will not be allowed to have, host, or attend social gatherings as an entity of their organization.

- Conduct Review: An official warning that the student's, or student organizations, conduct is in violation of the WTAMU Student Handbook, but is not sufficiently serious to warrant expulsion, suspension, or disciplinary probation. A student on conduct review shall have their conduct under review for a specific period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate the nature and seriousness of the misconduct. Students and student organizations placed on this sanction remain in good standing with the University. If there is a finding of responsibility for subsequent violations of the WTAMU Student Handbook during this time, more severe sanctions may be administered.
- Disciplinary Probation: An official warning that the student's conduct is in violation of the WTAMU Student Handbook, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation is deemed "not in good standing" (reference Student Handbook for probation restrictions) with the university. If there is a finding of Responsibility for subsequent violations of the WTAMU Student Handbook during this time, more severe sanctions may be administered.
- Suspension: A period of separation of the student from the University. The student is not guaranteed readmission at the end of the suspension, but is guaranteed a review of the case and a decision regarding eligibility for readmission. Suspension takes effect upon exhaustion of the disciplinary process. Suspensions may be implemented in one of two ways: immediate implementation of suspension or deferred implementation of suspension. A student who has been issued a suspension sanction is deemed "not in good standing" with the University. At the end of the suspension period, the student is eligible for re-enrollment. Actual admission to the University will be determined by the academic rules in place at the time of application for re-enrollment.
    - Immediate Suspension: Separate of the student or student organization from the University for a definite period of time.
    - Deferred Suspension: The sanction of suspension may be placed in deferred status. If the student or student organization is found in violation of any University rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be applied.
- Expulsion: Separate of the student or student organization from the University whereby the student is not eligible for readmission to West Texas A&M University and the student organization is prohibited from university recognition.
- Conditions: Conditions are additional components of a disciplinary sanction. A condition is usually an educational element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:
    - Personal and/or academic counseling intake session. This condition is attached to the outcome of the intake requiring a certain number of follow-up sessions to be determined by the intake administrator.
    - Educational programming, interventions, restorative practice, or workshops determined to help develop the student or organization. For example, Anger Management course, Substance Abuse module, Hazing Education workshop, etc.
    - Residence hall relocation and/or contract review/cancellation of Residence Hall contract or use of dining facilities.

    - Restitution or compensation for loss, damage, or injury, which may take the form of appropriate service and/or monetary or material replacement. Structural sanctions applied to student organizations, which are changes related to the structure, membership, or governance of the organization.
    - No Contact Order: This is an official directive from WT that two parties not have contact with one another. This mutual No Contact Order asks both students to refrain from communicating in person, through electronic communications, or contacting one another via a third party.
    - Structural sanctions applied to student organizations, which are changes related to structure, membership, or governance of the organization.
- Restrictions: The withdrawal of specified privileges for a defined period of time, but without additional stipulations contained in the imposition of a sanction which results in a student being not in good standing. The restrictions involved will be clearly defined. Some examples of restrictions include, but are not limited to:
    - Revocation of parking privileges.
    - Denial of eligibility for holding office in registered student organizations.
    - Denial of participation in extracurricular activities.
    - Prohibited access to university facilities and/or prohibited direct or indirect contact with members of the University community.
    - Loss of privileges on a temporary or permanent basis.

## Fraternity and Sorority Sanctions

When a fraternity or sorority is found responsible for hazing, the following sanctions may be imposed, as determined by the Office of Community Standards or OSEL, in alignment with the WTAMU Student Code of Conduct and SCHA reporting requirements:

- Loss of University Recognition: The organization loses its status as a recognized student organization, prohibiting participation in university activities.
- Required Trainings from National Organization: The organization must complete anti-hazing training mandated by its national governing body.
- Required Trainings from University: Members must participate in WTAMU-provided hazing prevention education.
- Education Workshops: The organization must host or attend workshops on hazing prevention and ethical leadership.
- Organization-Led Education Initiatives: The organization develops and implements its own anti-hazing education programs.
- Internal Policy and Procedure Review: The organization reviews and aligns its policies with an advisory committee to prevent future incidents.
- Internal Accountability Process: The organization conducts its own standards board or judicial board process to address member violations.
- Loss of Membership: Individual members involved in hazing may be removed from the organization.
- Required Coaching Sessions and Check-ins: Members participate in ongoing mentoring or accountability meetings.
- Social Restrictions: Includes social probation or suspension, limiting the organization's ability to host social events.

- Restriction of Campus Facilities Reservations: The organization is barred from reserving university facilities.
- Intramural Restrictions: The organization is prohibited from participating in intramural sports.
- Homecoming Participation Restrictions: The organization is excluded from homecoming events.
- Restitution to Governing Councils: The organization may be required to pay fines or restitution to fraternity/sorority governing councils.

