



# Annual Security and Fire Safety Report 2021

(This annual report contains information for the 2021-2022 academic year and statistical information for calendar years 2018, 2019, and 2020.)

**Applies to the San Marcos, Round Rock, and ALERRT Center Campuses**

**Revised March 11, 2022 - Details below Table of Contents and crime chart on Pg. 60**

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

TEXAS  
STATE  
UNIVERSITY

*The rising STAR of Texas*





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**Policy Revisions as of 3/11/22 included the following updates or additions (for statistical revisions refer to page 60):**

- University Police Department's physical address
- Pg. 7-8 - What a timely warning notice will contain and when a warning will not be issued.
- Pg. 9-10 - Emergency notifications general statements, list of officials who will issue/approve notices, and list of distribution methods used.
- Pg. 11 - Bobcat Safety Bulletins
- Pg. 29 Title IX and Non-Title IX possible sanctions



*Denise M. Trauth, President*

## A MESSAGE FROM THE PRESIDENT

Dear Bobcat Community,

Texas State University's commitment to safety and security remains stronger than ever. This Annual Security and Fire Safety Report contains information about our safety and security policies, procedures, and programs implemented to protect the welfare of our university community. This report provides crime and fire statistics for the previous three years, and it reflects the combined efforts of many in our community to not only meet but to exceed standards that lead to a safe and secure environment.

We continue to make significant strides toward enhancing our institutional Clery Act compliance program. Our Clery Act Compliance Committee meets regularly to discuss high priority Clery Act compliance topics. Our Clery Act Data Integrity Subcommittee, comprised of key stakeholders across divisions (referred to as Clery Act Liaisons), take a thorough, strategic approach to ensure our published crime data is complete and accurate. Additionally, in our efforts to produce accurate statistical disclosures, our Clery Act Liaisons participate in regular training designed to facilitate the proper identification, classification, and counting of Clery reportable crimes.

It is up to each one of us to help foster a secure and supportive environment at Texas State. Together, we can build an environment where individuals feel safe as they visit, learn, work, and live.

Thank you for all you do to keep our university community a safe and respectful one.

Denise M. Trauth,  
President





All policy statements contained in this report apply to the San Marcos, Round Rock, and Advanced Law Enforcement Rapid Response Training (ALERRT Center) campuses unless otherwise indicated.

## **A MESSAGE FROM THE TEXAS STATE UNIVERSITY CLERY ACT COMPLIANCE COMMITTEE**

We are pleased to distribute this revised 2021 Annual Security and Fire Safety Report (ASFSR) for the San Marcos, Round Rock, and ALERRT Center campuses of Texas State University (Texas State). The ASFSR is prepared annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and subsequent amendments specified in the Higher Education Opportunity Act (HEOA) and the reauthorization of the Violence Against Women Act (VAWA).

The Texas State Clery Act Compliance Committee is an interdisciplinary team comprised of members from the University Police Department, Environmental Health, Safety, and Risk Management, the Division of Student Affairs, Human Resources, Department of Athletics, Institutional Compliance and Ethics, and the Division of Academic Affairs. The ASFSR is an overall guide for many safety and security policies at Texas State and can serve

as a guide regarding education and prevention programs in which all community members are invited to attend. The ASFSR also provides crime and fire statistics for the 2018-2020 calendar years for your review.

The committee's focus is on the safety and well-being of our students, staff, faculty, and visitors. It guides our work every day. Texas State works diligently to reduce the risk and potential for crime and other hazardous situations. However, despite all our efforts, crimes and other hazardous situations may occur. Safety and security are institutional responsibilities shared by all. We strive to collaborate with our community members to contribute to the safety and security of our campuses. We ask all to live by the motto: "If you see something, say something."

If you have any questions about this publication, please contact Institutional Compliance and Ethics at 512-245-4961.





## ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

Texas State is committed to creating and maintaining an educational community in which everyone is respected, appreciated, and valued. Texas State provides equal opportunity and access to all qualified persons. Texas State, to the extent not in conflict with federal or state law, prohibits discrimination on the basis of race, color, national origin, age, sex, religion, disability, veterans' status, sexual orientation, gender identity, or gender expression.

Texas State complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act.

All complaints related to sexual misconduct or discrimination should be reported to: Office of Equal Opportunity and Title IX, [OEO website](https://www.txstate.edu/oei), [TitleIX@txstate.edu](mailto:TitleIX@txstate.edu), [equalopportunity@txstate.edu](mailto:equalopportunity@txstate.edu) or (512) 245-2539.

## PROHIBITION ON RETALIATION

Texas State takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating in any way in the process of investigating or adjudicating an incident of sexual misconduct. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting, investigating, or adjudicating of sexual misconduct may be considered a separate violation of policy and may result in disciplinary sanctions.

### IMPORTANT CAMPUS RESOURCES

#### Texas State San Marcos and ALERRT Campus

<b>Attorney for Students</b> 5-1.5 LBJ Student Center <a href="https://attorney.dos.txstate.edu/">https://attorney.dos.txstate.edu/</a>	512-245-2370
<b>Bobcat Gold – Financial Tools</b> J. C. Kellam Suite 240 <a href="https://www.finaid.txstate.edu/bobcatgold/">https://www.finaid.txstate.edu/bobcatgold/</a>	512-245-2315
<b>Counseling Center</b> 5-4.1 LBJ Student Center <a href="https://www.counseling.txstate.edu/">https://www.counseling.txstate.edu/</a>	512-245-2208
<b>Dean of Students Office</b> 5-9.1 LBJ Student Center <a href="https://www.dos.txstate.edu/">https://www.dos.txstate.edu/</a>	512-245-2124
<b>Environmental Health, Safety and Risk Management</b> 736 Oscar Smith Street <a href="https://www.fss.txstate.edu/ehsrm/">https://www.fss.txstate.edu/ehsrm/</a>	512-245-3616
<b>Financial Aid and Scholarships</b> J. C. Kellam Suite 240 <a href="https://www.finaid.txstate.edu/">https://www.finaid.txstate.edu/</a>	512-245-2315
<b>Housing and Residential Life</b> 515 N. Comanche <a href="https://www.reslife.txstate.edu/">https://www.reslife.txstate.edu/</a>	512-245-4663
<b>International Student and Scholar Services</b> Thornton International House <a href="https://www.international.txstate.edu/">https://www.international.txstate.edu/</a>	512-245-7966
<b>Office of Disability Services</b> 5-5.1 LBJ Student Center <a href="https://www.ods.txstate.edu/">https://www.ods.txstate.edu/</a>	512-245-3451
<b>Office of Human Resources</b> J.C. Kellam 340 <a href="https://www.hr.txstate.edu/">https://www.hr.txstate.edu/</a>	512-245-2557
<b>Office of Veteran Affairs</b> J.C. Kellam 105 <a href="https://www.va.txstate.edu/">https://www.va.txstate.edu/</a>	512-245-2641
<b>Student Health Center</b> 298 Student Center Drive <a href="https://www.healthcenter.txstate.edu/">https://www.healthcenter.txstate.edu/</a>	512-245-2161
<b>Student Health Center - Thorpe Lane</b> 1347 Thorpe Lane <a href="https://www.healthcenter.txstate.edu/Thorpe-Lane.html">https://www.healthcenter.txstate.edu/Thorpe-Lane.html</a>	512-245-2161
<b>Office of Equal Opportunity and Title IX</b> Elliott Hall – Bldg. A – 3rd Floor <a href="https://www.txstate.edu/oei/title-IX.html">https://www.txstate.edu/oei/title-IX.html</a>	512-245-2539
<b>University Police Department</b> Pecan Bldg <a href="https://www.police.txstate.edu/">https://www.police.txstate.edu/</a>	512-245-2805
<b>Vice President for Student Affairs</b> J. C. Kellam 980 <a href="https://www.vpsa.txstate.edu/departments/vpsa">https://www.vpsa.txstate.edu/departments/vpsa</a>	512-245-2152



## PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT AND DISCLOSURE OF CRIME STATISTICS

The university coordinates the collection and reporting of crime statistics as specified in the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Each year, the university notifies all enrolled students and employees, via email, that they can view the report at: [www.clery.txstate.edu/report](http://www.clery.txstate.edu/report)

Prospective employees and students are notified about the availability and location of the report via the Human Resources Employment page for faculty and staff, the Round Rock Campus, Undergraduate Admissions, and Graduate College websites. This report is prepared in collaboration with the Texas State University Police Department (Texas State UPD), Environmental Health, Safety and Risk Management, local law enforcement agencies, the Division of Student Affairs, the Department of Athletics, Institutional Compliance and Ethics, and the Division of Academic Affairs. Each entity provides current information about its safety and security educational efforts and programs as well as statistical data.

Reports of criminal activity presented to Campus Security Authorities (CSAs) and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security and Fire Safety Report as required by the Clery Act. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Annually, Texas State sends a written request to CSAs requesting information about all reported Clery Act Crimes that occurred on Texas State's geography. Texas State **does allow** individuals to report crimes on a **confidential, voluntary basis** for inclusion in the annual disclosure of crime statistics, except where the Texas State UPD process a crime using a pseudonym.

A "CSA" is an individual with responsibility for campus safety and security. This includes campus police; individuals who are responsible for monitoring buildings or university grounds, or with similar security responsibilities who are not part of campus police; individuals or organizations specifically identified to receive reports of criminal offenses; and university officials, but not limited to all deans, directors, department chairs, Title IX coordinator, Greek Life coordinator, and advisors to registered student organizations, as well as staff in student housing, student conduct, and athletics (excluding clerical and maintenance staff).

Statistics are gathered, compiled, and reported to the university community via this report, which is published by Texas State. Texas State submits the annual crime statistics and fire statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department's website.

The Fire Safety Report section contains information about fire safety policies and procedures in student residential facilities as well as statistics for any fires occurring in those facilities. The Fire Safety Report section only applies to the San Marcos Campus, as the Round Rock and ALERRT Center Campuses do not currently have any student housing facilities.

San Marcos and ALERRT Center Community Resources	
<b>San Marcos Police Department</b> 2300 I-35, San Marcos, TX, 78666 <a href="https://www.sanmarcostx.gov/151/Police">https://www.sanmarcostx.gov/151/Police</a>	<b>Emergency:</b> 911 <b>Non-Emergency:</b> 512-753-2108
<b>Christus Santa Rosa Hospital San Marcos</b> 1301 Wonderworld Dr. <a href="https://www.christushealth.org/santa-rosa/san-marcos">https://www.christushealth.org/santa-rosa/san-marcos</a>	512-353-8979
<b>Hays-Caldwell Women's Center</b> <a href="https://www.hcwc.org/">https://www.hcwc.org/</a>	1-800-700-4292
<b>Hays County Victim Services</b> <a href="https://hayscountytexas.com/courts/district-attorney/victim-services-division/">https://hayscountytexas.com/courts/district-attorney/victim-services-division/</a>	512-393-7600
<b>Mental Health Emergency Services</b>	1-800-841-1255
Texas State Round Rock Campus	
<b>Counseling Center</b> Nursing Bldg. Room 116 <a href="https://www.counseling.txstate.edu/round-rock/location.html">https://www.counseling.txstate.edu/round-rock/location.html</a>	512-245-2208
<b>Student Health Center – Round Rock</b> Nursing Bldg. Room 116 <a href="https://www.healthcenter.txstate.edu/">https://www.healthcenter.txstate.edu/</a>	512-245-2161
Round Rock Community Resources	
<b>Round Rock Police Department</b> 2701 North Mays Street Round Rock, Texas 78665 <a href="https://www.roundrocktexas.gov/departments/police/">https://www.roundrocktexas.gov/departments/police/</a>	<b>Emergency:</b> 911 <b>Non-Emergency:</b> 512-218-5500
<b>Ascension Seton Williamson Hospital</b> 201 Seton Parkway Round Rock, Texas 78665 <a href="https://www.seton.net/locations/seton-medical-center-williamson/">https://www.seton.net/locations/seton-medical-center-williamson/</a>	(512) 324-4000
<b>Hope Alliance</b> 1011 Gattis School Rd #110 Round Rock, Texas 78664 <a href="https://www.hopealliancetxt.org">https://www.hopealliancetxt.org</a>	(800) 460-7233
<b>Williamson County Victim Services</b> 405 M.L.K., Suite 229 Georgetown, Texas 78626 <a href="https://www.wilco.org/Elected-Officials/Attorneys/County-Attorney/Divisions/Victim-Services">https://www.wilco.org/Elected-Officials/Attorneys/County-Attorney/Divisions/Victim-Services</a>	(512) 943-1111

## REPORTING CRIMES AND OTHER EMERGENCIES

All members of the Texas State community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running through or immediately adjacent to the campus, or in other property that is owned or controlled by Texas State to the Texas State UPD at 512-245-2805. Emergencies may be reported by dialing 911 from any cell phone, campus landline, or via the emergency phones located on campus. 911 calls from campus landlines on the San Marcos campus are connected directly to Texas State UPD Dispatch as are calls from the emergency phones. 911 calls from cell phones are received by the City of San Marcos Police Department and transferred immediately to Texas State UPD Dispatch. Additionally, 911 calls received from campus landlines at the Round Rock campus are connected directly to Texas State UPD Dispatch. 911 calls from cell phones are received by the Round Rock Police Department and transferred to Texas State UPD Dispatch. 911 calls received from campus landlines and cell phones at the ALERRT Center campus are connected directly to the City of San Marcos Police Department and transferred to Texas State UPD Dispatch.

### RESPONSE TO REPORTED INCIDENTS

Dispatchers are available at the respective telephone number listed, 24 hours a day, to answer your calls. In response to a call, Texas State UPD will review reports of alleged criminal activity and either dispatch an officer immediately or ask the victim to report to Texas State UPD to file an incident report. All criminal incidents are investigated by Texas State UPD. Texas State UPD response(s) include, but are not limited to:

- Immediate response to emergencies through dispatch of one or more officers.
- Investigation of reports in accordance with Texas State UPD procedures.
- Arrest and filing of charges, depending upon the circumstances of the incident.
- Referring alleged offenders to appropriate campus agencies, such as the Dean of Students Office.
- Requesting assistance from the San Marcos Police Department, Hays County Sheriff's Office, or the San Marcos Fire Department or any other appropriate unit.
- If a sexual assault or rape occurs, staff on scene, including Texas State UPD, will offer the victim a wide variety of services.

Texas State encourages accurate and prompt reporting of all crimes to the campus Texas State UPD and/or appropriate police agencies when the victim of a crime elects to or is unable to make such a report.

Members of the Texas State community should report crimes and emergencies to Texas State UPD to be assessed for issuing timely warning notices or emergency notifications, and for inclusion in the



annual crime statistics. The university encourages its professional counseling and appropriate health services staff to inform persons seeking their services of the opportunity to report crimes on a voluntary, confidential basis for inclusion in the university's annual disclosure of crime statistics. This process is employed at the discretion of the professional counseling and health services staff, as they deem appropriate.

### VOLUNTARY, CONFIDENTIAL REPORTING

The Texas State UPD encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. As noted earlier, Texas State **does allow** individuals to report crimes on a **confidential, voluntary basis** although police reports are public records under state law; thus Texas State UPD cannot hold reports of crime in confidence. Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act. Individuals may report to CSAs without including personally identifying information. However, all CSAs are also Responsible Employees under Title IX, and must report information involving sexual misconduct, domestic/dating violence, and stalking, including information about the identity of the victim and the accused, to the Title IX Coordinator. Additionally, Confidential Reporters (Attorney for Students, the Student Health Center, and Counseling Services) are required to report aggregate data to the Title IX Coordinator. Lastly, reports made to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to CSAs.



**IN ADDITION TO TEXAS STATE UPD, YOU CAN REPORT CRIMES TO THE FOLLOWING OFFICES TO MEET STATISTICAL DISCLOSURE REQUIREMENTS**

OFFICE	WEBSITE	PHONE NUMBER
Dept. of Housing and Residential Life	<a href="https://www.reslife.txstate.edu/about.html">https://www.reslife.txstate.edu/about.html</a>	512.245.4663
Office of Human Resources	<a href="https://www.hr.txstate.edu/">https://www.hr.txstate.edu/</a>	512.245.2557
Office of Equal Opportunity and Title IX	<a href="https://www.txstate.edu/oei/title-IX.html">https://www.txstate.edu/oei/title-IX.html</a>	512.245.2539
Student Conduct and Community Standards	<a href="https://www.dos.txstate.edu/services/sccs.html">https://www.dos.txstate.edu/services/sccs.html</a>	512.245.2124
Clery Act Compliance	<a href="https://clery.txstate.edu/">https://clery.txstate.edu/</a>	512.245.4961

**REPORTING TO THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT**

Texas State expects that campus community members accurately and promptly report all crimes and other emergencies directly to the Texas State UPD at 911. In some cases, when crime reports are not emergencies, it is understood that individuals may want to report crimes to other campus offices such as the Office of Equal Opportunity and Title IX. The university supports this decision when it is safe. Texas State has around 1,000 duly appointed CSAs and has identified the offices listed above as the preferred places to report crime other than Texas State UPD. Note clerical and maintenance staff for offices listed are not CSAs. All other personnel are designated as CSAs.

**PASTORAL AND PROFESSIONAL COUNSELORS**

While Texas State requests that all crimes on its campuses be reported promptly, the university supports professional and pastoral counselors’ professional obligations not to disclose or report certain incidents according to respective professional ethics.

- Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

Should a professional or pastoral counselor determine that police involvement and reporting is needed, the Texas State UPD will work with the counselor to respond appropriately. Texas State does not require pastoral and professional counselors to notify individuals they are counseling about the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics. Additionally, Texas State is not required to provide a timely warning with respect to crimes reported to pastoral or professional counselors.

**ABOUT THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT**

Texas State UPD is a law enforcement agency that operates 24 hours a day, 7 days a week, 365 days a year. As the university’s principal provider of safety and security for students, faculty, staff, and visitors, part of Texas State UPD’s mission is to facilitate a safe and inclusive learning and working environment by providing a high level of safety and professionalism.

**LAW ENFORCEMENT AUTHORITY**

Texas State UPD police officers are commissioned as peace officers under Texas Education Code 51.203 and are certified police officers under the requirements of the Texas Commission on Law Enforcement. Officers are sworn with the full powers of arrest and mandated to enforce all applicable federal and state laws, as well as local ordinances. Texas State UPD security guards have no arrest authority. Contract security officers and crowd management staff, hired by Texas State as supplemental staff at large events, do not have arrest authority. In support of large events, the university may hire police officers from area agencies. These officers exercise full arrest authority while on campus during these events. The security guards have the authority to enforce university policies and procedures, but not Texas laws. They report any law violations to Texas State UPD Officers for appropriate action. The jurisdiction of the security officers is limited to Texas State University owned and controlled property.

Texas State UPD police officers are granted jurisdictional authority by Texas Education Code 51.203. This authority grants Texas State UPD police officers all powers, privileges, and immunities of peace officers, with arrest authority, and ability to enforce all traffic laws on streets and highways. Texas State UPD has jurisdiction in all counties in which property is owned, leased, rented or otherwise under the control of the Texas State University System. Texas State UPD’s jurisdiction includes the City of San Marcos, the City of Round Rock, Hays County, and Williamson County, but focus their primary response and attention to crimes or incidents occurring on Texas State property or adjacent streets and crimes involving the university as the object of the offense. Investigations of offenses occurring on campus are generally conducted by Texas State UPD, but assistance from local law enforcement agencies is requested when necessary. The Texas State UPD regularly assists local law enforcement agencies when requested. Texas State UPD

participates in training with other local, state, and federal law enforcement agencies.

## **SAFETY, OUR #1 PRIORITY**

Through the teamwork of the university community, Texas State consistently strives to be among the safest in the nation. We work to achieve this by developing a partnership with students, administrators, faculty, staff and surrounding communities. With a university population of more than 40,000, the Texas State campuses reflect the communities they serve and are not immune to societal impact.

Preventing or reducing crime in any community is challenging. Success in crime prevention and safety at Texas State depends in large part on the education and participation of the campus community. The campus community is provided information about safety programs and services, but individuals should be advised that they are responsible for their own security and safety.

