2020 Annual Security Report and Annual Fire Safety Report
(For the 2021-2022 academic year, containing statistics for 2020, 2019, and 2018)

Compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Texas A&M University- Kingsville Main Campus, Kingsville, Texas;
Texas A&M University- Kingsville Citrus Center Campus, Weslaco, Texas;
Texas State Technical College (TSTC) Harlingen Campus- Multi-Institutional Teaching Center (MIT-C), Harlingen, Texas; South Texas College Mid-Valley Campus, Weslaco, Texas; and the RELLIS Campus, College Station, Texas.

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Table of Contents

Welcome ........................................................................................................................................ 8
Annual Security and Fire Safety Report Overview ................................................................. 8
Maps .......................................................................................................................................... 8
Annual Security and Fire Safety Report Overview ................................................................. 8
Annual Security and Fire Safety Report Overview ................................................................. 9
Preparation of the Annual Security and Annual Fire Safety Report ..................................... 9
Availability of the Annual Security Report and Annual Fire Safety Report ......................... 10
Updates to the Annual Security Report .................................................................................. 10
Maps .......................................................................................................................................... 11
Texas A&M University- Kingsville Police Department Authority and Jurisdiction .............. 13
  Texas A&M University-Kingsville Police ............................................................................ 13
  Enforcement Authority/Other Police Agencies ................................................................. 13
Safe Campus Environment ....................................................................................................... 14
Security and Access to Campus Facilities ............................................................................... 16
  Campus Buildings and Grounds .......................................................................................... 16
  Security Considerations in the Maintenance of Campus Facilities .................................. 16
  Campus Lighting Checks ..................................................................................................... 16
  Security Considerations in the Residence Halls ................................................................. 17
Reporting Crimes ..................................................................................................................... 17
  Reporting Crimes to University Police ............................................................................. 19
  Response to Reported Crimes ............................................................................................ 19
  Confidential Crime Reporting ............................................................................................. 20
Campus Security Authorities .................................................................................................. 20
Crime Victim Resources and Information ............................................................................... 22
  Campus and Community Resources for Victims of Crime ................................................ 22
  Crime Victim Information .................................................................................................... 23
  Compensation for Victims of Crime .................................................................................... 25
  No Contact and Protective Orders ..................................................................................... 25
Daily Crime Log and Fire Log ................................................................................................. 27
Timely Warnings ..................................................................................................................... 28
Missing Student Procedures ................................................................................................. 29
  Missing Student Notification ............................................................................................... 30
  Missing Person Contact Registration ............................................................................... 30
  Reporting a Missing Student .............................................................................................. 30
Weapons Policy ....................................................................................................................... 31
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Monitoring by Kingsville Police Department</td>
<td>129</td>
</tr>
<tr>
<td>Definitions for Clery Crime Statistics</td>
<td>123</td>
</tr>
<tr>
<td>Crime Statistics Overview</td>
<td>121</td>
</tr>
<tr>
<td>Fire Statistics 2019</td>
<td>127</td>
</tr>
<tr>
<td>Hate Crimes</td>
<td>127</td>
</tr>
<tr>
<td>Violence Against Women Act Crimes</td>
<td>128</td>
</tr>
<tr>
<td>Weapons, Drug and Alcohol Arrests and Disciplinary Referrals</td>
<td>128</td>
</tr>
<tr>
<td>Crime Statistics Tables</td>
<td>127</td>
</tr>
<tr>
<td>Kingsville Fire Department</td>
<td>130</td>
</tr>
<tr>
<td>Emergency Response and Evacuation Procedures</td>
<td>130</td>
</tr>
<tr>
<td>Residence Hall Fire Safety Policy</td>
<td>131</td>
</tr>
<tr>
<td>Reporting a Fire</td>
<td>131</td>
</tr>
<tr>
<td>Emergency Fire Procedures for Students and Employees</td>
<td>131</td>
</tr>
<tr>
<td>FIR(E2) Procedure</td>
<td>131</td>
</tr>
<tr>
<td>If you are Trapped</td>
<td>132</td>
</tr>
<tr>
<td>Fire Safety System and Training</td>
<td>132</td>
</tr>
<tr>
<td>Fire Safety System</td>
<td>132</td>
</tr>
<tr>
<td>Fire Safety Training</td>
<td>133</td>
</tr>
<tr>
<td>Residence Hall Guidelines</td>
<td>134</td>
</tr>
<tr>
<td>Residence Hall Fire Safety at Texas A&amp;M University- Kingsville</td>
<td>134</td>
</tr>
<tr>
<td>Fire Log, Definitions and Fire Statistics</td>
<td>136</td>
</tr>
<tr>
<td>Police Daily Crime Log and Fire Log</td>
<td>136</td>
</tr>
<tr>
<td>Definitions</td>
<td>136</td>
</tr>
<tr>
<td><strong>Fire Statistics 2020</strong></td>
<td>136</td>
</tr>
<tr>
<td>Fire Statistics 2019</td>
<td>137</td>
</tr>
<tr>
<td>Fire Statistics 2018</td>
<td>137</td>
</tr>
<tr>
<td>2020 Annual Security Report</td>
<td>139</td>
</tr>
<tr>
<td>Texas A&amp;M University – Kingsville Citrus Center</td>
<td>139</td>
</tr>
<tr>
<td>Welcome</td>
<td>140</td>
</tr>
<tr>
<td>Annual Security and Fire Safety Report Overview</td>
<td>141</td>
</tr>
</tbody>
</table>
Building Evacuation.................................................................................................................. 173
Drills, Exercises and Training .................................................................................................. 173
Campus Security Awareness and Crime Prevention Programs and Resources .......................... 175
  Security Awareness and Crime Prevention Programs ............................................................. 175
  Personal Safety Tips ................................................................................................................. 176
  Bystander Intervention ............................................................................................................. 178
  Tips for Violence Risk Reduction ............................................................................................ 179
Sexual Harassment and Sex-based Misconduct ........................................................................ 180
Violence Against Women Reauthorization Act of 2013 Overview ........................................... 181
Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws .......................... 182
  Sexual Assault Penal Code ....................................................................................................... 182
  Dating Violence Penal Code ..................................................................................................... 185
  Family Violence (Domestic Violence) Penal Code ................................................................. 185
  Stalking Penal Code ................................................................................................................. 185
Information for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking ...... 186
  Procedures for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking ...... 187
  Campus Resources for Sexual Assault, Dating Violence, Domestic Violence and Stalking .... 189
Sexual Assault .......................................................................................................................... 189
  Consent in Reference to Sexual Activity .................................................................................... 189
  TAMUK Consent and Sexual Assault Definition ...................................................................... 190
  Medical Exam Following Sexual Assault ............................................................................... 190
  Dating Violence and Domestic Violence ................................................................................ 193
Stalking .................................................................................................................................... 196