These sanctions will be documented in the Campus Hazing Transparency Report, as required by the SCHA, starting in December 2025.

## Prevention and Awareness Programs

WTAMU is dedicated to preventing hazing through research-informed, campus-wide programs designed to educate students, staff, and faculty. These programs aim to raise awareness, promote bystander intervention, and foster a culture of respect. Key components include:

1. Annual Hazing Prevention Training
    - **Target Audience**: All students, staff, and faculty.
    - **Content**: Training covers the definition of hazing, its physical and psychological impacts, reporting procedures, and bystander intervention strategies. Trainings use evidence-based research, such as information published by StopHazing.org.
    - **Delivery**: Encouraged online modules for all incoming students and annual in-person workshops for student organization leaders, athletic teams, and faculty advisors. Training sessions are offered during New Student Orientation and throughout the academic year.
2. Campus-Wide Awareness Campaigns
    - **Hazing Prevention Week**: Held annually in September, this week may feature events such as guest speakers, panel discussions with student leaders, or interactive workshops to promote a hazing-free campus.
    - **Educational Materials**: Posters, social media campaigns, and brochures are distributed across campus, highlighting hazing definitions, reporting options, and resources. Materials are informed by research on effective anti-hazing messaging.
3. Student Organization Training
    - **Leadership Workshops**: All student organization officers and advisors participate in mandatory anti-hazing training, focusing on creating inclusive initiation practices and recognizing hazing behaviors.
    - **Policy Acknowledgment**: Members of recognized student organizations must sign an anti-hazing pledge annually, affirming their commitment to WTAMU's hazing policy.
4. Bystander Intervention Program
    - **Program**: The "Buffs Step Up" initiative trains students, staff, and faculty to recognize and safely intervene in potential hazing situations. The program uses research-based techniques, such as those from Step UP! (stepupprogram.org).
    - **Implementation**: Offered as part of orientation for new students and integrated into staff and faculty professional development.
5. Support and Resources

- **Counseling Services:** WTAMU Counseling Services (wtamu.edu/counseling) provides confidential support for students affected by hazing, including trauma-informed care.
- **Human Resources Office:** Employee Assistance Program and/or other resources for WTAMU employees and student employees (806-651-2114).
- **University Police Department:** 806-651-2300 (available 24 hours a day)
- **National Anti-Hazing Hotline:** 1-888-NOT-HAZE (1-888-668-4293)

# Crime Report, Arrest and Referral Statistics

WTAMU's crime statistics are categorized according to the National Incident-Based Reporting System, an incident-based reporting system used by law enforcement agencies in the United States for collecting and reporting data on crimes. 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 UPD and Office of the Vice President for Student Affairs regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. Some local law enforcement agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

The Clery Act requires institutions of higher education to include four general categories of crime statistics:

• *Criminal Offenses* - Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, and Hazing.

• *Hate Crimes* – Any of the above-mentioned offenses (except Manslaughter by Negligence), and any incidents of Larceny Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.

• *Violence Against Women Act Offenses* – Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA offense but is included in the Criminal Offenses.)

• *Arrests and Referrals for Disciplinary Action* for Weapons (carrying, possession, etc.) Law Violations, Drug Abuse Violations and Liquor Law Violations.

# WTAMU Amarillo Center - Reportable Clery Act Crimes

| OFFENSE (Crimes Reported by Hierarchy) | Year | On Campus | Public Property |
|---|---|---|---|
| **Murder/Non Negligent Manslaughter** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Negligent Manslaughter** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Rape** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Fondling** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Incest** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Statutory Rape** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Robbery** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Aggravated Assault** | 2022 | 0 | 1 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Burglary** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 1 | 0 |
| **Motor Vehicle Theft** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Arson** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |

# WTAMU Amarillo Center – Arrest, Referrals and VAWA Reports

| OFFENSE | Year | On Campus | Public Property |
|---|---|---|---|
| **Liquor Law Arrests** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Drug Law Arrests** | 2022 | 0 | 2 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Weapons Law Arrests** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Liquor Law Violations Referred for Disciplinary Action** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Drug Law Violations Referred for Disciplinary Action** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Weapons Law Violations Referred for Disciplinary Action** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Domestic Violence** | 2022 | 0 | 0 |
| | 2023 | 1 | 0 |
| | 2024 | 0 | 0 |
| **Dating Violence** | 2022 | 0 | 0 |
| | 2023 | 0 | 0 |
| | 2024 | 0 | 0 |
| **Stalking** | 2022 | 0 | 0 |
| | 2023 | 1 | 0 |
| | 2024 | 0 | 0 |

| | | | |
|---|---|---|---|
| **Unfounded Crimes** | 2022 | 0 | [redacted] |
| | 2023 | 0 | |
| | 2024 | 0 | |