Each year, the university publishes this annual report containing campus security and crime statistics. The report provides information for reporting crimes, important university policies and procedures, law enforcement authority on the campuses, and support services for victims of crimes. Also, the Texas State UPD maintains an online Daily Crime and Fire Log accessible at <https://www.police.txstate.edu/programs-and-services/60-day-Crime-and-Fire-Log.html> or in person at Texas State UPD located in the Pecan Building on the San Marcos Campus during normal business hours from 8:00 a.m. – 5:00 p.m., Monday through Friday, excluding holidays.

Texas State is committed to providing a safe environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of policies stated in the Texas State Policy Manual, the TSUS Policy Manual, and the Student Handbook, as appropriate. The university monitors and may report to law enforcement agencies illegal conduct of students, faculty, or staff that occurs on university premises or off-campus locations. University officials may refer any evidence of illegal activities to the proper local, state, or federal authorities for review and potential prosecution.

## **WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES**

Texas State UPD maintains mutual aid agreements with San Marcos PD, Hays County Sheriff's Office, and Williamson County Sheriff's Office to facilitate interagency cooperation in the investigation of criminal offenses and response to other public safety incidents occurring on the campuses or throughout the region. The department maintains formal and informal liaisons with various local, state, and federal law enforcement agencies in support of campus security and safety efforts. In addition to strong working relationship and collaboration with these local law enforcement agencies, Texas State UPD works with the Austin Regional Information Center (ARIC). ARIC is our area's regional law enforcement fusion center, which synthesizes information and provides analyses to affected agencies. ARIC represents local, county, state, and federal agencies. Texas State UPD also works closely with both the Texas Department of Public Safety and law enforcement at the Texas Parks and Wildlife Department.

## **CRIMES INVOLVING STUDENT ORGANIZATIONS AT NON-CAMPUS LOCATIONS**

Monitoring and recording will be done through local police agencies of criminal activity at noncampus locations of student organizations officially recognized by the university, including student organizations with noncampus housing facilities within the agency's jurisdictions.

Texas State UPD does not provide law enforcement response to noncampus properties owned or controlled by registered student organizations. Regular contact between Texas State UPD and local law enforcement agencies is maintained to aid in the tracking of criminal activities. Texas State UPD obtains information from the agencies about criminal activity at properties owned or controlled by registered student organizations. For purposes of reporting the data, the term "noncampus buildings" includes areas owned or controlled by registered student organizations. However, Texas State UPD has no responsibility for security policies, procedures, or safety at these locations. The Round Rock and ALERRT Center campuses do not have student organizations with noncampus locations at the sites.

## **TIMELY WARNING REPORTS – CRIME ALERTS**

Texas State provides timely warning notices to the campus community when a Clery Act crime is reported to have occurred on Texas State's Clery Act Geography (on campus, public property and noncampus property), that, in the judgement of the Chief of Police or designee and in consultation with university officials (when time permits), constitutes a serious or continuing threat, a campus wide "timely warning" notice will be issued. The Chief of Police will seek approval from the Vice President for Finance and Support Services or his/her designee. These warnings will be distributed if an incident is reported to Texas State UPD directly or indirectly through a local police agency or CSA.

These warnings will contain the following:

- Information about the crime that triggered the warning
- Information that would promote safety
- Information that would aid in the prevention of similar crimes
- Suspect description(s) when deemed appropriate and if there is sufficient detail (the description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert).
- Texas State UPD Contact Information
- Other information as deemed appropriate by the Chief of Police or designee

Timely Warnings will be distributed as soon as pertinent information is available, in a manner that will not provide any personally identifying information of reporting parties or victims and will withhold the names of victims as confidential, with the goal of aiding in the prevention of similar crimes.

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Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- 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 ongoing threat to the larger Texas State community)
- Major Incidents of Arson
- Murder/Non-negligent manslaughter
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sex offenses (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 the Chief of Police or designee) long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Other Clery crimes as deemed necessary by the Chief of Police or his/her designee in his/her absence.

Decisions concerning whether to issue a timely warning will be made on a case-by- case basis using the following criteria:

- Nature of the crime
- Danger and continuing threat to the campus
- The amount of time that has elapsed between the crime’s occurrence and the date of its report to a campus security authority of the institution

Texas State does not issue timely warnings for a Clery crime if,

- Law enforcement quickly apprehended the subject(s) following the reported incident, he/she is in custody, thus the risk of a serious or continuing threat for members of the Texas State community has been mitigated. The institution needs to work with the local police department to try to monitor the offender’s status and should they make bail or otherwise be released, the institution should reassess whether a serious or continuing threat to members of the community exists. If the institution believes that threat exists after the perpetrator’s release, a timely warning shall be distributed.
- A report was not filed with the Texas State UPD or local Police agency 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 ten days after the date of the reported incident may not allow Texas State UPD to distribute a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

Criminal reports are considered on a case-by-case basis, depending on the facts and the information known by Texas State UPD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Texas State community members, and a timely warning may not be distributed. In cases involving sexual assault, reports are often made some time after the incident occurred, thus there may be limited ability to distribute a “timely” warning notice to the community. The Texas State UPD Chief of Police or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. Timely warnings may also be posted for other crime classifications and locations, as deemed necessary. These crimes are normally reported directly to Texas State UPD. However, sometimes they are reported to local law enforcement agencies or CSAs. Texas State UPD has requested that local law enforcement agencies and CSAs notify Texas State UPD about crimes reported to them that may require a timely warning.

Timely warning notices will be issued to the campus community via email blast to all Texas State University assigned email accounts. Timely Warnings may also be distributed through the university’s TXST Alert System (also referred to as RAVE Guardian Alert, RAVE Alert, or TXST Alert), which can include:

- Text
- Email

Timely Warning notices are usually written by the Chief of Police or designee and distributed by Texas State UPD. Warnings will contain information about the nature of the threat and allow members of the community to take protective action.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor. Timely warnings sent by the university will have the subject title, TXST Timely Warning or Timely Warning. Additionally, timely warning notices will not be posted for other crime classifications and locations, however, a Bobcat Safety Bulletin may be distributed (refer to the Bobcat Safety Bulletins section on page 11 of this report)

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Texas State regularly reviews and annually updates plans and procedures for emergency response and evacuation for the campus community. Emergency plans and procedures as well as a variety of additional resources are available for viewing at <https://safety.txstate.edu/emergency-preparedness.html>.

Possible emergencies that may occur include, but are not limited to the following:

- Severe weather
- Public health crisis
- Fire (localized building fire or wildfire)
- Campus violence

- Civil unrest
- Hazardous material spill
- Gas leak
- Explosion
- Bomb threat
- Terrorist incident

Texas State maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to Texas State UPD by dialing 911.

The Environmental Health, Safety, Risk and Emergency Management (EHSREM) and other emergency agencies conduct tests of emergency response and evacuation procedures through a variety of drills and exercises designed to assess and evaluate emergency plans and capabilities of the institution. Evacuation drills are conducted once each long semester in on-campus residence halls.

Emergency notification systems are tested at least once annually, and emergency response and evacuation procedures are shared with the community. Exercises may include tabletop, functional, full-scale, or any combination thereof. Tests may be announced or unannounced in advance to the campus community. Each test is documented and includes, at a minimum; a description of the test, the date, and time, and whether it was announced or unannounced at least once a year.

Various campus departments, including UPD and (EHSREM), utilize outreach programs to train and educate the campus community, providing the knowledge needed to respond appropriately to various types of hazards.

Additionally, (EHSREM) is responsible for annually publicizing emergency response and evacuation procedures to the campus community in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act. This primarily occurs through multiple email “blasts” sent to employees and students throughout the year.

The primary law enforcement response to emergencies occurring on Texas State property is Texas State UPD. Fire Department/ Emergency Medical Services emergency response is provided by the City of San Marcos. Texas State UPD is usually first to respond to emergencies occurring on the Texas State campus and works with the City of San Marcos responders when necessary, to resolve the situation.

## EMERGENCY NOTIFICATIONS

Texas State University has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structure fires.

Individuals can report emergencies occurring at Texas State by calling Texas State UPD at 911.

In the event of an emergency, Texas State University will initiate and provide, without delay, emergency notifications to the appropriate segment(s) of the university community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, employees, and visitors on campus. Texas State will without delay — and taking into account the safety of the community - determine the content of emergency notification messages and initiate the notification system. The content of an emergency notification will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community, and will contain information that will aid the campus community in responding to a particular situation or provide evacuation procedures when/if necessary. Emergency notifications sent will have the subject title listed as TXST Emergency Notification or TXST Crime Alert. Emergency notifications will be issued unless issuing a notification will, in the professional judgment of the responsible authorities and taking into account the safety of the Texas State community, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Some emergency notifications are intended to be used by community members when they become aware of a dangerous situation, such as fire alarms and/or certain severe weather.

Texas State community members are authorized to activate the appropriate alarm system when the corresponding emergency is occurring. The alarm systems in place are designed to notify others of the danger via audible and/or visual means.

If the Chief of Texas State UPD, or designee, in conjunction with other university administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Texas State community, the appropriate official will collaborate with key personnel to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Texas State community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The following campus officials have been designated the authority to determine and approve the content and issuance of written emergency notifications:

- President or designee
- Provost

- Vice President of University Administration
- Vice President for Finance and Support Service or designee
- Vice President for University Advancement or designee
- Vice President for Student Affairs or designee
- Chief of Police or designee
- Senior Police Supervisor on duty
- Texas State UPD Communications
- Emergency Manager
- Director of Environmental Health, Safety, Risk and Emergency Management
- Assistant Vice President for University Marketing or designee

When an authorized official receives a report of an imminent situation or a situation in progress that poses an immediate threat to life, health, safety, or security on campus, they will confirm the report. Depending on the situation, confirmation may be achieved through one or more of the following sources:

- Investigation by Texas State UPD
- Investigation by other Texas State campus departments, including but not limited to, Environmental Health, Safety, Risk and Emergency Management, Dean of Students, Facilities, and/or the Student Health Center
- Investigation by the City of San Marcos Fire Department and/or Police Department
- San Marcos County Emergency Services and/or Health Department
- Texas Department of State Health Services
- Media reports originating from the incident scene

The authorized official will determine, in consultation with other campus officials as appropriate, how much information is appropriate to disseminate at different points in time. This determination will be based on the following:

- Nature of the incident or threat
- Segment to be notified
- Location of the incident or threat

Depending on the circumstances, Texas State may send emergency notification messages to the entire campus community or only a segment of the population. If a confirmed emergency-situation appears likely to affect a limited segment of the campus community, emergency notification messages may be limited to that segment. If the potential exists for a very large segment of the campus community to be affected by a situation or when a situation threatens the operation of the campus as a whole, then the entire campus will be notified.

In any case, there will be a continuing assessment (follow-up messages) of the situation and additional segments of the campus community may be notified if the situation warrants such action. The authorized official will, considering the nature of the threat and the population to be notified, choose the appropriate communication

tool(s) to utilize. Texas State has at its disposal several tools that may be used to disseminate emergency notifications to the campus community.

Emergency notifications will be sent using some or all of the following distribution methods depending on the type of emergency:

- RAVE Guardian Alert (also referred to as RAVE Alert, TXST Alert System, or TXST Alert interchangeably)

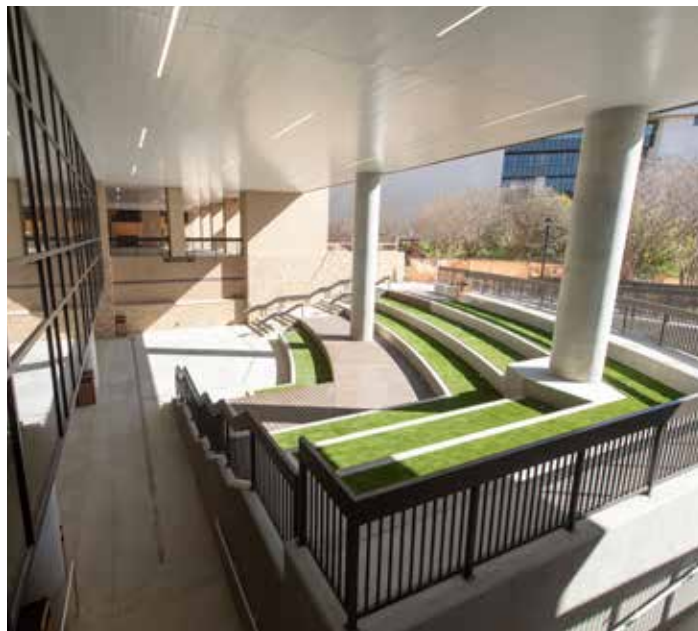
- Email

Additional notification methods may include:

- Fire Alarm Systems
- Public Address Systems
- Patient Portal (Student Health)
- Social Media
- Local Media
- Webpages
- If any of these systems fail or the university deems it appropriate, in person communication may be used to communicate an emergency.

The nature of the emergency will determine the types and extent of the notification. The authorized official will approve and send the message as soon as possible.

A combination of one or all methods listed above will be used to issue a follow-up message to the campus community (except for fire alarms). Information regarding the status of emergency situations will be developed and disseminated to the larger community, including neighbors, parents, and other interested parties as soon as possible by the Texas State UPD and/or other campus departments. This information may come in the form of updates to Texas State's website and/or communications directly with the media, if necessary.





If there is an immediate threat to the health or safety of students or employees occurring on campus, the institution will follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

All students and employees who have a @txstate.edu email address are automatically registered to receive email alerts through the TXST Alert System (also referred to as RAVE Alert, RAVE Guardian Alert, or TXST Alert). Students and employees are encouraged to check their contact information for accuracy and update it as soon as it changes. ALERRT Center participants are not considered official Texas State students and will need to register to receive notifications as they are not assigned a Texas State email address. This can be done by logging in at <https://www.police.txstate.edu/campus-safety/sign-up-for-txstate-alerts.html>.

In case of an emergency, a message will be sent to registered email and phone numbers. A student or employee may elect not to receive notifications from the university. This preference must be submitted electronically or in writing and must be renewed at the start of each academic year. RAVE Alert will be used to notify the campus community of any immediate threat to both life and safety. The City of San Marcos owns and operates outdoor warning sirens that can be heard from many locations on Texas State. These sirens notify individuals who are outside in the presence of severe weather and other hazardous conditions. Additional information regarding the outdoor warning sirens can be found at the City of San Marcos Emergency Management webpage.

The City of San Marcos and the City of Round Rock utilize a mass notification system called Everbridge to notify residents of emergency conditions. This service is provided free of charge. However, unlike RAVE Guardian Alert, the Texas State community must sign up for the service. Interested persons should visit the City of San Marcos Emergency Management webpage to learn more and/or to sign up <https://www.sanmarcostx.gov/277/Emergency-Management> or may visit the Round Rock Texas website at: <https://www.roundrocktexas.gov/news/regional-emergency-notification-system-to-receive-upgrades/>.

## BOBCAT SAFETY BULLETINS

Bobcat Safety Bulletins are developed and distributed to the community for security and safety related incidents that do not meet the legal standards or requirements for the distribution of an Emergency Notification or Timely Warning Notice per the Clery Act. Examples of such incidents and situations may include, but are not limited to:

- A crime or pattern of crimes that are not one of the 15 reportable Clery crimes (ex. a pattern of larcenies or vandalism cases);
- A crime that occurs outside of the Texas State Clery Geography (the decision to issue a Bobcat Safety Bulletin for an off-campus crime will be made on a case-by-case basis depending on an assessment of various factors which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials, and the potential direct effect on the campus community);
- A minor security or safety concern (mulch fires caused by cigarettes, etc.);
- Facilities-related issues that may cause a disruption to one or more campuses.

Bobcat Safety Bulletins will typically be written and distributed via email, social media, the Newsroom webpage (<https://news.txstate.edu/>), or via the Safety & Emergency Communications webpage (<https://safety.txstate.edu/>) by the Chief of Police, the Director of Environmental Health, Safety, Risk and Emergency Management, the Fire Marshal, the Emergency Manager, or their designees.

Bobcat Safety Bulletins may be distributed to the entire campus community or to the segment(s) of the community that are affected, as deemed appropriate by the Chief of Police, the Director of Environmental Health, Safety, Risk and Emergency Management, the Fire Marshal, the Emergency Manager, or their designees.





## EVACUATION PROCEDURES

Emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Texas State UPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Texas State UPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Texas State University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

Emergency Management staff have developed evacuation and shelter-in-place maps to be used in the event of building fires or severe weather. These maps are posted in every building and facility on campus.

The accompanying maps portray evacuation routes, severe weather shelter areas, areas of refuge for persons with disabilities, and the location of Automated External Defibrillators and evacuation chairs. Additional information regarding evacuation planning for persons with disabilities and mobility impairments is available on the Office of Disability Services website at: <https://www.ods.txstate.edu/>

## GENERAL EVACUATION PROCEDURES

If you receive instructions to evacuate or if a fire alarm is activated, immediately proceed to the nearest exit and leave the building. During an evacuation, the fire alarm will generally be the first notification system utilized. However, depending on the circumstances of the emergency, you may receive a text message through RAVE Guardian Alert (also referred to as RAVE Alert, TXST Alert System, or TXST Alert throughout the remainder of the report), or a police officer or other university officials who may instruct you to evacuate. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Texas State UPD by calling 911.

During an evacuation, please follow the following guidelines:

- Remain calm
- Do not use elevators; use the stairs, instead
- If needed, assist persons with access or functional needs
- If a person is unable to evacuate, attempt to move them to a safe location
- Once you have evacuated the building, immediately inform first responders of the person's location
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles
- Do not re-enter the building

### Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unsafe, or if the air outdoors becomes dangerous due

to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, including Texas State UPD, Department of Housing and Residential Life Staff members, other Texas State employees, or other authorities utilizing Texas State’s emergency communications tools.

### **How to “Shelter-in-Place”**

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. University staff will turn off the ventilation as quickly as possible.
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Monitor social media and listen for further instructions.
8. Make yourself comfortable.

## **SECURITY OF AND ACCESS TO TEXAS STATE UNIVERSITY FACILITIES**

### ***Including Special Considerations for Residence Hall Access and Security Considerations for the Maintenance of Campus Facilities***

Texas State is a public institution. During business hours, university facilities (excluding certain housing facilities) will be open to students, employees, contractors, and visitors. During non-business hours, access to all university facilities is by key or other electronic access control devices. Access for authorized individuals can be obtained through Ingress Management Services. Entrances to residence halls after hours are via electronic access.

To protect the safety of the campus community, university officials may ask individuals to identify themselves. People should identify themselves by providing their name, address, and affiliation to the university. A person may be asked to provide identification such as a driver’s license or university ID. If a person fails or refuses to comply, they may be asked to leave or may be removed from the building or campus. Texas State UPD Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters.

Facilities personnel maintain university property with a concern for safety and security. Lighting surveys are conducted on a regular basis to spot any lighting concerns or areas in need of repair. In addition, defective lighting conditions are reported as detected by building service personnel, police, and guards. Other members of the university community may report equipment problems to Facilities by calling 512.245.2148..

Texas State UPD conducts security surveys as needed to continually assess facility security needs. Key control is established by university policy and access to building master keys is restricted. Security alarm systems on campus are monitored by Texas State UPD communications or third-party alarm monitoring companies.

Campus housing provides a range of services and security procedures designed to ensure the reasonable safety and comfort of residents and invited guests. Uniformed security officers, supervised by Texas State UPD, assist trained residence hall supervisory staff members in their efforts to maintain security. Services include attention to lighting (including emergency lighting during power failures), locking of entrances on a regular schedule, security programming (including fire safety drills and personal safety awareness programs), viewers in all individual student room doors, and enforcement of the housing guest policy. Texas State UPD performs regular foot patrol in residence halls.



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# TEXAS STATE UNIVERSITY RESPONSE TO SEXUAL AND GENDER VIOLENCE

## INTRODUCTION

Texas State prohibits discrimination on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts also can be forms of sex-based discrimination and are prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

Texas State issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs and procedures that address sexual assault, domestic violence, dating violence and stalking whether the incident occurs on or off campus and when it is reported to a university official.