Sexual Assault, Dating Violence, Domestic Violence and Stalking Education and Prevention Programs .................................................................................................................. 199
  Programs to Prevent Sexual Violence ..................................................................................... 200
  Ongoing and Primary Prevention and Awareness Campaigns ............................................... 202
Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaint Process and Disciplinary Procedures .................................................................................................................. 204
  Sexual Assault, Dating Violence, Domestic Violence and Stalking Policy .............................. 204
  Definitions .................................................................................................................................. 205
  Complaint Reporting Process .................................................................................................. 207
  Investigations ............................................................................................................................. 220
  Standard of Evidence .............................................................................................................. 225
  Sanctions ................................................................................................................................... 225
  Institutional Disciplinary Action in Sexual Harassment, Sex-based Misconduct and Misconduct Involving University Employees ......................................................................................... 228
  Procedures for Student Conduct Cases Involving Sexual Misconduct .................................... 234
Sex Offender Registration .......................................................................................................... 248
Crime Statistics Overview ......................................................................................................... 249
Definitions for Clery Crime Statistics ........................................................................................ 249
Weslaco Campus Crime Statistics Tables .................................................................................. 254
  Hate Crimes ............................................................................................................................. 254
  Violence Against Women Act Crimes ...................................................................................... 255
  Weapons, Drug and Alcohol Arrests and Disciplinary Referrals ......................................... 255
2020 Annual Fire Safety Report ........................................................................................................................................ 256
Report Overview ............................................................................................................................................................... 256
  Weslaco Fire Department ............................................................................................................................................... 256
  Emergency Response and Evacuation Procedures ...................................................................................................... 256
  Apartments Fire Safety Policy .................................................................................................................................... 257
Reporting a Fire ................................................................................................................................................................. 257
  Emergency Fire Procedures ........................................................................................................................................... 257
  FIR(E2) Procedure ......................................................................................................................................................... 257
  If you are Trapped ......................................................................................................................................................... 258
Fire Safety System and Training ........................................................................................................................................ 259
  Fire Safety System ......................................................................................................................................................... 259
  Fire Safety Training ..................................................................................................................................................... 259
Residential Unit Guidelines .................................................................................................................................................. 260
.............................................................................................................................................................................................. 260
Fire Log, Definitions and Fire Statistics .......................................................................................................................... 260
  Police Daily Crime Log and Fire Log Definitions .......................................................................................................... 260
  Fire Statistics 2020 ......................................................................................................................................................... 261
  Fire Statistics 2019 ......................................................................................................................................................... 261
  Fire Statistics 2018 ......................................................................................................................................................... 262
2020 Annual Security Report ........................................................................................................................................... 263
Texas A&M University – Kingsville ................................................................................................................................. 263
SOUTH TEXAS COLLEGE MID VALLEY CAMPUS ........................................................................................................... 263
  Criminal Offenses ......................................................................................................................................................... 264
  at South Texas College Mid Valley Campus .................................................................................................................. 264
  Hate Crimes .................................................................................................................................................................... 264
  VAWA Offenses .............................................................................................................................................................. 265
  Weapon, Drug and Alcohol Offenses ............................................................................................................................ 265
2020 Annual Security Report ........................................................................................................................................... 266
Texas A&M University – Kingsville ................................................................................................................................. 266
TEXAS STATE TECHNICAL COLLEGE (MIT-C) CAMPUS .......................................................................................... 266
  Criminal Offenses ......................................................................................................................................................... 267
  Hate Crimes .................................................................................................................................................................... 267
  VAWA Offenses .............................................................................................................................................................. 268
  Weapon, Drug and Alcohol Offenses ............................................................................................................................ 268
2020 Annual Security Report ........................................................................................................................................... 269
Texas A&M University – Kingsville ................................................................................................................................. 269
RELLIS CAMPUS ............................................................................................................................................................... 269
  Criminal Offenses ......................................................................................................................................................... 270
  Hate Crimes .................................................................................................................................................................... 270
  VAWA Offenses .............................................................................................................................................................. 271
Welcome
Annual Security and Fire Safety Report