## 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.

- 2022, 2023 and 2024 – no hate crimes reported

## Important Contacts

| | | |
|---|---|---|
| University Police Department | Main Campus - Old Sub 102<br>Amarillo Center – Room 192 | 806-651-2300 |
| UPD Victim Assistance | Old Sub 106 | 806-651-2307 |
| WTAMU Crime Tip Line | Text WTAMU+ crime tip | 79516 |
| Student Counseling | Virgil Henson Activities Center, 242 | 806-651-2340 |
| Student Medical Services | Virgil Henson Activities Center | 806-651-3287 |
| Student Affairs | Jack B. Kelley Student Center | 806-651-2050 |
| Student Conduct (Office of Community Standards) | JBK 102 | 806-651-2389 |
| Academic Affairs | Old Main 307 | 806-651-2043 |
| Human Resources | Old Main 308 | 806-651-2114 |
| The Work/Life Solutions Program by Guidance Resources | www.wtamu.edu/HR | 1-866-301-9623 |
| UPD Escort Service | Old Sub 102 | 806-651-2300 |
| International Student Office | Old Main 124 | 806-651-2020 |
| Office of Civil Rights and Title IX | Virgil Henson Activities Center, 262 | 806-651-3199 |
| Residential Living | housing@wtamu.edu | 806-651-3000 |
| Scholarships Services | https://www.wtamu.edu/student-support/scholarships/index.html | 806-651-3330 |
| Student Financial Aid | https://www.wtamu.edu/student-support/financial-aid/index.html | 806-651-2055 |
| Military and Veteran Services | Classroom Center 133 | 806 651-4930 |

## Off Campus Resources

| | | |
|---|---|---|
| Canyon Police Department | 301 16th Street #3, Canyon | 806-655-5000 |
| Randall County Sheriff's Department | 9100 S. Georgia Street, Amarillo | 806-468-5800 |
| Amarillo Police Department | 200 SE 3rd Avenue, Amarillo | 806-378-3038 |
| Potter County Sheriff's Office | 13103 NE 29th Avenue, Amarillo | 806-379-2900 |
| Northwest Texas Hospital | 1501 S. Coulter St., Amarillo | 806-354-1000 |
| BSA Health System | 1600 Wallace Blvd. Amarillo | 806-212-2000 |
| Domestic Violence/Sexual Assault Hotline | Bilingual 806-374-5433 | 844-363-3452 |

| | | |
|---|---|---|
| Family Support Services | www.fss-ama.org | 806-342-2500 |
| National Suicide Prevention Lifeline | | 800-273-8255 |
| Suicide Crisis Local Hotline | 1501 S. Polk Amarillo | 806-359-6699 |
| National Mental Health Helpline | | 855-995-9489 |
| Legal Aid of Northwest Texas | 203 W. 8th Street, Suite 600 Amarillo | 806-373-4309 |
| Sexual Assault Legal Services & Assistance | http://www.tlsc.org/ | 1-888-343-4414 |
| Texas Association Against Sexual Assault | TAASA http://taasa.org/ | 512-474-7190 |
| Stalking Resource Center | www.Victimsofcrime.org/stalking-resource-center | |
| National Center for Victims of Crime | Victimsofcrime.org | 202-467-8700 |
| Anonymous Crime Tips | | 806-374-4400 |
| Amarillo Rape Crisis/Domestic Violence Hotline | 806-374-5433 – bilingual<br>800-735-2989 - TTY | 844-363-3452 |
| Sex Offender Registration List (Texas) | Texas Sex Offender Registry Search | |

***For more information about West Texas A&M University guidelines and procedures, refer to the Student Handbook website, request a copy of the publication from the Office of Student Affairs or contact the University Police Department. This publication (the Campus Security and Fire Safety Report) www.wtamu.edu/safety as well as crime statistics and crime-prevention programs are available on the University's website at 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 will be made available upon request, at the Office of Student Affairs; the Human Resources Office; and the University Police Department.

## Other Annual Security Reports and Annual Fire Safety Reports

Annual Security Reports and Annual Fire Safety Reports for all West Texas A&M University locations are as follows and are available at the following website: www.wtamu.edu/safety

West Texas A&M University 2025 Annual Security and Fire Safety Report
www.wtamu.edu/safety/WTAMU

West Texas A&M University Harrington Academic Hall Amarillo Center 2025 Annual Security Report
www.wtamu.edu/safety/AmarilloCenter

West Texas A&M University RELLIS Academic Alliance 2025 Annual Security Report
www.wtamu.edu/safety/RELLIS