In this context, Texas State prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

The TSUS Sexual Misconduct Policy classifies sexual misconduct matters as either Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. Allegations of sexual misconduct shall be classified as Title IX Sexual Harassment provided:

- The sexual misconduct meets the definition of Title IX Sexual Harassment;
- The sexual misconduct occurred against a person participating in or attempting to participate in a university's education program or activity; and,
- The sexual misconduct occurred against a person located within the United States.
- Sexual Misconduct that does not meet all the requirements does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct.

Title IX Sexual Harassment refers to sexual misconduct that meets one or more of the following three behaviors:

- A university's employee conditioning provision of an aid, benefit or service of the university on an individual's participation in unwelcome sexual conduct ("quid pro quo" harassment which may be express or implied and need not be "severe" or "pervasive" as a single incident is inherently "offensive" and jeopardizes equal educational access;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity, or
- "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.

Sexual Harassment under other applicable state and federal law means unwelcomed sex-based verbal or physical conduct that:

- In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with the student's ability to participate in or benefit from education programs or activities at a post-secondary educational institution.

Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers, or acquaintances, and can occur between or among people of the same or opposite sex.

University refers to Texas State University.

\*These procedures may not apply to ALERRT Center participants as they may not be considered official Texas State students.\*

## UNIVERSITY PROHIBITED CONDUCT

The TSUS, its colleges and universities are committed to creating and maintaining educational communities in which everyone is respected, appreciated, and valued. The TSUS diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The TSUS focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation, or other sexual misconduct (to include domestic violence, dating violence, sexual assault and stalking as defined below). Any report of behavior that threatens our institutional values and breaches this policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all parties involved.

The TSUS and its universities are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual misconduct, as defined in this policy, is a form of sex discrimination and will not be tolerated. The TSUS and universities will maintain an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. The universities will take prompt and appropriate action to eliminate sexual misconduct when such is committed, prevent its recurrence, and remedy its effects. This policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

- Dating Violence is violence committed by a person:
  - who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
  - where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - the length of the relationship;
    - the type of relationship; and

- the frequency of interaction between the persons involved in the relationship
  - <https://www.govinfo.gov/content/pkg/CFR-2018-title34-vol3/pdf/CFR-2018-title34-vol3-sec668-46.pdf>
  - Family (Domestic) Violence includes felony or misdemeanor crimes 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 or roommate, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas, 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 State of Texas.
  - Retaliation means any adverse action threatened or taken against a person because they have filed, supported or provided information in connection with a complaint of sexual misconduct, including but not limited to direct and indirect intimidation, threats and harassment.
  - Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will.
  - Sexual Assault is defined as forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:
  - *Sex Offenses, Forcible*: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
    - *Forcible Rape*: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
    - *Forcible Sodomy*: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
    - *Sexual Assault with an Object*: To use an object or instrument to
      - Unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - *Forcible Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - *Sex Offenses, Nonforcible*: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.
    - *Incest*: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - *Statutory Rape*: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- Examples of sexual assault include, but are not limited to, the following nonconsensual sexual activity:
1. Sexual intercourse (vaginal or anal);
  2. Oral sex;
  3. Rape or attempted rape;
  4. Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
  5. Unwanted touching of a sexual nature;
  6. Use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
  7. Engaging in sexual activity with a person who is unable to provide consent; or
  8. Knowingly transmitting a sexually-transmitted disease to another.
- *Sexual Exploitation* occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples can include, but are not limited to, the following behaviors:
    - Prostituting another;
    - Non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
    - Voyeurism (spying on others who are in intimate or sexual situations);
    - Going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
    - Distributing intimate or sexual information about another person without that person's consent.

- *Sexual Violence* refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of sexual misconduct.
- *Stalking* means 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.

## RELATED UNIVERSITY POLICIES

Texas State prohibits sexual assault, sexual harassment, dating violence, domestic violence, and stalking. University policies define these terms and explain how Texas State addresses these issues when they are reported to a university official. The following university policies address these issues.

- [TSUS Sexual Misconduct Policy](#)
- [Prohibition of Discrimination \(UPPS 04.04.46\)](#)
- [Code of Student Conduct](#)

## FEDERAL CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

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

### • 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 on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship.

### ii. For the purposes of this definition—

- 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.

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

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

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

### • Stalking:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress.
- For the purposes of this definition—
  - Course of conduct* means two or more acts, including, but not limited to, acts 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.
  - Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.



C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

### CRIMINAL CONDUCT AND STATE DEFINITIONS

The State of Texas criminalizes domestic violence, family violence, sexual assault, and stalking. Law enforcement can investigate a reported crime.

Dating Violence. Dating Violence, as defined by the Texas Family Code, Section [71.0021](#), states dating violence means an act, other than a defensive measure to protect oneself, by an actor that:

1. is committed against a victim or applicant for a protective order:
  - a. with whom the actor has or has had a dating relationship; or
  - b. because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
2. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

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:

- the length of the relationship;
- the nature of the relationship; and
- the frequency and type of interaction between the persons involved in the relationship.

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

Family Violence. (Domestic Violence included) Domestic Violence, Family Violence, as defined by the Texas Family Code, Section [71.004](#), states family violence means:

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

Sexual Assault. Sexual Assault, as defined by the Texas Penal Code, Section [22.011](#), states a person commits an offense if the person:

1. intentionally or knowingly:
  - a. causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
  - b. causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  - c. causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
2. intentionally or knowingly:
  - a. causes the penetration of the anus or sexual organ of a child by any means;
  - b. causes the penetration of the mouth of a child by the sexual organ of the actor;

- c. causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- d. causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- e. causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

The law states a sexual assault under Section 1 is without the consent of the other person if:

1. the actor compels the other person to submit or participate by the use of physical force or violence;
2. the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
3. the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
4. the actor knows that as a result of mental disease or defect the other person is, at the time of the sexual assault, incapable either of appraising the nature of the act or of resisting it;
5. the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;
6. the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
7. the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
8. the actor is a public servant who coerces the other person to submit or participate;
9. the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other;
10. person's emotional dependency on the actor;
11. the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
12. 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.

**Stalking.** Stalking, as defined by the Texas Penal Code, Section 42.072, states a person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of

conduct that is directed specifically at another person, knowingly engages in conduct that:

1. constitutes an offense under Section 42.072, or that the actor knows or reasonably should know the other person will regard as threatening:
  - a. bodily injury or death for the other person;
  - b. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - c. that an offense will be committed against the other person's property;
2. causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
3. would cause a reasonable person to:
  - a. fear bodily injury or death for himself or herself;
  - b. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - c. fear that an offense will be committed against the person's property; or
  - d. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

## TEXAS CRIME VICTIM RIGHTS

Under the criminal justice system in Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights – Texas Crime Victims' Rights – Article 56.02 of the Code of Criminal Procedure described in detail at <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56.htm>

- a. A victim, guardian of a victim or close relative of a deceased victim is entitled to the following rights within the criminal justice system:
  1. The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
  2. The right to have the magistrate take the safety of the victim or family into consideration as an element in fixing the amount of bail for the accused;
  3. The right, if requested, to be informed:
    - by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those

- 
- proceedings have been canceled or rescheduled prior to the event; and
- by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
4. The right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution and the appeals and parole process;
  5. The right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his or her family by testimony, written statement or any other manner prior to any sentencing of the offender;
  6. The right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, referral to available social service agencies that may offer additional assistance;
  7. The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
  8. The right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses before and during court proceedings;
  9. The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
  10. The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
  11. The right to request victim- offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;
  12. The right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
    - by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
    - by the Board of Pardons and Paroles before an inmate is released on parole;
  13. For a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and
  14. If the offense is a capital felony, the right to:
    - receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense- initiated victim outreach specialist;
    - not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and
    - designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person;
    - a victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case;
    - the office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights; and

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

**RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE, STALKING, TRAFFICKING - ARTICLE 56.021 OF TEXAS CODE OF CRIMINAL PROCEDURE**

- a. In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:
  1. If requested, the right to a disclosure of information regarding any evidence that was the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;
  2. If requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;
  3. If requested, the right to be notified:



- A. at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;
  - B. at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and
  - C. of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;
4. If requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;
  5. For the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and
  6. to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.
- b. A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number;
  - c. A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3);
  - d. This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. In addition to the rights enumerated in Article 56.02 and, if applicable, Subsection (a) of this article, a victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:
    1. The right to request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order under Article 7A.01 on behalf of the victim;



2. The right to be informed:
  - A. that the victim or the victim's parent or guardian, as applicable, may file an application for a protective order under Article 7A.01;
  - B. of the court in which the application for a protective order may be filed;
  - C. that, on request of the victim or the victim's parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order;
3. If the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the court the information described by Subdivision (2) and, if the court has jurisdiction over applications for protective orders that are filed under Article 7A.01, the right to file an application for a protective order immediately following the defendant's conviction or placement on deferred adjudication community supervision; and
4. If the victim or the victim's parent/guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (2).

- (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
- (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
- (3) the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (5) the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) the actor is a public servant who coerces the other person to submit or participate;
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or
- (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor. (Refer to Texas Penal Code, Section [22.011\(b\)](#)).

In addition, pursuant to 51.9366, of the Texas Education Code, the university grants amnesty to employees and students for conduct violations (e.g., underage drinking or illegal drug use) if the individual witnesses or is victimized by a sexual assault incident that occurred in connection with a violation of the Student Code of Conduct.

**Consent.** The definition of consent for the crime of sexual assault in Texas is defined as: (b) A sexual assault under Subsection (a) (1) is without the consent of the other person if:





Institutional Definition of Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that they have the consent of the other to engage in each instance of sexual activity.

The university will consider the following factors in determining whether consent was provided:

- consent is a voluntary agreement or assent to engage in sexual activity;
- someone who is incapacitated cannot consent;
- consent can be withdrawn at any time;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- coercion, force or threat invalidates consent; and,
- being intoxicated or under the influence of alcohol, drugs or any other substance is never an excuse for engaging in Sexual Misconduct.

## PROTECTING MINORS ON CAMPUS

A “child or minor” is a person under 18 years of age. Neither Texas law nor any university policy allows individuals to delegate the duty to report child abuse or neglect.

Texas law requires anyone who suspects child abuse or neglect to report those suspicions to the Texas Department of Family and Protective Services (DFPS) or to a local law enforcement agency, including the Texas State UPD. Any person who has reason to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by another person must immediately report the suspected abuse or neglect. This obligation

applies to ALL members of the university community, including faculty, administrators, staff, and even students. In addition, there are special reporting obligations for certain employees defined as “professionals.” Licensed professionals including, “teachers, nurses, doctors, day care employees, and employees of a clinic or health care facility that provides reproductive services” have a specific duty to make a report not later than 48 hours after suspecting that a child has been or may be abused or neglected or that the child is the victim of the offense of indecency with a child.

Reporting suspicion to another individual, a Texas State official, or to the Texas State Ethics and Compliance Hotline does not satisfy the reporting requirement. All employees are required to comply with UPPS 01.04.41 (Reporting Abuse of Minors & Training Policy); however, your first obligation is to protect the child by reporting to law enforcement or DFPS. Any person who knowingly fails to report suspected child abuse or neglect commits a Class A Misdemeanor, which is punishable by up to one year in jail and/or a fine of up to \$4,000.

One can contact:

- Texas State UPD at 911 to report an emergency or 512-245-2805 for a non-emergency
- Local law enforcement in your area
- Texas Department of Family and Protective Services at its toll-free, 24-hour Family Violence Hotline at 800-252-5400

## PROCEDURES FOR REPORTING A COMPLAINT

If any member of the Texas State community is a victim of a sexual assault, including rape, acquaintance rape, sexual harassment, or sexual violence, there are many services available to assist, but first, the individual’s safety is of the utmost importance. If you or a member of the community is a victim of sexual assault, please contact: Texas State UPD, Pecan Building at the San Marcos Campus, 512-245-2805. Reports also can be made to the Office of Equal Opportunity and Title IX through <https://www.txstate.edu/oei/title-IX.html>

Similarly, if any member of the Texas State community experiences relationship violence, sexual misconduct, or stalking, there are also many services available to assist, but first, the individual’s safety is still of the utmost importance. If you or a community member experiences relationship violence, sexual misconduct, or stalking, contact local law enforcement by dialing 911.

Texas State has procedures in place to sensitively respond to those who report relationship violence, sexual assault, sexual misconduct, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off the campuses, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Texas State will make such accommodations, if the victim requests them and if they are reasonable, regardless of whether the victim chooses to report the crime to Texas State UPD or local law enforcement. Victims receive information in writing

about accommodations and assistance. Victims should contact the Office of Equal Opportunity and Title IX at [TitleIX@txstate.edu](mailto:TitleIX@txstate.edu) or 512-245- 2539. Reports can be made online at <https://www.txstate.edu/oei/title-IX.html>.

A person may report relationship violence, sexual assault, sexual misconduct, or stalking that occurs on campus to Texas State UPD (Pecan Bldg., emergency phone: 911, non-emergency phone: 512-245- 2805) and may report relationship violence, sexual assault, sexual misconduct, or stalking that occurs off campus to local police. When making a report to police, you may choose to report using a pseudonym so that your name will not appear in public files.

A student who has experienced relationship violence, sexual assault, sexual misconduct, or stalking, or who believes such conduct may have occurred may inform the Title IX Coordinator/ Office of Equal Opportunity and Title IX (Elliott Hall - Bldg. A - 3rd Floor, phone: 512-245- 2539, email: [TitleIX@txstate.edu](mailto:TitleIX@txstate.edu)).

Texas State provides an avenue for reporting of sexual misconduct on its website at <https://www.txstate.edu/oei/title-IX.html>. Individuals wishing to remain anonymous also may report suspected assault or retaliation to the TSUS Compliance and Ethics Line at <https://secure.ethicspoint.com/domain/media/en/gui/12867/index.html>.

## PRESERVING EVIDENCE

Following an assault, find a safe place away from the attacker and out of danger. To preserve physical evidence, victims should not bathe, urinate, douche, shower, drink, or change clothes. This will preserve evidence that can be used later if a victim decides to file a police report or to press charges or it may be helpful in obtaining a protection order.

Victims should go to CHRISTUS Santa Rosa Hospital – San Marcos (formerly known as Central Texas Medical Center) or to St. David’s Medical Center - Round Rock for a sexual assault examination and to receive prompt, thorough medical care. Victims may choose to have someone take them to the emergency room or a police officer can meet them at their location to provide transportation. For victims of dating violence, domestic violence, and stalking, it is important to preserve pictures, text messages, social media posts and messages, emails, notes and letters, etc.

## PROCEDURES INVESTIGATING AND RESOLVING A COMPLAINT

### INFORMAL RESOLUTION (MEDIATION)

Informal resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

- Both Parties are willing to engage in mediation and consent to do so in writing;
- The Complainant and the Respondent are both students or are both employees of Texas State;
- The Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint;

- The university provides written notice to the Parties in accordance with Section 3.9.2.1 of the TSUS Sexual Misconduct Policy.

When the Title IX Coordinator determines informal resolution is appropriate and the Parties consent in writing, the Title IX Coordinator will make the requisite arrangements in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both Parties. Agreements will be maintained by the Title IX Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

The Title IX Coordinator will terminate informal resolution and continue the investigation if:

- The Parties are not able to reach an agreement prior to the exhaustion of the administrative process,
- One or more of the Parties withdraws consent to informal resolution, or,
- Title IX Coordinator determines that informal resolution is no longer appropriate.

The matter will then be referred for investigation in accordance with the procedures outlined herein.

## INVESTIGATION PROCEDURES AND PROTOCOLS

### TITLE IX SEXUAL HARASSMENT

Upon Texas State’s receipt of a report of Title IX Sexual Harassment:

- The Title IX Coordinator or designee will review the complaint and shall promptly contact the Complainant to discuss the availability of Supportive Measures, Complainant’s wishes with respect to Supportive Measures, and the availability of Supportive Measures with or without the filing of a Formal Complaint or Report.
- Explain to the Complaint the process for filing a Formal Complaint or Report;
- Provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;
- Request additional information regarding the reported incident;
- Explain the investigatory process;
- Explain the options for reporting to law enforcement authorities, whether on campus or local police;
- Discuss Complainant’s request for anonymity and confidentiality, if such has been requested, and explain the confidentiality may impact the university’s ability to investigate fully;
- Determine whether the Complainant wishes to pursue informal resolution; and
- Refer the Complainant, as appropriate to the counseling center or other resources, including but are not limited to law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources student financial

aid, alternative disciplinary processes, and visa and immigration status.

As soon as is practicable, the Investigator shall contact the Complainant and schedule an initial meeting. At the initial meeting, the Investigator will inform Complainant and Respondent of supportive measures such as dropping a course in which both parties are enrolled without any academic penalty.

### NON-TITLE IX SEXUAL MISCONDUCT

Upon Texas State's receipt of a report of Non-Title IX Sexual Misconduct: Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment shall be classified as Non-Title IX Sexual Misconduct. Non-Title IX Sexual Misconduct may be handled by the Title IX Coordinator's Office to address such Non-Title IX Sexual Misconduct.

### PROMPT, FAIR, AND EQUITABLE INVESTIGATION

At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the investigation to include the allegation(s) in writing together with a copy of the TSUS Sexual Misconduct Policy. Written notice of the investigation will be provided to the Complainant simultaneously with Respondent. Texas State's disciplinary process includes a prompt, fair, and impartial process from investigation to final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Texas State will make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, the Texas State University System Sexual Misconduct Policy provides that:

### TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

The Investigator will provide:

- *Notice of Allegations.* In response to a Formal Complaint the university must give written notice of the allegations to the Parties. This notice must include:
  - Notice of the university's grievance process, including informal resolution;
  - Sufficient details of the allegations known at the time;

- Identifies the Parties involved;
- The conduct allegedly constituting Title IX Sexual Harassment;
- The date and location of the alleged incident;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- The accuser and the accused will have timely notice for meetings (parties do not meet together until a Live Hearing);
- The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
- That the Parties may inspect and review evidence gathered during the process;
- That knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,
- The availability of Supportive Measures to the Complainant and Respondent.

- Each Party may be accompanied by an Advisor of their choice to any related meeting, interview, or proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party.
- The university will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination (as more fully explained in Section 7.11.3) at a live hearing, if any. 7.4.2. If a Party does not have an Advisor to conduct cross-examination at the live hearing, the university will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.
- Each Party's Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or accused and will remain neutral throughout the investigation. The Complainant and the Respondent shall have opportunities to respond in person and/or in writing, submit relevant documents, and identify relevant witnesses.
- The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and

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

## TITLE IX INVESTIGATION

- *Scheduling.* An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- *Information Gathering.* The Investigator will gather and review information from the Complainant, Respondent, and Witnesses. The Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.
- *Equal Opportunity to Present Evidence and Witnesses.* All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A university may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.
- *Right to Inspect and Review Evidence Prior to Completion of the Investigation.* Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations 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 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
  - Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.
  - The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.
- *Investigative Report.* The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

- *Privileges.* The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- *Live Hearings.* All investigations not dismissed pursuant to Section 5.4 shall have a live hearing. The following are the participants at a live hearing:
  - *Decision Maker.* The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The university's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report may not serve as Decision Maker.
  - *Parties.* The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.
  - *Advisor.* Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross-examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing.
    - If a Party does not have an Advisor, the university will appoint an Advisor of the university's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. A university is not required to appoint an attorney as an Advisor.
  - *Investigator.* The Investigator will be present at the hearing, and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.
  - *Title IX Coordinator.* The Title IX Coordinator may be present at the live hearing.
- *Availability of Investigative Evidence.* The university must make all evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- *Documents.* Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with Section 7.10 will be considered.
- *Witnesses.* Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.