The Texas A&M University-Kingsville’s Annual Security Report and Annual Fire Safety Report, is published annually before October 1. The report for the 2021 – 2022 Academic year, which includes 2018, 2019 and 2020 crime and fire statistics, is designed to provide important information about safety on our campus and contains information on the resources and services available to the Texas A&M University-Kingsville community. It also contains statistics about crimes reported on or around our campus, as well as fire safety information and statistics.

Safety and security are everyone’s responsibility; it takes a team effort to ensure that the university community remains safe and crime free. The team is comprised of law enforcement professionals; university departments that include residence hall staff; staff from the Dean of Students office; Building Emergency Managers; staff from Risk Management; administrative staff from all divisions of the university, and, of course, you. You are the most important member of our team. It is important to stress that our campus is safe. However, you are encouraged to be aware of your personal safety and security and to be responsible in your actions while on campus. We count on you to safeguard your valuables by securing them in locked vehicles (away from prying eyes), locked securely in your residential rooms or offices, and not leaving items of value unattended (not even for a second.)

Texas A&M University-Kingsville has many programs and procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly. Please take a moment and familiarize yourself with the information in this report.

Your safety is very important to us. If you notice any suspicious, dangerous or illegal activities on campus, please notify the University Police Department at 361-593-2611 as soon as possible for investigation and resolution. A campus map is included in this report for your convenience.

The University Police Department offers a number of personal safety awareness presentations throughout the year. The presentations include alcohol awareness issues and laws, active shooter awareness with the Civilian Response To Active Shooter Event (CRASE) program, Campus Security Authority training, Residential Advisor orientation training, new employee orientation, Building Emergency Manager training, Rape Aggression Defense (RAD) Systems training, and many others. These sessions are offered to the university community upon request. The department is also active in the community, sponsoring Coffee with a Cop events, a Teddy Bear drive, hosting annual National Night Out activities on campus and participating in a National Night Event with other law enforcement agencies in October. Our collaborative efforts working with University Housing and Residential Life staff, other university departments, and local law enforcement agencies have made a difference on campus.

We hope your stay on our campus is enjoyable and productive. If you would like more information about this report or campus safety and security in general, please contact the University Police Department at 361-593-2611 or the Dean of Students Office at 361-593-3606. We value your comments and ideas to make our university a safe place to learn, work, live and visit.

Sincerely,

Kirsten Comary
Assistant Vice President of Student Affairs/Dean of Students

Felipe Garza
Director of Public Safety/Chief of Police
Preparation of the Annual Security and Annual Fire Safety Report

The Annual Security Report (ASR) and Annual Fire Safety Report (AFSR) is required by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Clery Act). The report includes, but is not limited to: campus safety and security policy statements and disclosures; statistics for Clery Act crimes for Texas A&M University-Kingsville property, adjacent property, and non-university property owned or controlled by the university for the previous three years; and fire statistics for on-campus student housing facilities for the previous three years. To prepare the Annual Security Report and Annual Fire Safety Report, the university, through the University Police Department, collects, classifies, and counts crime reports and crime statistics. Crime statistics are collected throughout the year from UPD and members of the university designated as Campus Security Authorities (CSA). Crime statistics are also requested from local law enforcement agencies in jurisdictions where the university owns or controls property.

The Texas A&M University-Kingsville University Police Department (UPD) is responsible for preparing and distributing this report by October 1 each year. UPD works with many other departments and agencies, such as the Offices of the Dean of Students (including Maxient Reports), Housing and Residential Life, Student Health and Wellness, Office of Compliance, and the Kingsville Police Department to compile the information. UPD encourages members of the campus community to use this report as a guide for safe practices on and off campus. It is available on the Web at: http://www.tamuk.edu/dean/cleryreport.html. A PDF version of the report can be located directly at: http://www.tamuk.edu/dean/dean_files/cleryreport.pdf

Distribution of the Annual Security Report and the Annual Fire Safety Report

The Annual Security Report and Annual Fire Safety Report is distributed as follows:

1. Current Students and Employees: The Director of Public Safety/Chief of Police and the Assistant Vice President of Student Affairs/Dean of Students and/or their designees, will distribute information about the availability of the Annual Security Report and Annual Fire Safety Report to all current students and employees of their respective campuses. The information about how to access the report will be distributed to each individual directly by campus electronic mail. A copy may also be obtained by contacting the Dean of Students Office, Room 306 in the Memorial Student Union, or the Texas A&M University-Kingsville Police Department, Lewis Hall, 855 N. University Blvd. Enrolled students at the main campus, TSTC Harlingen Campus MIT-C (Multi-Institutional Teaching Center), Citrus Center (Weslaco), South Texas College Mid-Valley Campus (Weslaco), and on-line, will receive the notice directly from Texas A&M University-Kingsville.

2. Prospective Students and Employees:
   a. Notice of the Annual Security Report and Annual Fire Safety Report’s availability, including a description of the report’s contents, and the opportunity to request a copy of the report will be provided to Prospective Students and Employees by email. Prospective students will be defined as individuals who have indicated interest in the university by providing their contact information during a campus tour, campus event, high school career event, or through submission of official application for admission. Prospective students will receive email correspondence indicating the notice of the ASR and AFSR availability, description of the report contents, a link to the report, and how to request a copy of the report. Prospective employees may obtain the report from the Human Resources Employment website. They will also be notified individually of the availability of the Clery report when the prospective employee creates a username and password to gain access into JavJobs, the university employment
websites. A link to the full report will be included in the email notification. The full printed report will be provided upon request to all Prospective Students and Prospective Employees.

b. Faculty, staff and students at the MIT-C and Mid-Valley Campus (Weslaco) receive notices through the campus email system. Prospective students and employees receive notice as outlined in (a) above.

**Availability of the Annual Security Report and Annual Fire Safety Report**

The report is available on the Texas A&M University-Kingsville website at [http://www.tamuk.edu/dean/cleryreport.html](http://www.tamuk.edu/dean/cleryreport.html). Copies of the report also may be obtained at the University Police Department located at room 128 in Lewis Hall or by calling 361-593-2611. Copies may also be obtained from the Student Affairs Office, College Hall, room 221; Office of the Dean of Students, Memorial Student Union Building (MSUB), room 306. All prospective employees may obtain a copy from the office of Human Resources in College Hall, room 210 or by calling 361-593-3705.

Information regarding the availability of the report, website location and where to access printed copies is announced during new faculty and staff orientation, new student orientation and other campus presentations, and published in the current student handbook and university catalog.