- *Determination of Relevance of Questions.* Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.
  - Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct 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 Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.
- *Live Cross-Examination* (Directly, Orally, in real time). The cross-examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.
- *Alternative Hearing Locations.* The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the university's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, the university shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other or the witness answering questions, at all times while the hearing is in session.
- *Recording of Hearing Proceedings.* The university shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.
- *Decisions and Sanctions.* Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall

be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of this Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, 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;
- the university's procedures and permissible bases for the Complainant and Respondent to appeal; and
- the identity and contact information of the appropriate Appellate Authority.



### NON-TITLE IX GRIEVANCE PROCESS

The Investigator will provide:

- *Notice of Allegations.* In response to a Report the university must give written notice of the allegations to the Parties. This notice must include:
  - Notice of the university’s grievance process, including informal resolution;
  - Sufficient details of the allegations known at the time;
  - Identities the Parties involved;
  - The conduct allegedly constituting Title IX Sexual Harassment;
  - The date and location of the alleged incident;
  - That the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (the university is not required to appoint an Advisor);
  - That the Parties may inspect and review evidence gathered during the process;
  - That knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and;
  - The availability of Supportive Measures to the Complainant and Respondent.

### NON-TITLE IX INVESTIGATION

- *Scheduling.* An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- *Information Gathering.* Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.

- *Equal Opportunity to Present Evidence and Witnesses.* All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A university may not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.
- *Privileges.* The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- *Right to Inspect and Review Evidence Prior to Completion of the Investigation.* Once the assigned Investigator concludes all fact finding, and evidence gathering activities, each Party must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Report, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence 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.
  - Each Party will have ten (10) calendar days to inspect, review, and respond to the evidence.
  - The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.
- *Investigative Report.* The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator.

- *Title IX Coordinator Finding and Recommended Sanction.* The Title IX Coordinator will make a written Finding as to whether:
  - it is more likely than not that Respondent did not violate this Policy and the matter is closed, or
  - it is more likely than not that Respondent violated this Policy, and the nature of the violation(s).
- The Finding shall include the Title IX Coordinator's basis for the decision and recommended Sanctions when there is a Finding of a violation.
- *Communication of the Finding and Recommended Sanctions.*
  - When there is a Finding of no violation of this Policy, the Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant and Respondent.
  - When there is a Finding that it is more likely than not that Respondent violated this Policy, the Title IX Coordinator will communicate the Finding in writing to the university administrator with authority to determine and issue appropriate Sanctions.
  - When there is a Finding of a violation by a Respondent employed by the university, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee, who are not in the line of appellate review.
- *Sanction Decision.* The responsible university administrator will issue written Sanctions promptly and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. University Administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.
- *Administrators Responsible for Imposing Sanctions.*
  - Student Respondent Sanctions. The Dean of Students will issue Sanctions for Students. When Respondent is both a Student and an Employee, the Title IX Coordinator will determine whether the Respondent's status is that of Student, staff, or faculty for disciplinary purposes. When Respondent's status is determined to be that of a Student employed by the university, the Dean of Students will consult with the appropriate Human Resources authority prior to issuing Sanctions.
  - Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.
  - Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.
- *Dispute of Findings and/or Sanctions.* Complainant or Respondent may elect to dispute the Finding and/or the Sanction. Review of disputed Findings and/or Sanction(s) are based on the preponderance of evidence standard.
- *Students. Student Complainants or Respondents must submit* a written request for a hearing to the Title IX Coordinator within seven (7) calendar days. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9, with exceptions as follows:
  - The university Representative for hearings related to the Non-Title IX Sexual Misconduct shall be the university's Title IX Coordinator;
  - The Title IX Coordinator is responsible for arranging the hearing by notifying the Parties of the hearing dates, the availability of documents to be used at the hearing, the witnesses expected to provide information at the hearing, as well as deadlines for submission of questions.
  - Each Party shall receive a copy of the written request for hearing and notice of the hearing, and has a right to be present.
  - Neither Party shall be compelled to attend any hearing. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the university's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually.
  - At the request of either Party, the university shall provide for the entire hearing to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other.
  - Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established. The Decision Maker will determine, and shall ask the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.
- *Hearing Decision.* The Decision Maker may uphold, reject or modify the Finding(s) and Sanctions(s), or remand the matter to the Title IX Coordinator for further investigation and/or other action.
- The Decision Maker shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, the Title IX Coordinator, and Dean of Students.
- *Staff.* Complainants or Respondents may elect to dispute the Finding and/or Sanction as follows.
  - Any request for review of the Finding or Sanction against a staff member must be made in writing and submitted with all information in support of the request to the Chief Human Resources Officer, or his or her designee, within five (5) calendar days of receipt of the Finding or Sanction.

- The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the Decision Maker within five (5) calendar days of receipt.
- A Party who has not requested review, including the university, may, but is not required to, submit a written response to the Decision Maker within five (5) calendar days of receiving the materials.
- The Decision Maker may uphold, reject, modify, or remand the Decision. The Decision is final.
- The Decision Maker will inform Complainant, Respondent, Title IX Coordinator, appropriate supervisor, and appropriate Campus Administrator of the Decision in writing.
- *Non-Tenured Faculty Dispute of Non-Reappointment or Termination After Expiration of Contract Period.* Should the Sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of their contract period, the faculty member may dispute the Findings and/or Sanctions as described herein. However, the faculty member is not entitled to a hearing.
  - No later than thirty (30) calendar days after the faculty member receives notice of the Finding and/or Sanction, they may request review from the President by submission of the grievance form prescribed by the university together with any supporting materials.
  - The university President shall designate a Hearing Officer to review.
  - The Hearing Officer shall provide a copy of the materials submitted to the other Party and the Title IX Coordinator within five (5) calendar days of appointment.
  - The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.
  - The Hearing Officer may secure any information the officer determines necessary to review the dispute.
  - The Hearing Officer shall make a written recommendation to the President to approve, reject, modify, or remand the Finding and/or Sanction and shall provide a copy of the recommendation to the faculty member, the other Party, the Title IX Coordinator and the Provost.
  - The university President shall issue a written, final Decision and shall provide a copy of the Decision to the faculty member, the other Party, the Title IX Coordinator and the Provost.
- *Faculty Hearing.* Tenured faculty receiving a Sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank or other faculty member whose employment is terminated prior to the end of his or her contract period may elect to dispute the Finding and/or the Sanction through a hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:
  - The role of the Decision Maker is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;
  - All notices and correspondence shall be sent to the Complainant, Respondent, Title IX Coordinator, and Provost who shall be referred to as Required Parties for purposes of this section.
  - Within five (5) calendar days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.
  - The other Party shall receive notice of the hearing and has a right to be present but shall not be compelled to attend any hearing. The Complainant, Respondent, or witness who does not want to be in the same room as one of the Parties shall, upon advance request, be accommodated.
  - The Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established by the Decision Maker. The Decision Maker will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/ or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.
  - The Complainant, Respondent, or university may be assisted or represented by counsel.
  - The Decision Maker shall issue a written recommendation to approve, reject, modify, or remand the Finding and/or Sanction. The recommendation shall be forwarded to the President and Required Parties within five (5) calendar days of the hearing.
  - When a Finding of Sexual Misconduct is upheld, Sanctions listed herein shall be imposed. When the President finds substantial doubt about the thoroughness, fairness, and/ or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, he or she may remand the matter to the Title IX Coordinator for further investigation and/or other action, or may reject the recommended Finding(s) or Sanction(s).
  - The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.
- *Other Faculty Disputes.* All other disputes of the Finding and/ or Sanction against faculty shall follow the procedures for Staff stated herein.
- *Third Parties.* Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions.



All Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training annually to include, knowledge of offenses (dating violence, domestic violence, sexual assault, and stalking), investigatory procedures, due process, and Texas State policy and procedures related to sexual misconduct to promote accountability and safety of victims.

### **STANDARD OF REVIEW AND FINDING**

The Title IX Coordinator will review the Investigative Report under the “Preponderance of the Evidence” standard defined as the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

For Non-Title IX, the Title IX Coordinator will make a written Finding as to whether:

- No reasonable grounds exist that the Sexual Misconduct Policy was violated, and the matter is closed; or
- It is more likely than not that Respondent violated the Sexual Misconduct Policy, and the nature of the violation(s).

The Finding shall include the Title IX Coordinator’s basis for the decision and recommended Sanctions when there is a Finding of a violation.

### **COMMUNICATION OF THE FINDING AND RECOMMENDED SANCTIONS FOR NON-TITLE IX VIOLATIONS**

When there is a Finding of no violation of the Sexual Misconduct Policy (to include dating violence, domestic violence, sexual assault, and stalking), the Title IX Coordinator or Designee will communicate the Finding (result) in writing simultaneously to the Complainant AND Respondent.

When there is a Finding that it is more likely than not that Respondent violated the Sexual Misconduct Policy, the Title IX Coordinator will communicate the Finding in writing to the Texas State Administrator with authority to determine and issue appropriate Sanctions. The Finding will be communicated in writing simultaneously to the Complainant AND Respondent.

When there is a Finding of a violation by a Respondent employed by Texas State, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee, who are not in the line of appellate review. The Finding will be communicated in writing simultaneously to the Complainant AND Respondent..

### **POSSIBLE SANCTIONS FOR TITLE IX AND NON-TITLE IX VIOLATIONS**

Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions for students may include any of the following:

- expulsion, suspension or dismissal from the university and/or System;

- no-contact orders,
- probation (including disciplinary and academic probation);
- expulsion from campus housing;
- restricted access to activities or facilities;
- mandated counseling (this may include, but not be limited to educational programs and batterer intervention);
- disqualification from student employment positions;
- revocation of admission and/or degree;
- withholding of official transcript or degree;
- bar against readmission;
- monetary restitution;
- deferred suspension;
- written warning;
- withdrawing from a course with a grade of W, F, or WF; or
- relevant training.

Sanctions for employees may include any of the following:

- withholding a promotion or pay increase;
- reassigning employment, including, but not limited to demotion in rank;
- terminating employment;
- barring future employment;
- temporary suspension without pay;
- compensation adjustments;
- -no-contact orders;
- -relevant training; or,
- -recommendation to revoke tenure.

Within seven (7) business days of receipt of the Finding, the responsible Texas State Administrator will issue written Sanctions and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. The Texas State Administrator shall inform the Complainant of any Sanction(s) imposed on the Respondent that directly relates to the Complainant.

### **APPEAL OF FINDING OR SANCTIONS AND FINAL DECISION INFORMATION**

#### **APPEAL FOR TITLE IX GRIEVANCE PROCESS**

Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

*Grounds for Appeal.* The only grounds for appeal are:

- Procedural irregularity, including a relevancy determination, that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and,
- The Sanction is substantially disproportionate to the written decision.

*Procedure for Appeal.* Either Party may appeal a dismissal or Decision Maker's determination by filing a written request to appeal, with supporting information, with the appropriate Appellate Authority within ten (10) calendar days of issuance of the decision. If a Complainant or Respondent appeals, the university must:

- Notify the other Party in writing within five (5) calendar days from when an appeal is filed and implement appeal procedures equally for both Parties;
- Give the non-appealing Party seven (7) calendar days from when the university notifies the non-appealing Party that an appeal has been filed to submit a written statement in support of, or challenging, the outcome, a copy of which will be provided to the appealing Party; and,
- Issue a written decision, including the rationale therefor, simultaneously to both Parties within twenty-one (21) calendar days from the date the notice is issued. The decision of the Appellate Authority is final.

*Implementation of Sanction.* No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

*Implementation of Remedies.* Upon the issuance of the written Determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the university's education program or activity.

#### **STAFF**

- Any request for review of the Finding or Sanction against a staff member must be made in writing and submitted with all information in support of the request to the Chief Human Resources Officer, or his or her designee, within five (5) calendar days of receipt of the Finding or Sanction.
- The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the Decision Maker within five (5) calendar days of receipt.
- A Party who has not requested review, including the university, may, but is not required to, submit a written response to the

Decision Maker within five (5) calendar days of receiving the materials.

- The Decision Maker may uphold, reject, modify, or remand the Decision. The Decision is final.
- The Decision Maker will inform the Complainant, Respondent, Title IX Coordinator, appropriate supervisor, and appropriate Campus Administrator of the Decision in writing.

*Non-Tenured Faculty Dispute of Non-Reappointment or Termination After Expiration of Contract Period.* Should the Sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of their contract period, the faculty member may dispute the Findings and/or Sanctions as described herein. However, the faculty member is not entitled to a hearing.

- No later than thirty (30) calendar days after the faculty member receives notice of the Finding and/or Sanction, they may request review from the President by submission of the grievance form prescribed by the university together with any supporting materials.
- The university President shall designate a Hearing Officer to review.
- The Hearing Officer shall provide a copy of the materials submitted to the other Party and the Title IX Coordinator within five (5) calendar days of appointment.
- The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.
- The Hearing Officer may secure any information the officer determines necessary to review the dispute.
- The Hearing Officer shall make a written recommendation to the President to approve, reject, modify, or remand the Finding and/or Sanction and shall provide a copy of the recommendation to the faculty member, the other Party, the Title IX Coordinator and the Provost.
- The university President shall issue a written, final Decision and shall provide a copy of the Decision to the faculty member, the other Party, the Title IX Coordinator and the Provost.

*Faculty Hearing.* Tenured faculty receiving a Sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank or other faculty member whose employment is terminated prior to the end of his or her contract period may elect to dispute the Finding and/or the Sanction through a hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:

- The role of the Decision Maker is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;
- All notices and correspondence shall be sent to the Complainant, Respondent, Title IX Coordinator, and Provost

who shall be referred to as Required Parties for purposes of this section.

- Within five (5) calendar days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.
- The other Party shall receive notice of the hearing and has a right to be present but shall not be compelled to attend any hearing. The Complainant, Respondent, or witness who does not want to be in the same room as one of the Parties shall, upon advance request, be accommodated.
- The Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established by the Decision Maker. The Decision Maker will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.
- The Complainant, Respondent, or university may be assisted or represented by counsel.
- The Decision Maker shall issue a written recommendation to approve, reject, modify, or remand the Finding and/or Sanction. The recommendation shall be forwarded to the President and Required Parties within five (5) calendar days of the hearing.
- When a Finding of Sexual Misconduct is upheld, Sanctions listed herein shall be imposed. When the President finds substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, he or she may remand the matter to the Title IX Coordinator for further investigation and/or other action, or may reject the recommended Finding(s) or Sanction(s).
- The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.

*Other Faculty Disputes.* All other disputes of the Finding and/or Sanction against faculty shall follow the procedures for Staff stated herein.

*Third Parties.* Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions

### APPEAL OF NON-TITLE IX GRIEVANCE OUTCOME

*Right to Appeal.* If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a hearing, either Party may appeal:

- *Grounds for Appeal.* Grounds for appeal are limited to the following:
- Procedural irregularity that affected the outcome of the matter;



- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter;
- The Sanction is substantially disproportionate to the written decision.

#### *Procedure for Student Appeals.*

- Appeals shall be made in writing and include the ground(s) for appeal. All information in support of the appeal must be included and submitted to the Chief Student Affairs Officer, or his or her designee (Appellate Authority), within five (5) calendar days of the hearing Decision.
- The Appellate Authority shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.
- The Party who has not filed an appeal, including the university, may, but is not required to, submit a written response to the appeal within five (5) calendar days of receipt. The Appellate Authority shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.
- The Appellate Authority may approve, reject, modify, or remand the Decision. The Appellate Authority shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appellate Authority's Decision is final.



*Procedure for Faculty Appeals.* Appeals of faculty hearings are governed by System Rules and Regulations, Chapter V. § 4.56 with exceptions as follows:

- A faculty member must submit a written appeal stating grounds with any supporting documentation to the TSUS Office within thirty (30) calendar days of receipt of the President's decision.
- The TSUS Office shall provide a copy of the appeal concurrently with receipt to the non-appealing Party, the President, Title IX Coordinator, and additional individuals with supervisory authority over either Party.
- The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the TSUS Office.
- The TSUS Board of Regents shall provide notice in writing of the reasons for its Decision simultaneously to the faculty member, the non-appealing Party, the President, and Title IX Coordinator. The Decision of the Board is final.

*Modification of Deadlines.* The Appellate Authority may modify the deadlines contained in this section, as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the appeal, semester breaks and time-sensitive considerations.

View the Texas State University System Sexual Misconduct Policy at <https://gato-docs.its.txstate.edu/jcr:f2f29ee5-4233-4ccb-9781-0cf98bc60de0/TSUS%20SYSTEM-WIDE%20SMP--Approved%208-14-20.pdf%20>. The Sexual Misconduct Policy applies to both students and employees.

### **OTHER POSSIBLE SANCTIONS FOR VIOLATIONS**

*Civil:* Discrimination is illegal under federal and state law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil liability against the university and any person found to have committed illegal discrimination.

*Criminal:* Sexual harassment by a public servant is a criminal offense under [39.03](#) of the Texas Penal Code. Depending on the severity of the acts, sexual harassment may also specifically include indecent exposure, public lewdness, assault, or sexual assault under Chapters 21 and 22 of the Texas Penal Code.

*False Reports:* False reports may result in disciplinary action against the Complainant by the university or civil action against the Complainant by the Respondent. An unsubstantiated report is not considered "false" unless it is made with the knowledge that it is false.

### **VICTIMS' FREQUENTLY ASKED QUESTIONS ABOUT REPORTING RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, AND STALKING**

#### **DO I HAVE TO REPORT?**

This is an individual decision. However, you have the option to file a report with the police or Title IX Coordinator (Office of Equal Opportunity and Title IX). Whether you make a report or not, you are eligible to receive the free and confidential services at Hays County Women's Center, Texas State Student Health Center, and the Texas State Counseling Center. If you are not sure about reporting the assault, the Hays County Women's Center can give you more information about the reporting process to help you make that decision. If you do not want to make a report, you may tell the responding officer at that time and still receive any medical treatment you need and a forensic exam if requested.

#### **WHAT ARE THE BENEFITS TO REPORTING?**

Reporting any act of sexual violence can be difficult. Barriers for victims coming forward include knowing the perpetrator, used alcohol or drugs before sexual assault, historical mistrust or previous negative interactions with law enforcement, and feelings of guilt or shame. Texas State supports the victim's choice to report to police. Benefits to reporting as soon as you can include being eligible for Crime Victim's Compensation, assisting you with interim measures for assistance, housing, classes, etc., and getting you connected to resources that are here to help.



### **WHAT HAPPENS IF I CHOOSE TO MAKE A POLICE REPORT?**

A law enforcement officer (Texas State UPD or local jurisdiction) will take your statement and ask you questions about what happened. This starts the criminal investigation process. Texas State UPD will provide you with information regarding assistance available through the Hays County Women's Center, Texas State Student Health Center, Texas State Counseling Center, and Title IX Coordinator.

### **IF I MAKE A POLICE REPORT, WHAT WILL HAPPEN NEXT?**

The following link will take you to the Hay's County District Attorney's webpage, which lists resources and victims' rights: <https://hayscountytexas.com/courts/district-attorney/victim-services-division/>. You may also visit the Williamson County District Attorney's webpage for a list of resources and victims' rights at: <https://www.wilco.org/Elected-Officials/Attorneys/County-Attorney/Divisions/Victim-Services>.

### **DO I NEED MEDICAL ATTENTION?**

It is very important to seek immediate medical care following a sexual assault or other physical assault to get treatment for any injuries you may have at CHRISTUS Santa Rosa Hospital – San Marcos (formerly known as Central Texas Medical Center) or at St. David's Medical Center - Round Rock. In Texas, evidence may be collected even if you chose not to make a report to law enforcement<sup>1</sup>. You must consent to get a sexual assault rape kit completed. If a report is not made with law enforcement, a victim may apply for the Crime Victim's Compensation Program to get the sexual assault exam completed without payment. It is important to remember that not all injuries from the sexual assault will be immediately apparent. You also can ask the nurse or doctor about the possibility of pregnancy or contracting sexually transmitted diseases as a result of the sexual assault and receive appropriate care.