**Updates to the Annual Security Report**

Any changes to statistics or policy statements after the original September 30, 2020, date of publications will be listed here. A campus notification will be sent regarding the statistics and/or policy changes to this document.
Maps
MAPS

Texas A&M University-Kingsville Campuses

Texas A&M University – Kingsville
700 University Boulevard, Kingsville, Texas 78363

Texas A&M University – Kingsville Citrus Center
312 N. International Boulevard, Weslaco, Texas 78599
https://www.google.com/maps/place/312+N+International+Boulevard,+Weslaco,+TX+78599/@26.1662182,-97.9607004,17z/data=!3m1!4b1!4m2!3m1!1s0x866578279adbb5a1:0x6dc4938a34c6ea44

Texas State Technical College – MITC
2424 Boxwood, Harlingen, Texas 78550

South Texas College Mid Valley Campus
400 N. Border Avenue, Weslaco, Texas 78596
https://campuses.southtexascollege.edu/maps/Mid-Valley-Campus-Map.jpg
Texas A&M University-Kingsville Police

Our Mission
Our mission is to provide the University community with a safe and secure learning and working environment by providing the highest quality police services, which include prompt response, availability of officers and informational and instructional services.

Emergencies: Dial 9-1-1 (Campus Phone)
Non-Emergency Assistance: Dial 361-593-2611 (Campus Phone 2611)

Located at 855 N. University Blvd., Lewis Hall, Kingsville, Texas, the Texas A&M University – Kingsville Police Department is open 24 hours a day, 365 days a year. The department consists of professional campus police and telecommunication officers dedicated to providing excellent customer service to the community. Officers patrol the campus on foot, by bicycle, Segways, golf cart and in vehicles. Officers and a supervisor are on duty 24 hours a day. The Dispatch Center is staffed with trained and certified communication officers who answer calls for service, dispatch officers and other emergency services to incidents, and monitor intrusion detection and fire alarms. The department also employs students who carry out a variety of roles, including parking enforcement and assisting officers in providing campus escorts.

Enforcement Authority/Other Police Agencies
UPD is the primary respondent for campus emergencies and reports of criminal activity on campus. Officers are fully certified by the State of Texas with full arrest powers. The Texas A&M University System employs and commissions campus peace officers for the purpose of protecting the safety and welfare of students, employees, and property of the institution in accordance with state law. Any officer so commissioned is vested with all powers, privileges, and immunities of peace officers while the officer is in his or her primary jurisdiction or outside the officer’s primary jurisdiction. Commissioned campus peace officers employed by any university of the system shall normally confine their duties as peace officers to activities within the boundaries of the property owned, leased or otherwise controlled by the respective system university but, nonetheless, shall have primary jurisdiction in any county in which the property is located. UPD Officers have the authority to enforce University policies, and those policies include enforcing violations of the law.

Texas A&M University-Kingsville police cooperate with federal, state and local police agencies (City of Kingsville Police Department, Kleberg County Sheriff’s Department, Texas Department of Public Safety, Texas Rangers, Department of Homeland Security and the Federal Bureau of Investigation), resulting in the University’s awareness of criminal activity perpetrated beyond the campus. Texas A&M University-Kingsville has a current written Inter-local Agreement with Hidalgo County Constables Offices, Precinct 1 and 3. UPD does not currently have a written Memorandum of Understanding with these responding agencies, pertaining to the investigation of criminal incidents.

The Texas A&M University-Kingsville Police Department compiles and distributes the Annual Security Report and Annual Fire Safety Report. Statistical information in the report is gathered from various sources such as, but not limited to, local law enforcement agencies, Dean of Students, Office of Environmental Health and Safety, Office of Compliance, campus officials, Texas State Technical College in Harlingen, Texas, South Texas College Mid Valley Campus, and Weslaco
Campus Citrus Center. We encourage members of the campus community to use this report as a guide for safe practices on and off campus. It is available on the Web at: http://www.tamuk.edu/dean/cleryreport.html. Annual notification of the Annual Security Report and Annual Fire Safety Report is made to all students, faculty and staff using Texas A&M University–Kingsville campus email that describes the report and provides its Web address. Prospective students and employees are also notified by email and provided with the web address where they may access the information on the annual security report.

UPD will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. University Police officers in vehicles, golf carts, Segways, on foot, or on bicycles are eager to be of assistance and may be contacted directly. For off-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

Reports of criminal activity will be fully investigated, and appropriate referrals made to the appropriate courts, the Dean of Students Office or Human Resources Office as necessary. Community members are encouraged to report crime concerns to UPD.

Safe Campus Environment

The university makes every effort to create a campus environment that fosters personal safety and property security for students, faculty, staff, and visitors. Members of the university community are urged to immediately call the university police department, 361-593-2611, of any criminal action or suspicious behavior. Criminal Trespass Warnings can be issued to suspicious persons and those who violate laws. Anyone returning to a Texas A&M University – Kingsville premises in violation of the Criminal Trespass Warning is subject to arrest.

Texas A&M University-Kingsville will adhere to a “zero-tolerance” of violations of the law and of violence in the workplace. We will investigate complaints of threats of intimidation and take disciplinary action when employees demonstrate any behavior which, in management’s opinion, constitutes a potentially violent situation. This policy extends to persons connected with university business, including vendors or others who interact with university employees.

A climate of fear or intimidation will not be tolerated at Texas A&M University-Kingsville. Threatening behaviors, acts of aggression and violence will result in appropriate action by the university, up to and including dismissal. Student, faculty and staff misconduct will be handled in accordance with the student code of conduct, Texas A&M University System policy or Human Resources policy and/or applicable state or federal laws. Call the Texas A&M University-Kingsville Police Department, 361-593-2611, to report incidents.

Texas A&M University-Kingsville will not tolerate hate violence and is dedicated to ensuring all persons are protected regardless of their race, national origin, religion, sex, sexual orientation, age or disability or political/religious beliefs. In furtherance of this mission, all ‘hate’ crimes and incidents will be thoroughly documented, investigated and assigned to the courts for prosecution. Students, staff and faculty are encouraged to promptly report these types of incidents to UPD (ext. 2611) or 361-593-2611, the Dean of Students (ext. 3606) or 361-593-3606 or the Office of Compliance (ext. 4758) or 361-593-4758.

The Office of Compliance: 361-593-4758, provides information and assistance with sexual assault, domestic violence, dating violence and stalking; facilitation of employee’s complaints alleging illegal discrimination and
related retaliation; coordination of an employee’s request for reasonable accommodations pursuant to the Americans with Disabilities Act (ADA); facilitation of employee or student complaints alleging discrimination on the basis of disability; and oversight of the university’s Title IX program (to report an incident of sexual misconduct and to obtain resources for a pregnant or parenting students) and education.

Title IX Coordinator: 361-593-4761, the University Title IX Coordinator’s core responsibilities include overseeing the University’s response to Sexual Misconduct. The University Title IX Coordinator must be informed of all reports raising Title IX or sex-based misconduct issues, regardless of where the report was initially filed. Employees, Students, and third-parties may file Title IX and/or sex-based misconduct violations (sex discrimination, harassment, assault, misconduct, dating violence, domestic violence or stalking based on sex).

The following on-campus resources and services are available to provide assistance and/or counseling. Speaking to these resources does not constitute a report to the university for the purposes of initiating an administrative or criminal investigation of crime. Identifying information will not be shared with anyone without consent from the victim/survivor unless there is an imminent threat of harm to self or others.

Counseling Services: 361-593-3991, Student Health and Wellness provides free and confidential assessments and counseling for academic, career, and personal issues to all enrolled Texas A&M University - Kingsville students. All counseling sessions are confidential to the full limits provided by the law; no information can be released within or outside the university without the client’s consent. There is no set limit or requirement to the number of sessions that one may attend.

The Kingsville Police Department and the Kleberg County Sheriff’s Department are the primary responding law enforcement agencies to off-campus properties, private off-campus housing and other student functions or activities located within the City of Kingsville or Kleberg County. The university police department is notified of occurrences reported at these locations. Crime reports and statistics generated at these locations are maintained by the appropriate agencies and are contained in this report where available. The university relies on its close working relationships with these local law enforcement agencies to receive information about incidents on campus. Additionally, Texas A&M maintain close working relationships with state and federal agencies including, but not limited to, Texas Department of Public Safety, Texas Attorney General’s Office, US Department of Homeland Security, and US Federal Bureau of Investigation. The Texas A&M University – Kingsville Police will actively investigate any crime information it receives concerning or involving a member of the campus community. If the University is notified of a situation in which a campus community member is the victim of a crime, the department may issue a Timely Warning Notice to the campus community, detailing the incident and providing tips so that other community members may avoid similar incidents.