### **IS A SEXUAL ASSAULT EXAM THE SAME AS MEDICAL TREATMENT?**

A sexual assault examination is not medical treatment. A sexual assault exam is performed by medical personnel to collect and preserve evidence following a sexual assault. This is important because certain types of evidence that may be present immediately after the attack will disappear or become lost or unavailable as time passes. Getting a sexual assault exam as soon as possible will increase the chances of collecting this evidence thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Texas State UPD or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the university at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. Your immediate medical needs and referrals for follow-up care will also be addressed at the time of your visit to the hospital. It is important that a Victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours. The purpose of this is to preserve evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if Victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

<sup>1</sup>Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

Victims of domestic violence, dating violence, sexual assault, sexual misconduct, and stalking can save other types of evidence, if they have any, that would be useful to university adjudicators/investigators or police. Examples include:

- Text message conversations
- Instant message conversations
- Social networking pages
- Call logs or any other types of communications
- Photographs or audio or video recordings
- Logs or other copies of documents

All the above are useful to the police and the Office of Equal Opportunity and Title IX Office. Although the university strongly encourages all members of its community to report criminal conduct to law enforcement, it is the victim's choice whether to make such a report and Victims have the right to decline involvement with the police. The university will assist Victims with notifying local police if they so desire. Victims will receive information in writing about accommodations and assistance. The **Texas State UPD** may be reached directly by calling (512) 245-2805, and in person at the Pecan Building (1321 Academy St., San Marcos TX 78666).

### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

If you have been a victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Alexandria Hatcher. You may contact the office by phone, 512.245.2539, email, mail, walk-in (Elliott Hall A, 3rd floor), or file a report via the Sexual Misconduct Webline. Reports of all domestic violence, dating violence, sexual assault and stalking made to Texas State UPD will automatically be referred to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges.

Additional information about the Texas State UPD may be found online at <https://www.police.txstate.edu/>.

### **WHAT DO I DO IF I OBSERVE RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING?**

**BE AN ACTIVE BYSTANDER.** Bystanders have an opportunity to play a critical role in the prevention of relationship violence. They are individuals who directly or indirectly observe violence or the conditions that perpetuate violence. Bystanders have the choice to intervene, speak up, and do something about the situation. At Texas State, we want a culture of community accountability where bystanders actively engage in the prevention of violence without causing further harm. We may not always know what to do, even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or needs help, ask if they are ok.

- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

### **HOW DO I REDUCE MY RISK OF BEING A VICTIM?**

The following are strategies to reduce one's risk of sexual assault or harassment (taken from the Rape, Abuse, & Incest National Network, <http://rainn.org>).

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act as if you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
8. Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
10. Knowing where you are and who is around you may help you to find a way out of a bad situation. If you see something suspicious, contact law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S.
11. Do not leave your drink unattended while talking, dancing, using the restroom or making a phone call. If you have left your drink alone, just get a new one.
12. Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.

13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated in relation to the amount of alcohol they have had or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S. Be explicit with doctors so they can give you the correct tests. You will need a urine test and possibly others.
15. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you do not want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

4. Review organizational policies and practices for a trauma-informed climate
5. Address and challenge social norms and behaviors that perpetuate sexual violence.
6. Invest in research on sexual violence prevention strategies on campuses.
7. Train students on how to intervene or speak up against violence.

## REPORTING SEXUAL INTERPERSONAL OR STALKING CRIMES TO RESPONSIBLE EMPLOYEES

A Responsible Employee who receives a report of sexual misconduct must report to the Title IX Coordinator or the Coordinator's designee, all relevant details about the alleged sexual misconduct shared by the victim or reporting party. A Responsible Employee shall share all information relevant to the investigation, and if applicable, redress of the incident, including whether an alleged victim or other necessary parties' have expressed a desire for confidentiality in reporting the incident. A responsible employee should not share information with law enforcement without the victim or reporting parties' consent unless the victim or reporting party has also reported the incident to law enforcement. A Responsible Employee cannot report anonymously.

Before a victim or reporting party reveals any information to a Responsible Employee, the employee should ensure that the victim or reporting party understands the employee's reporting obligations. If the victim or reporting party request anonymity and confidentiality, direct the victim or reporting party to Title IX Confidential Sources.

If the Victim or reporting party reports an incident to the Responsible Employee but also requests confidentiality or requests that the matter not be investigated, the employee should tell the Victim or reporting party that the university will consider the request but cannot guarantee that the university will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the victim's or other parties request for confidentiality.

A Responsible Employee must promptly report to the Title IX Coordinator or the Coordinator's designee incidents of sexual harassment, sexual assault, dating violence, stalking, or any other sexual misconduct defined in this Policy, provided:

- The employee is in the course and scope of employment, at the time the employee witnesses or receives information regarding the occurrence of sexual harassment, sexual assault, dating violence, stalking, or any other sexual misconduct defined in this Policy; and,
- The employee reasonably believes the incident constitutes sexual harassment, sexual assault, dating violence, stalking, or any other sexual misconduct defined in this policy; and,
- The incident of sexual harassment, sexual assault, dating violence, stalking, or any other sexual misconduct defined in this policy, was either committed by or against an enrolled

## HOW CAN TEXAS STATE UNIVERSITY REDUCE SEXUAL VIOLENCE ON ITS CAMPUSES?

The following are strategies to help prevent sexual violence on campus (taken from the Division of Violence Prevention, Center for Disease Control and Prevention).

1. Address the multiple levels of influence for sexual violence victimization and perpetration at the individual, relationship and community levels.
2. Examine the characteristics of physical, social, and cultural environments that contribute to sexual violence.
3. Implement skill-based multisection educational programs that are culturally relevant for students.

student or an employee of the university at the time of the incident.

*No report required.* A person is not required to report an incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy, to the Title IX Coordinator or Coordinator's designee if:

- The person was the Victim of such conduct; or,
- The person received information due to a disclosure made at a public awareness event sponsored by a university or by a student organization affiliated with Texas State.

## FULFILL YOUR DUTY TO REPORT

Employees and individuals required to respond on behalf of Texas State must comply with their obligation to report sexual assault, sexual misconduct, relationship violence, and stalking to their supervisor and the Office of Equal Opportunity and Title IX Office at 512-245-2539.

## VICTIM BILL OF RIGHTS

The Campus Sexual Assault Victims' Bill of Rights is a federal law that requires all colleges and universities participating in federal student aid programs to give sexual assault Victims certain basic rights. The following rights are provided in writing to the Victim:

- Victims shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be simultaneously informed of the outcome of any disciplinary proceeding.
- Victims shall be notified of counseling services.
- Victims shall be notified of options for changing academic and living situations.

## ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking. The university will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request



accommodations and protective measures (referred to as "supportive measures" in the Texas State University System Sexual Misconduct Policy); and

- an explanation of the procedures for institutional disciplinary action

The university has procedures in place that take into consideration the sensitivity of the matter for those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus as well as additional remedies to prevent contact between a Complainant and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. The victim will receive this information in writing of their rights and options including the right to notify law enforcement, option to attend counseling and seek medical attention, right to know the outcome of disciplinary proceedings, option to change academic and living situations, and right to have an advisor/advocate assist the victim. The university will coordinate accommodations, if the victim requests, and if they are reasonably available, regardless of whether the victim chooses to report the crime to Texas State UPD or local law enforcement.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the university, below are the procedures that the university will follow:

*\*These procedures may be completed by the Office of Equal Opportunity and Title IX, the Texas State UPD, or both offices\**



INCIDENT BEING REPORTED	PROCEDURE INSTITUTION WILL FOLLOW
Sexual Assault	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), the institution will refer the complainant medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a No Contact Directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant which includes information regarding timeframes for inquiry, investigation, resolution, and evidence preservation</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
Stalking	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide a copy of the policy applicable to Stalking to the complainant which includes information regarding timeframes for inquiry, investigation, resolution, and evidence preservation</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a No Contact Directive to accused party if deemed appropriate</li> </ol>
Domestic Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide a copy of the policy applicable to Domestic Violence to the complainant which includes information regarding timeframes for inquiry, investigation, resolution, and evidence preservation</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a No Contact Directive to accused party if deemed appropriate</li> </ol>
Dating Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide a copy of the policy applicable to Dating Violence to the complainant which includes information regarding timeframes for inquiry, investigation, resolution, and evidence preservation</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a No Contact Directive to accused party if deemed appropriate</li> </ol>

A victim of crime is defined by Chapter 56 of the Code of Criminal Procedure, as (1) someone who is the victim of sexual assault, kidnapping or aggravated robbery, trafficking of persons, or injury to a child, elderly individual or disabled individual or who has suffered bodily injury or death because of the criminal conduct of another; (2) the close relative (spouse, parent, adult brother, or sister, or child) of a deceased victim; or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss.

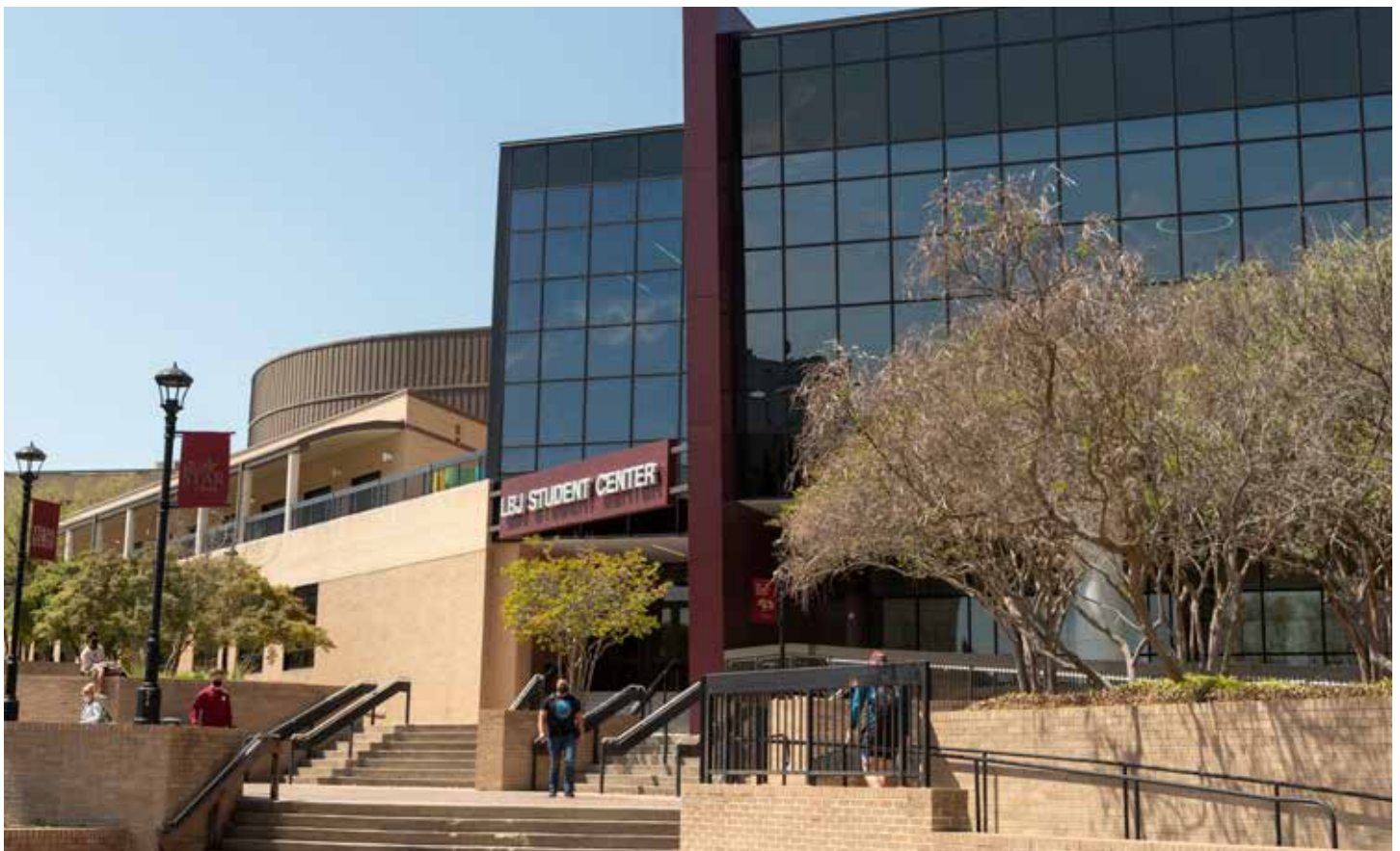
The State of Texas intends that victims of violent crimes receive the following safeguards, assurances and considerations: The Texas Constitution (Article I, Section 30) provides victims of violent crimes with the right, upon their request, to receive notice about court proceedings and the conviction, sentence, imprisonment and release of the accused. For more information about victim rights notification, visit <https://texasattorneygeneral.gov/cvs/victim-notification> or call VINE 24-hour- information on jail status and court events: 1-877-894-8463.

Texas State will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purpose of this paragraph.

## ASSISTANCE AND SUPPORT AVAILABLE TO VICTIMS

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Texas State University will provide written notification to students and employees about accommodations/supportive measures available to them, including academic, living, transportation, no contact directives and working situations. The written notification will include information regarding the accommodation/supportive measures options, available assistance in requesting accommodations, and how to request accommodations/supportive measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations/supportive measures).

At the victim's request, and to the extent of the Victim's cooperation and consent, university offices will work collaboratively to ensure that the complainant's health, physical safety, work and academic status are protected. For example, if reasonably available, a Victim may be offered changes to academic, living or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Requesting changes to academic, living, transportation and/or working situations or protective measures, a victim may contact the Office of Equal Opportunity and Title IX at 512.245.2539. If a victim needs assistance in requesting such changes, they may also reach out to the Office of Equal Opportunity and Title IX.



## CONFIDENTIALITY

Victims may request that directory information on file with the university be withheld by requesting information be kept protected with the Office of Registrars at 512.245.5555.

Regardless of whether a victim has opted-out of allowing the university to share “directory information,” personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the Victim (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (20). Texas State does not publish the name of crime victims or other personally identifiable information regarding victims or complainants in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Clery Act. The daily crime log is available to the public and can be viewed at 60- day Crime and Fire Log. Furthermore, if a Timely Warning Notice or an emergency notification is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, or any other Clery Act reportable crime, the name of the victim or complainant and other personally identifiable information will be withheld. Further, Texas State shall maintain as confidential any measures provided to the victim/complainant, to the extent allowed by law and to the extent that maintain such confidentiality will not impair the ability to provide the accommodations/supportive measures. To allow students to report sexual assault without fear of recrimination, the university grants amnesty to employees and students for conduct violations (e.g., underage drinking or illegal drug use) if the individual witnesses or is victimized by a sexual assault incident that occurred in connection with a violation of the Code of Student Conduct.

## WHO COULD I TALK TO?

If a victim chooses to report sexual assault, relationship violence, sexual misconduct, or stalking to the police, the police officer will need to obtain a statement describing the details of the crime.

An Emergency Response Team from **Hays-Caldwell Women’s Center (HCWC)** (24- hour crisis line: 512-396-4357) may be contacted to meet with victims at the emergency room upon request. This response must be initiated by the police at the emergency room. The Emergency Response Team counselors will talk with victims and inform them of their options involving counseling and emergency sheltering.

The Title IX Coordinator oversees the university’s response to reports and complaints of sex discrimination (including sexual assault, sexual misconduct, relationship violence, and stalking). The Title IX Coordinator can receive a complaint, provide information or answer questions about the complainant’s rights or course of action available to them, and can answer questions about the university policies or procedures relating to sex discrimination.

The **Texas State Counseling Center** provides individual and group counseling services free of charge to currently enrolled Texas State students. The Counseling Center at the San Marcos campus is located on the 5th floor of the LBJ Student Center. The Counseling



Center at the Round Rock campus is located on the 1st Floor of the Nursing Building. To make an appointment call 512-245-2208. The primary focus of the Counseling Center is to provide short-term counseling to help students deal with personal and adjustment issues that may interfere with the ability to progress academically to their fullest potential. Students meet with clinicians to discuss a variety of concerns. The Texas State Counseling Center offer counseling services in both English and Spanish.

The **Student Health Center** provides primary, sexual, reproductive, mental, and psychiatric healthcare services to university students. They have experience healthcare providers, including physicians and nurse practitioners. All services are offered by appointment. The Student Health Center at the San Marcos campus is located at 298 Student Center Drive across the street from the LBJ Student Center. The Student Health Center at the Round Rock campus is located on the 1st Floor of the Nursing Building. Appointments can be made by calling 512-245-2161. General questions can be emailed to [healthcenter@txstate.edu](mailto:healthcenter@txstate.edu).

**ON AND OFF-CAMPUS RESOURCES FOR THE SAN MARCOS, ROUND ROCK, AND ALERRT CENTER CAMPUSES**

	<b>TYPE OF SERVICES AVAILABLE</b>	<b>SERVICE PROVIDER</b>	<b>CONTACT INFORMATION</b>
<b>ON CAMPUS</b>	<b>Counseling &amp; Mental Health</b>	Counseling Center Services – San Marcos and ALERRT Center Campuses	Address: 601 University Dr., LBJ Student Center 5-4.1, San Marcos, TX 78666 Phone: 512-245-2208
		Counseling Center Services – Round Rock Campus	Address: 1555 University Blvd., Nursing Building Room 116, Round Rock, TX 78665 Phone: 512-245-2208
	<b>Health</b>	Student Health Center – San Marcos and ALERRT Center Campuses	Address: 298 Student Center Dr., San Marcos, TX 78666 Phone: 512-245-2161
		Student Health Center – Round Rock Campus	Address: 1555 University Blvd., Nursing Building Room 116, Round Rock, TX 78665 Phone: 512-245-2161
	<b>Victim Advocacy</b>	Dean of Students – San Marcos and ALERRT Center Campuses	Address: 601 University Dr., LBJ Student Center Suite 5-9.1, San Marcos, TX 78666 Phone: 512-245-2124
		Dean of Students – Round Rock Campus	Address: 1555 University Boulevard., Avery Building 265, Round Rock, TX 78665 Phone: 512-245-2124
		Office of Equal Opportunity and Title IX	Address: 201 Talbot Street, Elliott Hall A 3rd Floor, San Marcos, TX 78666 Phone: 512-245-2539
	<b>Legal Assistance</b>	Texas State University Police Department	Address: 1321 Academy St., San Marcos, TX 78666 Phone (emergency): 911 Phone (non-emergency): 512-245-2805
		Attorney for Students – San Marcos and ALERRT Center Campuses	Address: 601 University Dr., LBJ Student Center 5-1.5, San Marcos, TX 78666 Phone: 512-245-2370
	<b>Visa and Immigration Assistance</b>	International Student and Scholar Services	Address: Thornton International House, 601 University Dr., San Marcos, TX 78666 Phone: 512-245-7966
	<b>Student Financial Aid</b>	Financial Aid and Scholarships	Address: J.C. Kellam Building, Suite 240, 601 University Dr., San Marcos, Texas 78666 Phone: 512-245-2315
	<b>Other</b>	Office of Human Resources	Address: 601 University Dr., J.C. Kellam Suite 340, San Marcos, TX 78666 Phone: 512-245-2557
		Division of Student Affairs	Address: 601 University Dr., J.C. Kellam 980, San Marcos, TX 78666 Phone: 512-245-2152

	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
OFF CAMPUS	Counseling	Cedar Creek Associates	Address: 101 Uhland Rd., Suite 202, San Marcos, TX 78666 Phone: 512-396-8540
	Counseling & Mental Health	United Way Helplines	Phone: 512-353-1420
	Health	Christus Santa Rosa Hospital - San Marcos	Address: 1301 Wonder World Dr., San Marcos, TX 78666 Phone: 512-353-8979
		Ascension Seton Hays Hospital	Address: 6001 Kyle Parkway, Kyle, TX 78640 Phone: 512-504-5000
		Ascension Seton Williamson	Address: 201 Seton Parkway, Round Rock, TX 78665 Phone: 512-324-4000
	Mental Health	Scheib Center	Address: 1200 N. Bishop Street, San Marcos, TX 78666 Phone: 512-392-7151
		Crisis Text Line	Text HOME to 741741
		Hill Country Mental Health & Developmental Disabilities Center	Phone: 1-877-466-0660
	Victim Advocacy	Hays County Victim Services	Address: Hays County Government Center, Suite 2057, 712 Stagecoach Trail, San Marcos, TX 78666 Phone: 512-393-7600
		Hays-Caldwell Women's Center	Phone: 512-396-HELP
	Legal Assistance	San Marcos Police Department	Address: 2300 I-35, San Marcos, TX 78666 Phone: 512-753-2108
		Round Rock Police Department	Address: N. Mays St., Round Rock, TX 78665 Phone: 512-218-5500
		Hays County Sheriff's Office (San Marcos)	Address: 1307 Uhland Road, San Marcos, TX 78666 Phone: 512-393-7800
		Williamson County Sheriff's Office (Round Rock)	Address: 508 S. Rock St., Georgetown, TX 78626 Phone: 512-943-1300
	Visa and Immigration Assistance	Lyttle Law Firm, PLLC	Phone: 512-215-5225

#### OTHER RESOURCES

- Rape, Abuse, and Incest National Network: <http://rainn.org>
- U.S. Department of Justice: <https://justice.gov/ovw/sexual-assault>
- U.S. Department of Education, Office of Civil Rights: <http://ed.gov/about/offices/list/ocrim>



### **WILL MY NAME BE IN THE REPORT?**

When reporting to the police, a victim and other necessary parties may choose a pseudonym (fictitious name) and address to maintain confidentiality or a pseudonym will be assigned by Texas State UPD at the request of the victim or reporting party. There is a possibility that courtroom testimony may be required if the case goes to trial.