The university does not currently have any officially recognized student organizations that own or control housing facilities outside of the TAMUK core campus. Therefore, local law enforcement agency, KPD, does not monitor and record criminal activity since there are no non-campus locations of student organizations.
Campus Buildings and Grounds

During normal business hours the administrative and academic facilities at Texas A&M University-Kingsville are open and accessible to students, staff, faculty and visitors of the university. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. Buildings on the Texas A&M University-Kingsville campus remain open only through the completion of the last scheduled event. A daily schedule is provided to the physical plant and buildings are locked on the basis of that schedule. Only employees with maintenance responsibilities for those buildings have access after buildings are locked. Other personnel seeking access after-hours must obtain advance written approval through their administrative chain of command. University police officers have access to all buildings on campus to provide limited access after-hours, in case of an emergency or other special circumstance. Call 361-593-2611 for assistance. UPD officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.

Security Considerations in the Maintenance of Campus Facilities

The Physical Plant maintains the university buildings and grounds with concern for security and safety. Campus facilities and grounds are inspected on a regular basis to ensure that broken windows, locks and other repairs are made in an expeditious manner. The University Police Department also receives information from the campus community regarding unsafe facility condition (including steps and handrails), damaged roadways, overgrowth of shrubbery and other areas in need of repair. This information is forwarded to the Physical Plant in a timely manner. We encourage community members to promptly report any maintenance concerns to the Physical Plant at 361-593-3312 or the University Police Department at 361-593-2611. The Physical Plant personnel will place safety notices in construction zones and other hazardous areas.

Campus Lighting Checks

Texas A&M University-Kingsville is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. University police officers’ conduct routine checks of lighting on campus during regularly assigned patrol duties, when they observe lights that are out or dim, officers will contact the dispatcher to initiate a work order to Physical Plant which is acted upon by a representative of the appropriate maintenance office, usually within 24 hours or the next business day, to correct the problem. Once a month, officers’ conduct a complete canvas of the University campus noting any malfunctioning lights using a schematic provided by Support Services, the form is delivered to Support Services and Physical Plant for appropriate action and repairs. We encourage community members to report any deficiencies in lighting or other physical safety concern to the Physical Plant, 361-593-3312, or the University Police Department, 361-593-2611.

The UPD also coordinates with other members of the university community, student organizations and class projects, in periodic lighting tours. Together, students and staff tour the campus in small groups—after dark—to look for any lighting issues, obstacles, and other items that could impede someone’s safety on the campus. After the tour, notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. As a result, lights are repaired, bulbs are changed, and improvements made to make campus a safer environment for the campus community.

Lighting surveys are conducted and improvements made, as necessary, in various locations on campus. Anyone aware of a hazardous situation in any building or on the campus grounds should notify Physical Plant (361-593-3312) or University
Police Department (361-593-2611) so repairs can be made promptly.

**Security Considerations in the Residence Halls**

Access to the residence halls is restricted to residents, their guests, university personnel and authorized visitors. The University Police Department responds to call for service in the residence halls, as well as conducting patrols, as needed.

Identification cards are coded so that only students who are residents in a particular hall are authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. Hall residents may enter their building using their university ID card. Each hall has specific doors designated for normal entry which are equipped with card access readers.

All other doors in the building remain closed at all times and are to be used only in an emergency evacuation. All exterior doors are monitored with security cameras. A resident must accompany his/her guests at all times. Crime prevention programs include hall orientation sessions, individual floor meetings, residential community-wide presentations and educational programs offered in conjunction with the university housing and residence life staff, Student Health and Wellness Services and/or UPD. Residents are reminded to keep their student room doors locked at all times, observe building security procedures and to notify University Housing and Residence Life staff or the University Police Department (361-593-2611) of any suspicious activity within the residence halls.

Professional area coordinators, community advisors and student resident advisors, who are all members of the university housing and residence life staff, live on campus and provide 24-hour, on-call staff coverage. Residence hall staff undergoes comprehensive training each semester for both prevention and response regarding safety and security issues.

Student and professional staff participate in lectures and seminars associated with topics such as substance abuse, prevention of sexual assault, response to crisis situations and community security issues.