A completely anonymous report can be made to the university using the TSUS Compliance and Ethics Line at <https://secure.ethicspoint.com/domain/media/en/gui/12867/index.html>

### **HOW THE UNIVERSITY RESPONDS TO REPORTS OF RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING**

#### **PROVIDING SUPPORT AND INFORMATION TO THE COMPLAINANT**

- Depending on when reported (immediate vs delayed report); Texas State will provide the complainant with information
- regarding options for seeking medical care as needed. Texas State will identify medical facilities with a Sexual Assault Nurse Examiner.
- Texas State will provide written information to complainant on how to preserve evidence.
- Texas State will assess immediate and ongoing safety needs of the complainant.
- Texas State will provide information to the complainant on how to request a temporary protective order through the appropriate county jurisdiction. Should a protective order be granted, it is the obligation of the university to enforce such orders.

- Texas State will assist the complainant with contacting local police if the complainant requests AND the complainant will be provided with contact information for the local police department.
- Texas State will provide the complainant with referrals to on and off- campus mental health providers.
- Texas State will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and no contact orders between the complainant and the respondent.
- Texas State may issue no contact directives to one or both parties.
- Texas State may issue a “notice of trespass” to the respondent prohibiting the respondent from being present on Texas State property if deemed appropriate.
- Texas State will provide a copy of the TSUS Sexual Misconduct Policy and inform the complainant regarding timeframes for investigation and resolution.
- Texas State will inform the complainant of the outcome of any investigation: If the respondent was found responsible or not, what sanctions were imposed and the complainant’s option to request a review of the outcome.
- Texas State will enforce its prohibition of retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

- Texas State will assist both parties with supportive measures and accommodations such as assistance with academics, counseling, living arrangements, and visa and immigration status as appropriate.

### TEXAS STATE'S PROCEDURES FOR RESPONDING TO A REPORT OF RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING

A Responsible Employee who receives a report of sexual misconduct must report to the Title IX Coordinator or the Coordinator's designee, all relevant details about the alleged sexual misconduct shared by the victim or reporting party. A Responsible Employee shall share all information relevant to the investigation, and if applicable, redress of the incident, including whether an alleged victim or other necessary parties have expressed a desire for confidentiality in reporting the incident. A responsible employee should not share information with law enforcement without the victim or reporting parties' consent unless the victim or reporting party has also reported the incident to law enforcement.

Before a victim or reporting party reveals any information to a Responsible Employee, the employee should ensure that the victim or reporting party understands the employee's reporting obligations. If the victim or reporting party requests anonymity and confidentiality, direct the victim or reporting party to Title IX Confidential Sources.

If the victim or reporting party reports an incident to the Responsible Employee but also requests confidentiality or requests that the matter not be investigated, the employee should tell the victim or reporting party that the university will consider the request but cannot guarantee that the university will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the victim's or other party's request for confidentiality.

A Responsible Employee must promptly report to the Title IX Coordinator or the Coordinator's designee incidents of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy, provided:

- The employee is in the course and scope of employment, at the time the employee witnesses or receives information regarding the occurrence of sexual harassment, sexual assault, dating violence, or stalking, or any other sexual misconduct defined in this Policy; and,
- The employee reasonably believes the incident constitutes sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy; and,
- The incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this policy, was either committed by or against an enrolled student or an employee of the university at the time of the incident.

No report required. A person is not required to report an incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy, to the Title IX Coordinator or Coordinator's designee if:

- The person was the victim of such conduct; or,
- The person received information due to a disclosure made at a public awareness event sponsored by a university or by a student organization registered with Texas State.

### CONFIDENTIALITY

The identity of the following individuals is confidential and not subject to disclosure under the Texas Public Information Act unless such individual(s) waive nondisclosure in writing:

- An alleged victim of an incident of sexual harassment, sexual assault, dating violence or stalking;
- A person who reports an incident of sexual harassment, sexual assault, dating violence, or stalking;
- A person who sought guidance from Texas State concerning such an incident;
- A person who participated in Texas State's investigation of such an incident; or
- A person who is alleged to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence or stalking, provided that after completion of an investigation, Texas State determines the report to be unsubstantiated or without merit.

### SUPPORTIVE MEASURES

When an incident of sexual misconduct is reported, Texas State will consider supportive measures (referred to as interim measures for Clery) while the incident is investigated and adjudicated.

The Title IX Coordinator or designee will determine and implement supportive measure as appropriate and necessary and to limit potential retaliation. Interim measures may include, but not be limited to:





- Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the university employs a sufficient number of counselors;
- Extensions of deadlines or other course-related adjustments;
- Without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both Parties are enrolled;
- Campus escort or transportation services;
- Mutual restrictions on contact between the Parties;
- Changes in work or housing locations;
- Leaves of absence;
- Restrictions from specific activities or facilities; and,
- Increased security and monitoring of certain areas of the campus.
- *Orders of Protection.* The university will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.
- *Confidentiality of Supportive Measures.* The university shall maintain as confidential any measures provided to the Complainant and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.
- *Emergency Removal.* Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations

Chapters IV § 2.2(14), V § 2.131, and VI § 5.(14). A university may remove a Respondent from the university's education program or activity on an emergency basis, provided that the university undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.

- *Administrative Leave.* Nothing herein precludes a university from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.
- *Supportive Measures when Anonymity is Required.* The university's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict the university's ability to provide appropriate measures for the reasonable safety of the university community.
- *Unreasonable Burden.* Supportive Measures may not impose an unreasonable burden on the other Party.
- *Failure to Adhere to Supportive Measures.* Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.



**RIGHTS OF VICTIMS AND THE INSTITUTION'S RESPONSIBILITIES FOR ORDERS OF PROTECTION ("NO CONTACT" ORDERS) OR SIMILAR LAWFUL ORDERS ISSUED BY A CRIMINAL, CIVIL, OR TRIBAL COURT OR BY THE INSTITUTION**

Texas State complies with Texas law in recognizing orders of protection. Any person who obtains an order of protection from Texas should provide a copy to Texas State UPD and the Office of Equal Opportunity and Title IX (Title IX Coordinator, specifically). A complainant may then meet with Texas State UPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The university cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The university may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the university receives a report that such an institutional no contact order has been violated, the university will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order (please see charts below):

TYPE OF ORDER	RIGHTS OF VICTIMS	INSTITUTION'S RESPONSIBILITIES
No contact orders	Prevents ongoing communication between the accuser and the accused.	<p>No contact should be made by telephone, text, email, social media, internet, in person, or through a third party (other than an attorney or police) or Texas State University, through the Student Conduct Office, will take immediate action.</p> <p>Any violation of this order will be considered under the Code of Student Conduct section 2.02 C., "failing to comply with a directive from a university official." Failure to comply with this request may result in disciplinary action.</p> <p>Any violations should be reported to the Office of Equal Opportunity and Title IX at (512) 245-2539 or via email at <a href="mailto:TitleIX@txstate.edu">TitleIX@txstate.edu</a>. In the case of an emergency, please dial 9-1-1.</p>

The victim is required to apply directly for these services.

TYPE OF ORDER:	GROUNDS	DURATION	ENFORCEMENT
Temporary Ex Parte Order	Clear and present danger of family or dating violence	Up to 20 days, unless extended	Civil and Criminal
Final Protective Order	Family or dating violence occurred and is likely to occur in the future	2 years unless respondent (suspect) caused serious bodily injury or there were 2 or more protective orders issued prior	Civil and Criminal
Magistrate's Emergency Order	Arrested for family or dating violence, sexual assault, aggravated sexual assault, or stalking	31-61 days unless a deadly weapon was involved, then 61-91 days	Civil and Criminal
Peace Bond	Threat to harm person or property	Up to one year	Civil
Restraining Order	Threat to harm, harass persons, or property	14 days or until final order of court	Civil

## DEFINITIONS APPLICABLE TO TYPES OF PROTECTIVE ORDERS IN TEXAS

- **Family violence:** 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, and also includes abuse.
- **Dating violence:** an act committed against a victim or applicant for a protective order with whom the actor has or had a dating relationship or because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage and is intended to result in physical harm, bodily injury, assault or sexual assault or a reasonably based threat of same.
- **Dating relationship:** a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, depending on the length, nature and frequency and type of interaction.
- **Household:** a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.
- **Sexual assault:** without consent, a person commits an offense when the person knowingly or intentionally causes the penetration of the anus or sexual organ of another person by any means; causes the penetration of the mouth of another person by the sexual organ of the actor; causes the sexual organ of another person to contact or penetrate the mouth, anus, or sexual organ of another person.

## IMPORTANT DETAILS TO TYPES OF PROTECTIVE ORDERS IN TEXAS

- Peace Bonds are issued by Justice of the Peace Courts
- Restraining orders are used in divorce or child custody lawsuits in family law cases
- Magistrate's Order for Emergency Protection are typically applied for by law enforcement when an arrest is made, if needed
- Other protective orders must be applied for through the County or District Attorney's office
- All types require the victim or survivor to appear in court EXCEPT for Magistrate's Order for Emergency Protection
- Most (but not all) types of protective orders require the respondent (the suspect) to be notified in person of the existence of the order before it can be criminally enforceable.

## WHAT CAN A PROTECTIVE ORDER DO?

- Order the abuser to stay a specified distance away from addresses listed in the order, typically home and work.
- Order the abuser not to commit family violence

- Order the abuser not to threaten or harass you, or use another person to threaten or harass you
- Order the abuser to not possess any weapons
- Order the abuser not to remove or harm pets or companion animals
- This information is entered into a statewide database to make law enforcement aware
- Reconciliatory actions do not make the order invalid. That is, if a person is the respondent in a protective order and the victim or survivor asks the respondent to do something that is specifically prohibited (such as contact at a protected address), and law enforcement is made aware, an arrest must be made
- The victim or survivor cannot be arrested for violating the order, only the respondent
- Orders issued from another state may still be valid in Texas

## SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

### MEGAN'S LAW

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. In Texas, convicted sex offenders must register with the Texas Department of Public Safety (TxDPS). This information can be found on the TxDPS website at <https://records.txdps.state.tx.us/SexOffenderRegistry>.

## DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOME TO VICTIMS (OR NEXT OF KIN) OF SEX CRIMES OR OF VIOLENCE

The identity of the individual(s) referenced in Section 3.15.1 in the Sexual Misconduct Policy may only be disclosed to the following:

- A university, as necessary to conduct an investigation and resolution of the investigation,
- The person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law,
- A law enforcement officer, as necessary to conduct a criminal investigation,
- A potential witness to the incident, as necessary to conduct an investigation, or,
- A health care provider in an emergency situation, as determined necessary by the university.

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## CAMPUS SECURITY POLICIES, CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

### STUDENT BEHAVIOR ASSESSMENT TEAM

Texas State cares about our students' success, not only academically, but emotionally and physically. Because of our commitment, we provide multiple departments and services across campus that cater to our students' unique needs. But sometimes, students do not ask for help when they need it. In an effort to identify those students proactively, Texas State created a network of professionals across campus who are committed to a caring, confidential program of identification, intervention, and response in order to provide our students with the greatest chance of success and our community with the greatest level of protection. If you are concerned about someone being a threat to themselves or others, please contact 911 for emergencies. For non-emergencies, please go to <https://sbat.dos.txstate.edu/Whom-do-I-contact.html>

The mission of the Student Behavior Assessment Team is to:

- Assist in protecting the health, safety and welfare of the students and members of the Texas State community
- Support student success
- Provide a comprehensive response to students whose behavior is disruptive to themselves or the educational environment

For more information, go to <https://bat.dos.txstate.edu/>

### WEAPONS

Carrying, possessing, etc. is defined as 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.

#### INFORMATION REGARDING THE STUDENT CODE OF CONDUCT

Code of Student Conduct (<https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html>)

Every student should read and become familiar with the Code of Student Conduct and policies on alcohol and other drugs that are published in the Texas State Student Handbook. The code and policies can be found at <https://studenthandbook.txstate.edu/>.

Upon request, Texas State will provide a copy of the Code of Student Conduct, the TSUS Sexual Misconduct Policy, or Prohibition of Retaliation of the complainant and inform the complainant regarding timeframes for investigation and resolution.

The Code of Student Conduct outlines the university's policies for students relating to prohibited behaviors, including illicit drug possession or use, and the process used to resolve alleged violations of those policies.

Students: The university may impose disciplinary sanctions up to expulsion as is specified in the Regents' Rules and the Code of Student Conduct, for conduct related to the use, possession,

or distribution of drugs prohibited by state, federal or local law. Other sanctions that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include suspension, disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, expulsion, or such other penalty as may be deemed appropriate under the circumstances.

### MISSING STUDENT NOTIFICATION

In accordance with the Higher Education Opportunity Act, Texas State University must develop and implement certain procedures to be followed when residential students are determined to be missing for 24 hours. Time is of the essence when a person is missing. The National Child Search Assistance Act allows police to report missing persons under 21 years of age to the National Crime Information Center and begin an investigation as soon as a missing person report is received. If you receive information that a student cannot be located, please contact Texas State UPD immediately at 512-245- 2805. The Missing Student Policy and Procedures applies only to the San Marcos Campus as the Round Rock and ALERRT Center campuses do not currently have any student housing facilities.

#### REGISTERING INFORMATION

Students who live on campus can designate an individual to be contacted if they are determined to be missing during registration. The registered information will be maintained confidentially to the extent permitted by law and will be accessible only to authorized campus officials. The university will not disclose the identity of the confidential contact except to law enforcement personnel in furtherance of a missing person investigation. Students living in the residence halls are required annually to electronically designate someone as their confidential missing person contact. It is a required step when submitting their housing contract. Beyond that, depending on their level of participation, there are several opportunities where they are required to confirm or change the information: if they participate in room selection, move-in sign-up, and/or break housing sign-up for any of the 3 breaks. The designated contact will be notified by Texas State University no later than 24 hours after the time the student is determined to be missing by the designated university officials authorized to make that determination (specifically, the Texas State UPD) or the local law enforcement agency in which the student went missing.

#### REPORTING A MISSING STUDENT

Suspected missing students should be reported immediately to Texas State UPD. If members of the Texas State University community believe that a student has been missing for 24 hours, it is critical that they report that information to Texas State UPD by calling 512.245.2805. Any individual who believes a student may or could be missing should contact a Campus Security Authority (CSA). CSAs include Residence Hall Directors, Resident Assistants, Assistant Directors of Housing and Residential Life, Associate Directors of Housing and Residential Life, Director of Housing and Residential Life, Associate Dean of Students-Greek Life, Vice President for Student Affairs, or Texas State UPD. If a missing

person is reported to any of these departments other than Texas State UPD, the department receiving the report will immediately contact Texas State UPD to report the missing person. Texas State will notify any missing student's confidential contact, if provided, within 24 hours of the determination that the student is missing. In the event a student is under 18 years of age and not emancipated, Texas State will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying an additional contact person designated by the student.

For all missing students, Texas State will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

A student is determined to be missing when their whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the student's behavior patterns, plans, or routines. Texas State personnel file a report with Texas State UPD in all cases when a student is determined to be missing for more than 24 hours.

### **PROCEDURES**

All concerns regarding a resident student's unexplained absence or lack of contact that is contrary to the student's normal behavior and/or is unusual based on existing circumstances will be immediately investigated in an attempt to locate the student and confirm their safety.

An official Missing Person Report will be prepared and immediately delivered to campus police any time a resident student is determined to have been missing for more than 24 hours.

If Texas State UPD determines that a student who is the subject of a Missing Person Report has been missing for more than 24 hours and has not returned to campus, or if a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours, the following procedures will be followed:

1. If the student has designated a Missing Person contact, that person will be notified within 24 hours.
2. If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours.
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

### **CAMPUS SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

Preventing or reducing crime in any community is a tough task. Success in crime prevention and safety at Texas State depends in large part on the education and participation of the campus community. The campus community is provided information about safety programs and services, but individuals should be advised that they are responsible for their own security and safety.

Texas State is committed to providing an environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of policies stated in the Texas State Policy Manual, TSUS Policy Manual, and Student Handbook, as appropriate. The university monitors and reports to law enforcement agencies illegal conduct of students, faculty, or staff on university premises or off-campus locations. In addition, university officials may refer any evidence of illegal activities to the proper local, state, or federal authorities for review and potential prosecution.

During the 2020-2021 academic year, Texas State UPD offered approximately 123 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

### **PERSONAL SAFETY AND CRIME PREVENTION PROGRAMS**

Texas State provides new student and employee orientation sessions throughout the year. During these sessions, Texas State UPD provides a program designed to make community members aware of campus police and security procedures, awareness programs and crime prevention efforts, and practices (safety tips) to encourage students and employees to be responsible for their own security and security of others. Texas State UPD also coordinates with the Student Health Center to educate the campus community about how to handle disruptive students, the Clery Act, and Title IX.

Participants in these programs are asked to be alert, security-conscious and involved and advised to call Texas State UPD to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 512.245.2805.

As part of the department's community-oriented policing philosophy, Texas State UPD offers crime and safety prevention presentations to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, alcohol awareness, civilian response to active shooter events, and identity theft. Anyone interested in having a Texas State UPD Officer speak to his or her classroom or group should contact them at 512.245.2805.

### **SAFETY AND SECURITY**

- **Nightcats (previously known as SafeRide Service and Bobcat Bobbies):** Are a safety escort service comprised of a team of students who are hired, trained, and equipped by Transportation Services to provide security escort services for the Texas State community on the San Marcos campus. This service is available from 10:30 p.m. to 2:00 a.m. seven days per week OR 6:00p.m. and 2:00a.m. seven days a week (limited service during summer sessions).
- **Emergency Phones:** Emergency phones have been placed at strategic locations on campus. When the emergency button is pushed, the location of the call is automatically identified, and the caller is connected to Texas State UPD dispatch.

- **Student and new Employee Orientation:** Texas State UPD presents safety information at all freshmen, transfer students, parent, and new employee orientations throughout the year.

## EDUCATION PROGRAMS

### SEXUAL ASSAULT PREVENTION EDUCATION PROGRAMS

Texas State engages in comprehensive, intentional, and integrated programing initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

Educational Programing consists of primary prevention and awareness programs for all incoming students, and ongoing awareness and prevention campaigns for students and university employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided by state law about what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Texas;
- The institution's definition of consent and the purposes for which that definition is used;
- 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;
- Provides 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;
- Information regarding:
  - procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence,

Sexual Assault and Stalking Occurs" elsewhere in this document);

- how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
- existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and
- procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this document);
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Examples include:

- Self Defense courses (Texas State UPD)
- Yes Means Yes: Getting Consent (SAV)
- Red Flags in Relationships (SAV)
- Sex, Lies, and Chocolate (HC)
- Stand Up Speak Up! Alcohol Bystander Training (HC&SAV)
- Alcohol Bystander Intervention Training 2.0
- CRASE (Civilian Response to Active Shooter) (Texas State UPD)
- ID Crimes (Texas State UPD)

The programming listed above is a sample of training provided by various university departments and is not meant to be an inclusive list. All programming is available upon request.

- Texas State UPD – Texas State University Police Department – [communityengagement@txstate.edu](mailto:communityengagement@txstate.edu)
- SAV – Students Against Violence – [SAVPeerEd@txstate.edu](mailto:SAVPeerEd@txstate.edu)
- HC – Healthy Cats - [healthycats@txstate.edu](mailto:healthycats@txstate.edu)

Online Mandatory Trainings:

All first year and transfer students are required to complete **Everfi's AlcoholEdu** and **Sexual Assault Prevention** programs.

## ALCOHOLEDU

Designed for students entering college, this interactive online program uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. Course content includes:

- Overview of Key Definitions
- Myths and Misperceptions
- Alcohol and Motivation
- Standard Drink
- Blood Alcohol Concentration
- Key Strategies for Drinkers
- Key Strategies for Non-Drinkers
- Bystander Intervention Skills
- Academic Brain Science
- Media Literacy and Expectations
- Alcohol and the Law
- This course includes tailored content that will:
  - Engage abstainers, light to moderate drinkers, and frequent drinkers with customized messaging
  - Educate students on the mental and physical the effects of alcohol
  - Prepare students to engage in bystander intervention
  - Educate students on College, Drinking and Stress

**EVERFI's Sexual Assault Prevention Suite** is a comprehensive education and training solution that:

- Engages students throughout their time in college
- Fosters healthy relationships behaviors
- Prepares students to recognize and respond to sexual assault and harassment
- The course content includes:
  - Importance of Values
  - Aspects of (Un)healthy Relationships
  - Gender Socialization
  - Sexual Assault
  - Consent
  - Bystander Intervention
  - Victim Support
  - Responding to Student Disclosure

Specifically, the university offered the following **primary prevention and awareness programs** for all **incoming students** in 2020-2021:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR* COVERED?
Everfi's AlcoholEDU	Ongoing	Online	AOD
Everfi's Sexual Assault Prevention Suite	Ongoing	Online	DoV, DaV, SA, S
Stand Up Speak Up!	Ongoing	Bobcat Preview	SA, AOD, C
Title IX	Ongoing	Bobcat Preview	SA, DoV, DaV, SH, S, C

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, C means Consent, SH means Sexual Harassment, and AOD means Alcohol and Other Drugs.

The university offered the following **primary prevention and awareness programs** for all **new employees** in 2020-2021:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR* COVERED?
Title IX Training	Ongoing	J.C. Kellam Library	DoV, DaV, SA, S
CSA Clery Act Training	Ongoing	Online	DoV, DaV, SA, S
Equal Employment Opportunity & Title IX	Ongoing	Online	DoV, DaV, SA, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, C means Consent, and AOD means Alcohol and Other Drugs.

The university offered the following **ongoing awareness and prevention programs** for **students and employees** in 2020-2021:

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR* COVERED?
Self Defense Course	Ongoing	Online/Pecos Building	Prevention
Yes Means Yes: Getting Consent	Spring 2021	Student Organizations	SA, C
Sex, Lies, and Chocolate	Spring 2021	Residence Halls	C
Stand Up Speak Up! Alcohol Bystander Training	Fall 2020 and Spring 2021	Virtual/Bobcat Preview	SA, C, AOD
Civilian Response to Active Shooters (CRASE)	Ongoing	Online	Prevention
ID Crimes	Ongoing	Online	Prevention
Understanding Different Forms of Violence and How Students Can Help	Spring 2021	Virtual/Online Video/US2200 Classes	DoV, DaV, SA, C
Alcohol Bystander Intervention Training 2.0	Fall 2020 and Spring 2021	Zoom/Virtual/Resident Assistant Training	SA, C, AOD
Responding to Sexual Violence	Fall 2020 and Spring 2021	Zoom/Virtual/Resident Assistant Training	SA, C
Title IX	Fall 2020 and Spring 2021	Virtual/Online Video/Bobcat Preview	SA, DoV, DaV, SH, S, C
COVID-19: What Texas State Students Need to Know	Fall 2020 and Spring 2021	Virtual/Online Video	SA, DoV, DaV, C, AOD

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, S means Stalking, C means Consent, SH means Sexual Harassment, and AOD means Alcohol and Other Drugs.

\*Programming may not apply to the ALERRT Center campus as participants of the ALERRT program are law enforcement officers and are not official Texas State students.\*



## ALCOHOL AND DRUGS

Texas State prohibits the unlawful distribution, possession, use, or illegal sale of alcoholic beverages, controlled substances and illegal drugs on campus. The abuse of alcohol and other drugs by members of the university community is incompatible with the goals of our academic institution and is inconsistent with our standard of excellence.

Texas State is concerned with the academic success of students and offering a safe work environment to faculty and staff members. As a result of Texas State's commitment to safety, these programs have been designed to:

- Publish and enforce policies for employees and students that promote an educational environment free from the abuse of alcohol, and illicit or other drugs;
- Educate the campus community about the health risks associated with the abuse of alcohol and other drugs;
- Provide confidential, effective assistance to students and employees who seek help for substance abuse problems; and
- Create a campus environment that promotes and reinforces healthy lifestyles and responsible decision-making.

## DRUG FREE WORKPLACE

The Institution certifies that it will continue to provide a drug-free workplace by:

- a. Notifying employees, via written statement, that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing an on-going drug-free awareness program to inform employees about

1. The dangers of drug abuse in the workplace;
  2. The Institution's policy of maintaining a drug-free workplace;
  3. Any available drug counseling, rehabilitation, and employee assistance programs;
  4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. Providing each employee engaged in the performance with a copy of the notification communication afore mentioned in paragraph
- d. Requiring as a condition of employment under the grant, the applicable employee will:
1. Abide by the terms of the statement; and
  2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the agency, in writing, within 10 calendar days after receiving notice under this subparagraph (D)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-5140. Notice shall include the identification number(s) of each affected grant;
- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1972, as amended; or
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).
- b. If any officer or owner of the Institution is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, the Institution will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-5140. Notice shall include the identification number(s) of each affected grant.

## ALCOHOL POLICIES

Texas State promotes healthy, responsible living, respect for laws, campus regulations, the individual's responsibility within the community, and the intellectual, social, emotional, ethical, and physical well-being of its community members. Texas State prohibits the illegal possession, use, and illegal sale of alcoholic beverages and enforces Texas underage drinking laws through the

Texas State UPD. The legal drinking age in Texas is 21. Because a large percentage of Texas State students are not of legal drinking age, the university has established specific policies for the sale, purchase, service, and consumption of alcoholic beverages on university campuses and at university-sponsored events. These policies are found here: [UPPS 05.03.03](#).

The [Code of Student Conduct](#) outlines the process and potential sanctions used to resolve alleged violations by students.

## DRUGS AND INHALANTS

Texas State prohibits students and employee's unlawful possession, use, or distribution of illicit drugs and alcohol on the institution's property or as any part of the institution's activities. Texas State UPD enforces both federal and Texas state laws pertaining to the illegal possession, use and sale of illicit drugs.

The Board of Regents' Rules and Regulations, Chapter V, Section states that a faculty member who, by a preponderance of evidence is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the University President or the President's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of these Rules and Regulations. If, in the judgment of the President or the Board of Regents', the best interests of the students, university, or Texas State system so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings.

Employees are prohibited from the unlawful possession, use, or distribution of illegal drugs on all university property and as part of any official university activity under the Texas State University policy [UPPS 04.04.48](#).

## DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

- a. As a condition of the grant, the Institution certifies that it will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and





The Code of Student Conduct outlines the university's policies for students relating to drugs and the process used to resolve alleged violations of those policies.

The Texas State Drug-Free Workplace Policy [UPPS 04.04.45](#)

Drug-Free Schools & Community Act Policy [UPPS 04.04.48](#) and [Biennial Report](#) are provided during the online onboarding process for new employees.

## SANCTIONS

**Students:** The university may impose disciplinary sanctions up to expulsion as is specified in the Regents' Rules and the Code of Student Conduct, for conduct related to the use, possession, or distribution of drugs prohibited by state, federal or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include suspension, disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, expulsion, or such other penalty as may be deemed appropriate under the circumstances

**Employees:** The unlawful use, possession, or distribution of drugs or alcohol may result in a disciplinary penalty of warning or reprimand, suspension, reduction in pay, demotion, or discharge, depending on the circumstances.

## ALCOHOL AND DRUG EDUCATION, COUNSELING & TREATMENT RESOURCES

Texas State has implemented alcohol and drug education, prevention, training, assessment, counseling, treatment and referral services for the campus community. The following are universities of this campus-wide approach to eliminate the abuse of alcohol and the use of illegal drugs:

- Assessment/diagnosis/follow up services
  - Counseling Center (CC) <https://www.counseling.txstate.edu/>
  - The Assessment & Counseling Clinic (ACC) <https://www.txstate.edu/clas/Professional-Counseling/counseling-services/Assessment-and-Counseling-Clinic-SM.html>
  - The Student Health Center (SHC) <https://www.healthcenter.txstate.edu/>
- Alcohol & Drug Awareness Programs/community service program/follow up
  - Alcohol and Drug Compliance Services (ADCS) <https://www.dos.txstate.edu/services/Alcohol-and-Drug-Compliance-Services--ADCS-.html>
- Student Recovery Alliance (SRA)
  - [www.healthcenter.txstate.edu/HPS/Student-Recovery-Alliance.html](http://www.healthcenter.txstate.edu/HPS/Student-Recovery-Alliance.html)
- Alcohol and Drug Advisory Council
- Minds Matter Website <https://mindsmatter.vpsa.txstate.edu/>

- Materials, pamphlets, and copies of presentations
- Referrals and recourse information- SHC, CC, ADCS, ACC
- Individual therapy-CC, SHC, ACC
- Adult Children of Alcoholics (ACOA)/Dysfunctional Family Group (CC)
- Sponsorship of a student group
  - Student Health Center (Healthy Cats Peer Educators and Student Recovery Alliance)
- Speakers, presentations and training-SHC, CC, Texas State UPD
- Mandatory online educational training for 1st year students with AlcoholEdu program

Bobcat Balance is provided through the Texas State Department of Human Resources to assist employees and their families. The program provides various free and confidential services and resources to help through life's challenges. To contact, call **855.884.7224**.

Every student should read and become familiar with the policies involving alcohol and other drugs in the Texas State Code of Student Conduct. The policy can be found at <https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html>



Information about the policies, procedures, and community standards of the Department of Housing and Residential Life can be found at <https://www.reslife.txstate.edu/current/responsibilities.html>. Additional information is available on the health risks associated with drugs in ADCS, Counseling Center, and the Student Health Center. The Texas State Drug Free Schools and Communities Act report can be found at the <https://www.dos.txstate.edu/services/Alcohol-and-Drug-Compliance-Services--ADCS-/links/drug-free-schools.html>.

## DRUG AND ALCOHOL ABUSE PREVENTION

As required by the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act, and implemented at 34 C.F.R. Part 86, the undersigned Institution certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, includes:

1. The annual distribution in writing to each employee, and to currently enrolled students:
  - a. Standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
  - b. A description of the applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol.



- c. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
  - d. A statement that the institution can impose disciplinary sanctions on students and employees (consistent with local, state and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
  - e. A description of any drug or alcohol counseling, treatment, or re-entry programs that are available to employees or students.
2. A biennial review by the Institution of its program to:
- a. Determine its effectiveness and implement changes to the program if they are needed.
  - b. Ensure that its disciplinary sanctions are consistently enforced.

## **STANDARDS OF CONDUCT REGARDING DRUGS AND ALCOHOL**

University regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by university students, faculty, staff, or guests to the university, on university-owned property and at all university sponsored activities. Texas State will impose disciplinary sanctions on students and employees for violations of the standards of conduct and Texas State policies and appropriate sanctions, including but not limited to expulsion or termination of employment and referral for prosecution.

Texas State and Drug Free Schools and Community Act- Health Risks

Texas State is dedicated to developing and creating a community that is free from the illegal use of alcohol beverages and drugs. The success and development of all students is a priority at Texas State. We are dedicated to creating an environment that is safe and stimulating to the growth potential of every student.

We believe it is important to create this environment due to the health risks associated with consumption of alcohol including,

- Possibility of substance use disorder (formerly known as alcohol addiction)
- Consumption of alcohol, even in small amounts, has been shown to cause both liver and heart damage
- Working out and cardiovascular exercise after consuming alcohol can significantly increase heart and liver damage for up to 5 days
- Alcohol disrupts sleep and neurological rhythms vital to repair, growth, and healing
- About 97,000 students between 18-24 experiencing alcohol-related sexual assault or date rape
- 696,000 U.S. university students experience assault by another student who has been drinking
- Overdose can lead to neurological and/or physiological damage as well as death.

To create an environment that is free from illegal use of alcohol and drugs, Texas State takes various proactive steps. University regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by students, faculty, staff, or guests to the university, on university-owned property and at all university sponsored activities.

## **DRUG AND ALCOHOL PROGRAMS**

Texas State is committed to education and prevention programs around the subjects of drugs and alcohol for student, faculty, and staff. Education and prevention programming as well as resources such as counseling and rehabilitation and recovery support can be found in the [Texas State University Drug Free Schools and Communities Report](#) as well as the [Student Health Center Health Promotion Services](#) and [Alcohol and Drug Compliance Services](#).

## UNIVERSITY RESOURCES

Student Behavior Assessment Team	512-245-2124
Counseling Center Services	512-245-2208
Dean of Students	512-245-2124
Department of Housing and Residential Life	512-245-4663
Report an act of hazing	512-245-2124
Human Resources	512-245-2557
Office of Equal Opportunity and Title IX	512-245-2539
Student Health Center	512-245-2161
Study Abroad Office	512-245-1967
Division of Student Affairs	512-245-2152

## DEFINITIONS USED IN CLASSIFICATION OF CRIME STATISTICS

Listed in order of reporting hierarchy

### PRIMARY CRIMES

- **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.
- **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. This offense includes the rape of both males and females.
- **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.
- **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 is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.
- **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.

**VIOLENCE AGAINST WOMEN ACT CRIMES**

- **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; 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.

- **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.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

**ARRESTS AND DISCIPLINARY REFERRALS**

- **Weapons: Carrying, possessing, etc.** is defined as 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.
- **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. Arrest for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic 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.



## HATE CRIME (ANY OF THE ABOVE OFFENSES AND THOSE BELOW)

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **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 and is counted only in relation to a reported hate crime.
- **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 and is counted only in relation to a reported hate crime.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of bias are: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, and Disability.

## DEFINITIONS OF GEOGRAPHIES (LOCATIONS)

- **On-Campus Buildings or Property**
  - 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; and

- Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, 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).

- **Student Housing Facility**

- A subset of "On Campus" this geography type is 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, or is located and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

- **Non-Campus Buildings or Property**

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- 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.

- **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.

Texas State crime statistics do not include crimes that occur in privately owned homes or businesses. A listing of on-campus and non-campus Texas State buildings or property is collected on an annual basis from the Texas State Real Estate and Planning Manager, Dean of Students-Fraternity and Sorority Life, and the Study Abroad Office. The list is given to the Texas State UPD to collect appropriate crime statistics for Clery Act-defined geography. To view the San Marcos campus Clery Map please visit: [www.clery.txstate.edu/smclerymap.html](http://www.clery.txstate.edu/smclerymap.html)

## CLERY ACT CRIME STATISTICS - SAN MARCOS CAMPUS

PRIMARY CRIMES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Murder/Non-Negligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Rape	2020	12	1	0	13	12
	2019	30	0	0	30	27
	2018	14	0	0	14	12
Fondling	2020	9	0	0	9	4
	2019	8	4	0	12	6
	2018	4	0	0	4	1
Incest	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2019	4	0	1	5	2
	2018	1	0	1	2	0
Aggravated Assault	2020	9	0	0	9	7
	2019	7	0	1	8	4
	2018	1	0	1	2	0
Burglary	2020	31	1	0	32	24
	2019	41	0	0	41	29
	2018	14	0	0	14	3
Motor Vehicle Theft	2020	5	0	0	5	0
	2019	2	0	0	2	0
	2018	2	0	0	2	0
Arson	2020	0	0	0	0	0
	2019	1	0	0	1	0
	2018	0	0	0	0	0
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Liquor Law Violation Arrests	2020	63	0	1	64	49
	2019	86	0	5	91	43
	2018	57	0	9	66	35
Drug Law Violation Arrests	2020	127	0	19	146	44
	2019	207	0	18	225	85
	2018	194	0	15	209	40
Weapons Law Violation Arrests	2020	3	0	1	4	0
	2019	3	0	0	3	1
	2018	1	0	2	3	0
Liquor Law Violation Referrals for Disciplinary Action	2020	259	1	2	262	236
	2019	266	0	1	267	212
	2018	42	0	3	45	33
Drug Law Violation Referrals for Disciplinary Action	2020	85	0	7	92	33
	2019	120	0	7	127	82
	2018	47	0	3	50	18
Weapons Law Violation Referrals for Disciplinary Action	2020	4	0	0	4	1
	2019	0	0	0	0	0
	2018	0	0	0	0	0

VAWA OFFENSES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Domestic Violence	2020	23	1	0	24	22
	2019	21	0	0	21	16
	2018	0	0	0	0	0
Dating Violence	2020	2	0	0	2	2
	2019	0	0	0	0	0
	2018	7	0	0	7	6
Stalking	2020	16	1	0	17	9
	2019	22	1	1	24	7
	2018	15	0	0	15	4

#### Hate Crimes

2020: One, On Campus, Destruction/Damage/Vandalism of Property incident characterized by Race.

2019: Two, On Campus, Intimidation incidents characterized by Race.

2018: Two, On Campus, Vandalism incidents characterized by Religion.

#### Unfounded Crimes

There were zero unfounded crimes in 2020, four unfounded crimes in 2019, and one unfounded crime in 2018.

\*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.

\*\*Upon further review of Texas State records, we updated our on campus rape from 28 to 30, residential facilities rape from 26 to 27, on campus burglary from 40 to 41, residential facilities burglary from 28 to 29, our on campus liquor arrests from 76 to 86, residential facilities liquor arrests from 42 to 43, our on campus liquor referrals from 250 to 266, residential facilities liquor referrals from 196 to 212, our on campus domestic violence from 9 to 21, residential facilities domestic violence from 6 to 16, our on campus dating violence from 11 to 0, residential facilities dating violence from 9 to 0, our on campus stalking from 19 to 22, residential facilities stalking from 5 to 7, and our unfounded from 3 to 4 for calendar year 2019.

Additionally, for the 2020 calendar year, we updated our on campus liquor referrals from 249 to 259, residential facilities liquor referrals from 232 to 236, our on campus domestic violence from 10 to 23, noncampus domestic violence from 0 to 1, residential facilities domestic violence from 9 to 22, our on campus dating violence from 15 to 2, noncampus dating violence from 1 to 0, residential facilities dating violence from 15 to 2, our on campus stalking from 15 to 16, and residential facilities stalking from 8 to 9.

## CLERY ACT CRIME STATISTICS - ROUND ROCK CAMPUS

PRIMARY CRIMES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Liquor Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0



VAWA OFFENSES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
<b>HATE CRIMES</b>					
There were no Hate Crimes reported for this campus in 2020, 2019, and 2018.					
<b>UNFOUNDED CRIMES</b>					
There were no Unfounded Crimes for this campus in 2020, 2019, and 2018.					

\* This campus does not have any On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.

## CLERY ACT CRIME STATISTICS - ALERRT CENTER CAMPUS

PRIMARY CRIMES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Liquor Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violation Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

VAWA OFFENSES	YEAR	ON CAMPUS	NONCAMPUS	PUBLIC PROPERTY	TOTAL
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

**HATE CRIMES**

There were no Hate Crimes reported for this campus in 2020, 2019, and 2018.

**UNFOUNDED CRIMES**

There were no Unfounded Crimes for this campus in 2020, 2019, and 2018.

\* This campus does not have any On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.



## FIRE SAFETY INFORMATION AND FIRE STATISTICS

Firefighting services are provided 24 hours a day by the San Marcos Fire Department for the Texas State campus. The Texas State Technical Services department is responsible for the management, plan review, contractor supervision, service, inspection, and testing of the fire sprinkler systems, fire alarm systems, special hazard systems, kitchen suppression systems and fire extinguishers for all university owned and leased facilities. They also provide plan reviews and contractor supervision of new construction.

The Fire Safety Report only applies to the San Marcos Campus as the Round Rock and ALERRT Center campuses do not currently have any student housing facilities. Therefore, no Annual Fire Safety Report is published for the Round Rock and ALERRT Center campuses, and the Missing Student procedures do not apply to these campuses.

Texas State Fire Marshal conducts fire drills, life safety inspections of facilities and enforces state fire safety regulations in all university owned and leased facilities.

Texas State University maintains a daily fire log, which details any fires that occurred in on-campus student housing facilities. The log is available to the public and can be viewed at [\*\*60-day Crime and Fire Log\*\*](#) located in the Pecan Building on the San Marcos Campus during normal business hours from 8:00 a.m. – 5:00 p.m., Monday through Friday, excluding holidays..

## FIRE SAFETY EDUCATION AND FIRE DRILLS

Each Spring and Fall semester, every residence hall performs at least one fire drill to prepare and instruct residents on correct evacuation procedures. Residence hall fire drills are planned and executed by Texas State Fire Marshal. A total of 42 supervised fire drills were performed in residence halls in the calendar year 2019. For students living in residence halls, the Texas State Department of Housing and Residential Life Resident Guide to Rights & Responsibilities provides an overview of campus housing policies, procedures, and standards. Included in the Resident

Guide to Rights & Responsibilities are general tips for resident safety, procedures to follow when reporting and responding to emergencies, general fire safety standards, and other safety guidelines for students living on campus.

## PROCEDURES STUDENTS AND EMPLOYEES SHOULD FOLLOW IN CASE OF A FIRE

In the event of a fire, the university expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Texas State UPD. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, Texas State policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building..

## FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

Fire safety education meetings for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the university's fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these meetings, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them. Fire safety education and training programs are taught by local fire authorities or the Fire Marshal.

## RESIDENCE HALLS

The Fire Marshal conducts housing fire drills. RAs conduct safety checks of every resident room once a month. In light of COVID-19, the Department of Housing and Residential Life Systems are confirming with the Fire Marshal if such safety checks will continue as they are trying to limit interaction. When RAs conduct safety checks, they test smoke detectors, ensure the safe use of extension cords, and look for potential fire hazards such as candles, incense, or appliances with exposed heating elements, or other items not approved by Housing. Items that pose a safety hazard will be confiscated.

## FIRE RELATED POLICIES, PROCEDURES, AND PROGRAMS

### SPECIFIC FIRE PREVENTION RELATED POLICIES AND PROGRAMS

The Fire Safety Program is designed to prevent or reduce property loss and injury from fire and explosions arising from storage, handling, and use of flammable and combustible substances, materials, and devices. The procedures incorporated into this policy are essential in promoting fire and life safety and enhancing university compliance with applicable state, local, and national fire and life safety standards.

1. Texas State Policy 05.04.02 Tobacco Policy states, "Texas State University is committed to maintaining healthy and safe campuses in San Marcos and in Round Rock. The primary purpose of this policy is to establish university guidelines prohibiting smoking and the use of all tobacco products at the Texas State campuses in San Marcos and in Round Rock. Tobacco products include all types of tobacco, cigarettes, cigars, smokeless tobacco, electronic cigarettes, pipes, and hookahs.
2. Texas State Housing Contract Authorized Entry states, "The Student must permit any authorized agent of the university to enter the assigned unit for the purpose of inspection and maintenance, and, if determined necessary, for the purpose of enforcing reasonable rules and regulations ensuring the safety, welfare and comfort of all students and the university. university staff may enter and search the Student's unit without permission or consent of the Student if reasonable suspicion exists of violation of university policy, concerns about safety of the students or guests, or situations that may cause harm to others.

The Texas State Fire Marshal is responsible for managing programs to enhance the safety of the campus community while also maintaining compliance with applicable fire and life safety codes. These programs include:

- Conducting fire and life safety inspections of university buildings
- Assessing campus events to identify risks, implement control measures, mitigate potential injury to personnel and protect property
- Inspecting fire detection and fire suppression systems in buildings throughout the university campus, to reduce the potential for fire loss
- Correcting unsafe conditions or deficiencies to eliminate hazards that pose a risk to the campus community

The *Texas State University Resident Guide to Rights and Responsibilities* provides general information about the policies, procedures, and community standards established for Housing and Residence Life. All residents are expected to be familiar with and abide by the policies, procedures, and standards established in the handbook as well as the terms and conditions of the Housing Contract. In addition to other life safety concerns, the handbook addresses fire safety and includes the following:

### FIRE SAFETY: GENERAL FIRE SAFETY STANDARDS IN RESIDENCE ROOMS

- **Extension** cords in the residence halls must have a built in in-line fuse, circuit breaker or overload protection.
- UL approved power strips with built-in circuit breakers as permissible.
- Extension cords and power strips may not be chained (two or more connected cords/strips).
- Do not run electrical cords under rugs, over nails or in high traffic areas.
- Do not staple electrical cords to walls or otherwise pierce the cord.
- Keep flammable objects away from heat producing items such as coffeemakers.
- Place rugs in a location that does not hinder the opening and closing of doors.
- Do not hang objects from sprinkler heads.
- Do not tamper with or disable smoke detectors.
- Do not store or stack items within 18 inches of sprinkler heads.
- Do not cover more than 25 percent of the inside of your room door with paper or other decorative items.
- Mini lights that are UL or FM approved are permitted, however, neon signs are not allowed in resident rooms.
- Additional information can be found at: Resident Guide to Rights & Responsibilities [https://gato-docs.its.txstate.edu/jcr:aa7ba75a-da9c-4f2b-a5cd-8925275d4c2a/2020-2021\\_RightsResponsibilities\\_2-1\\_WEB.pdf](https://gato-docs.its.txstate.edu/jcr:aa7ba75a-da9c-4f2b-a5cd-8925275d4c2a/2020-2021_RightsResponsibilities_2-1_WEB.pdf)

### FIRE EQUIPMENT

Fire and safety equipment must function properly when it is needed; therefore, the following acts are prohibited:

- Tampering or playing with fire extinguishers, smoke detectors, exit lights or emergency lights.
- Tampering with or pulling a fire alarm under false pretenses.
- Removing smoke detector batteries or otherwise rendering a smoke detector inoperative.
- Propping open stairwell fire doors or tampering with corridor fire doors (fire doors inhibit the travel of smoke, toxic gases, heat and fire from the area of origin).
- Obstructing halls and stairwells with furniture, debris and/or other items.

### REPORTING EMERGENCIES

In an emergency or threat to person or property, dial 911 and give a clear description of the problem, your location (including hall, floor, and room) and your name.

Immediately following the call, please notify hall staff so that they may be of additional assistance.

#### **FIRE EVACUATION**

The fire alarm sound in residence halls is either three intermittent bursts or a siren accompanied by a voice recording. Residents will be informed of their hall's alarm sound during the mandatory floor meeting at the beginning of each semester. In the event of an emergency or periodic fire drill, all residents and their guests must evacuate the building and meet at the designated assembly area.

#### **ELECTRONICS**

Electrical appliances should display the "Underwriters Laboratory" (UL) approval. They must not disrupt electrical circuits or disturb others. Space heaters, window/portable air-conditioners, halogen light fixtures and personal washers and dryers are not allowed.

#### **COOKING APPLIANCES**

Except for coffee makers and electric teapots, cooking appliances (including induction cook tops) are prohibited in individual residence hall rooms for safety and sanitation purposes. Small kitchen appliances are allowed in Bobcat Village apartments.

\*Due to COVID-19, residents are allowed to bring a small microwave for the 2021-2022 academic year.\*

#### **OPEN FLAMES**

Decorative items with open flame capability (lit or unlit) such as candles, wick lamps, incense burners, etc. are prohibited.

#### **LAMPS**

The following lamps are not permitted:

- Halogen Lamps
- Lights or lamps that hang from the wall or ceiling
- Neon signs

#### **SMOKING**

The Texas State campus is a tobacco-free campus. Smoking, e-cigarettes and tobacco use are not allowed inside or outside of any residence hall or apartment.

#### **EXPLOSIVES/FLAMMABLE FLUIDS**

Lighter fluids, charcoal, or other types of flammable liquids and materials are also not permitted to be stored in any university residence area; students may purchase small amounts for one-time usage.

## **EVACUATION PROCEDURES FOR RESIDENCE HALLS IN CASE OF A FIRE**

### **RESIDENCE HALLS**

The fire alarm sound in the residence halls is either three intermittent bursts or a siren accompanied by a voice recording. In the event of an actual emergency or a periodic emergency drill, all residents and their guests are required to follow housing and university safety regulations and must evacuate the building. Each floor in residence halls has a specific designated location outside the building to meet during an evacuation known as a Designated Assembly Area/Place of Refuge.

In these Fire Safety and Training programs, procedures that students and employees should follow in case of a fire are reviewed and include the following:

#### **Student Housing Evacuation Procedures In Case of a Fire**

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present can facilitate the evacuation by shouting "fire alarm, everyone must get out" as they exit the floor and building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

## CAMPUS FIRE REPORTING

In case of fire, call 911. Fires are reported through 911 or through Texas State UPD dispatch. In accordance with the Clery Act, Texas State is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Texas State also is required to keep a log of those fires, which can be found in Texas State UPD's 60-Day Crime and Fire Log.

Listed below are the non-emergency numbers to call to report fires that have already been extinguished in any university building or property, including on-campus student residence facilities.

If you are unsure whether the Fire Marshal has been notified of a fire, you find evidence of a fire, or if you hear about a fire in a Texas State building or property, please contact one of the following:

- Texas State UPD Dispatch 512-245-2805
- Environmental Health, Safety & Risk Mgmt. 512-245-3616

Please be prepared to provide as much information as possible about the location, date, time, and cause of the fire, as well as any property damage that occurred and any injuries that may have resulted from the fire. All fires that occur must be reported as soon as possible, including minor fires not requiring emergency response.

If a member of the Texas State University community finds evidence of a fire that has been extinguished, and the person is not sure whether Texas State UPD or Environmental Health, Safety & Risk Management has already responded, the community member should immediately notify Texas State UPD at 512-245-2805 to investigate and document the incident for disclosure in the university's annual fire statistics.



## ON-CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEM

2020 FIRE SAFETY SYSTEMS IN TEXAS STATE RESIDENCE							
Texas State Residential Facilities	Fire Alarm Monitoring Done On Site (by UPD)	Partial Sprinkler System <sup>1</sup>	Full Sprinkler System <sup>2</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) Drills in 2020
Angelina Hall 951 Moore Street	Y	N	Y	Y	Y	Y	2
Arnold Hall A 102 Student Center Dr.	Y	N	N	Y	Y	Y	2
Arnold Hall B 102 Student Center Dr.	Y	N	N	Y	Y	Y	2
Arnold Hall C 102 Student Center Dr.	Y	N	N	Y	Y	Y	2
Beretta Hall 616 N. LBJ Dr.	Y	N	Y	Y	Y	Y	2
Bexar Hall 100 Llano Cir.	Y	N	Y	Y	Y	Y	2
Blanco Hall 701 Moore Street	Y	N	Y	Y	Y	Y	2
Bobcat Village 1 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 3 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 4 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 5 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 6 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 7 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 8 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 9 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 10 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 11 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 12 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 13 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 14 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 15 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0
Bobcat Village 16 1301 Aquarena Springs Dr.	Y	N	Y	Y	N	N	0

<sup>1</sup>Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>2</sup>Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.



**2020 FIRE SAFETY SYSTEMS IN TEXAS STATE RESIDENCE**

Texas State Residential Facilities	Fire Alarm Monitoring Done On Site (by UPD)	Partial Sprinkler System <sup>1</sup>	Full Sprinkler System <sup>2</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) Drills in 2020
Brogdon Hall 607 N. Edward Gary St.	Y	N	Y	Y	Y	Y	2
Butler Hall 500 N. Edward Gary St.	Y	N	N	Y	Y	Y	2
Chautauqua Hall 302 Student Center Dr.	Y	N	Y	Y	Y	Y	2
College Inn 714 N. Comanche St.	Y	N	Y	Y	Y	Y	2
Falls Hall 631 Moore St.	Y	N	Y	Y	Y	Y	2
Gaillardia Hall 302 Student Center Dr.	Y	N	Y	Y	Y	Y	2
Jackson Hall 702 Tomas Rivera Dr.	Y	N	Y	Y	Y	Y	2
Lantana Hall 501 N. Edward Gary St.	Y	N	N	Y	Y	Y	2
Laurel Hall 600 N. LBJ Dr.	Y	N	Y	Y	Y	Y	2
Retama Hall 611 N. LBJ Dr.	Y	N	Y	Y	Y	Y	2
San Gabriel Hall 951 Moore Street	Y	N	Y	Y	Y	Y	2
San Jacinto Hall 217 W. Woods St.	Y	N	Y	Y	Y	Y	2
San Marcos Hall 703 Academy St.	Y	N	Y	Y	Y	Y	2
Sayers Hall 631 Moore St.	Y	N	Y	Y	Y	Y	2
Smith Hall 1 101 Russell Cir.	Y	N	N	Y	Y	Y	2
Smith Hall 2 101 Russell Cir.	Y	N	N	Y	Y	Y	2
Smith Hall 3 101 Russell Cir.	Y	N	N	Y	Y	Y	2
Sterry Hall 409 N. Edward Gary St.	Y	N	N	Y	Y	Y	2
Tower Hall 101 W. Woods St.	Y	N	Y	Y	Y	Y	2

**PLANS FOR FUTURE IMPROVEMENT**

**TEXAS STATE UNIVERSITY TECHNICAL SERVICES DEPARTMENT**

Based on availability of funding, Texas State will upgrade the current fire alarm supervisory system from Siemens Insight to Edwards FireWorks. This upgrade will provide better communication and options for system integration in the future.

<sup>1</sup>Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>2</sup>Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

## 2018 FIRE STATISTICS

STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2018						
Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Angelina Hall 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall A 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall B 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall C 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Beretta Hall 616 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Bexar Hall 100 Llano Cir.	0	N/A	N/A	N/A	N/A	N/A
Blanco 701 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 1 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 3 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 4 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 5 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 6 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 7 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 8 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 9 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 10 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 11 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2018**

Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Bobcat Village 12 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 13 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 14 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 15 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 16 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Brogdon Hall 607 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Butler Hall 500 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Chautauqua Hall 302 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
College Inn 714 N. Comanche St.	0	N/A	N/A	N/A	N/A	N/A
Falls Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Gaillardia Hall 302 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Jackson Hall 702 Tomas Rivera Dr.	0	N/A	N/A	N/A	N/A	N/A
Lantana 501 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Laurel Hall 600 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Retama 611 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
San Gabriel 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2018**

Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
San Jacinto Hall 217 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A
San Marcos Hall 703 Academy St.	0	N/A	N/A	N/A	N/A	N/A
Sayers Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 1 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 2 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 3 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Sterry Hall 409 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Tower Hall 101 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A

## 2019 FIRE STATISTICS

STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2019						
Residential Facilities	Total Fires in Each Bldg.	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Angelina Hall 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall A 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall B 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall C 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Beretta Hall 616 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Bexar Hall 100 Llano Cir.	0	N/A	N/A	N/A	N/A	N/A
Blanco 701 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 1 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 3 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 4 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 5 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 6 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 7 1301 Aquarena Springs Dr.	1	1	Cooking – Unintentional Fire	0	0	\$0-99
Bobcat Village 8 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 9 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 10 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 11 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2019**

Residential Facilities	Total Fires in Each Bldg.	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Bobcat Village 12 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 13 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 14 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 15 1301 Aquarena Springs Dr. Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 16 1301 Aquarena Springs Dr. Dr.	0	N/A	N/A	N/A	N/A	N/A
Brogdon Hall 607 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Butler Hall 500 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Chautauqua Hall 302 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
College Inn 714 N. Comanche St.	0	N/A	N/A	N/A	N/A	N/A
Falls Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Gaillardia Hall 302 Student Center Dr.	1	1	Cooking - Unintentional Fire	0	0	\$0-99
Jackson Hall 702 Tomas Rivera Dr.	0	N/A	N/A	N/A	N/A	N/A
Lantana 501 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Laurel 600 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Retama 611 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
San Gabriel 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2019**

Residential Facilities	Total Fires in Each Bldg.	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
San Jacinto Hall 217 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A
San Marcos Hall 703 Academy St.	0	N/A	N/A	N/A	N/A	N/A
Sayers Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 1 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 2 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 3 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Sterry Hall 409 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Tower Hall 101 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A

## 2020 FIRE STATISTICS

STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2020						
Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Angelina Hall 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall A 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall B 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Arnold Hall C 102 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Beretta Hall 616 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Bexar Hall 100 Llano Cir.	0	N/A	N/A	N/A	N/A	N/A
Blanco 701 Moore Street	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 1 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 3 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 4 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 5 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 6 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 7 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 8 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 9 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 10 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 11 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A



**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2020**

Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
Bobcat Village 12 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 13 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 14 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 15 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Bobcat Village 16 1301 Aquarena Springs Dr.	0	N/A	N/A	N/A	N/A	N/A
Brogdon Hall 607 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Butler Hall 500 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Chautauqua Hall 302 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
College Inn 714 N. Comanche St.	0	N/A	N/A	N/A	N/A	N/A
Falls Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Gaillardia Hall 302 Student Center Dr.	0	N/A	N/A	N/A	N/A	N/A
Jackson Hall 702 Tomas Rivera Dr.	0	N/A	N/A	N/A	N/A	N/A
Lantana 501 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Laurel Hall 600 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
Retama 611 N. LBJ Dr.	0	N/A	N/A	N/A	N/A	N/A
San Gabriel 951 Moore Street	0	N/A	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES 2020**

Residential Facilities	Total Fires in Each Building	Fire	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Cause by Fire
San Jacinto Hall 217 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A
San Marcos Hall 703 Academy St.	0	N/A	N/A	N/A	N/A	N/A
Sayers Hall 631 Moore St.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 1 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 2 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Smith Hall 3 101 Russell Cir.	0	N/A	N/A	N/A	N/A	N/A
Sterry Hall 409 N. Edward Gary St.	0	N/A	N/A	N/A	N/A	N/A
Tower Hall 101 W. Woods St.	0	N/A	N/A	N/A	N/A	N/A

\*The Fire Safety Report section only applies to the San Marcos Campus as the Round Rock and ALERRT Center campuses do not currently have any student housing facilities.\*



To request a paper copy of this report, please contact Institutional Compliance and Ethics at [cleryreport@txstate.edu](mailto:cleryreport@txstate.edu), Elliott Hall A 3rd Floor or call 512-245-4961.

## **STUDENT CONSUMER INFORMATION TEXAS STATE UNIVERSITY**

The Higher Education Opportunity Act of 2008 (HEOA) requires that postsecondary institutions participating in federal student aid programs make certain disclosures to students. This information is disclosed to you as a student at Texas State in compliance with federal law.

For additional information, including requesting a paper copy of any of the materials, please visit: <https://www.emm.txstate.edu/resources/consumer-info.html>.

### **Institutional Compliance and Ethics**

Elliott Hall A – 3rd Floor  
201 Talbot Street, San Marcos, Texas 78666  
Phone: 512-245-4961  
<https://clery.txstate.edu/>

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