Additional information is contained in the University Housing and Residence Life Guidebook available through the Office of University Housing and Residence Life.

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**Reporting Crimes**

**Reporting Crimes or Other Emergencies**

Campus members observing criminal activities and other emergencies occurring on campus should contact law enforcement immediately by dialing 2611 or 9-1-1 from any campus telephone, contacting a police officer on patrol, or in person at a law enforcement office.

**In Kingsville:**
University Police Department: 361-593-2611
City of Kingsville Police Department: 361-592-4311
Kleberg County Sheriff’s Department: 361-595-8500
Kingsville Crime Stoppers 361-593-INFO (4636)

**Other Crime Reporting Options on Campus:**
To report a non-emergency security or public safety-related matter, call the University Police Department at 361-593-2611 or report in person at 855 N. University Blvd., Lewis Hall, in Kingsville, Texas. Dispatchers are available 24 hours a day to answer calls for service.

For a non-emergency call for locations located in the Rio Grande Valley, please contact the appropriate law enforcement or fire agencies at the numbers below:

- Cameron County Sheriff's Office 956-554-6700
- Harlingen Police Department 956- 427-8787
- Harlingen Fire Department 956- 427-8787
- Weslaco City Police 956-968- 8591
- Weslaco City Fire Station 956-968- 8591
- Weslaco Crime Stoppers 956-968-TIPS(8477)
- Hidalgo County Sheriff's Office 956-383-8114
- South Texas College Police 956-872-2589
- Texas State Technical College Police 956-364-4220
- Hidalgo County Constables Office, Pct. 1 956-447-3775
- Hidalgo County Constables Office, Pct. 2 956-581-6800

Crimes reported will be listed in the appropriate categories in the Clery Annual Security Report. All reported crimes will be taken seriously, even if reported in an anonymous or confidential manner.

The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students on campus. The Texas A&M University Kingsville Police will actively investigate any crime information it receives concerning or involving a member of the campus community. If the University is notified of a situation in which a campus community member is the victim of a crime, the department may issue a Timely Warning, detailing the incident and providing tips so that other community members may avoid similar incidents. Information regarding misconduct will be forwarded to the appropriate office for possible disciplinary action.

Alternatives to Immediately Filing a Police Report

While Texas A&M University-Kingsville encourages the campus community to promptly report any criminal event or suspicious person or circumstance to UPD there will be times when the victim of a crime elects to or is unable (physically/mentally) to make such a report. In those situations, they may elect to:

- Report the crime to UPD at a later date.
- Make a complaint to the Dean of Students Office. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police. UPD has a website that may be used to report crimes anonymously [http://www.tamuk.edu/upd/silent_witness.html](http://www.tamuk.edu/upd/silent_witness.html)
- Make a report using the JavGuard (Rave Guardian) app on a smartphone
- Contact a referral agency for help: University Housing and Residence Life, or the Title IX Coordinator in the Office of Compliance. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
Reporting Crimes to University Police
Texas A&M University-Kingsville and the University Police Department (UPD) encourage the immediate, accurate and prompt reporting of any incident that compromises the safety, health or rights of university community members, including when the victim elects to, or is unable to, make such a report. All students, employees, and visitors should promptly report criminal incidents, accidents, other emergencies (i.e., fire, ambulance, etc.), and suspicious person(s) or activities to the University Police Department (361-593-2611) or 911 (the university police department is not a designated public answering point for 911 calls, the Kingsville Police Department (KPD) receives and answers all 911 calls in the city’s geographical area and refers any 911 calls from the university to the UPD dispatcher for appropriate action), or to other appropriate law enforcement agencies. Persons who are deaf or hard of hearing should call 911 from a TTY/TDD telephone to reach KPD, KPD also operates its own dispatch center 24 hours a day. The University Police Department also has TTY/TDD for non-emergency calls at 361-593-2611. Individuals also may report incidents in person at the University Police Department, located at 855 N. University Blvd., Lewis Hall, Kingsville campus.

After receiving information concerning a crime or an emergency, the University Police Department (UPD) will ensure an effective investigation and appropriate follow-up actions, which may include issuing Timely Warning notifications to alert the campus community about crimes that pose a serious or continuing threat to safety, or issuing emergency notification and evacuation procedures to alert the campus community about significant emergencies or dangerous situations. Reporting all incidents to UPD also allows for accurate reporting of crime statistics in public disclosures such as the Annual Security and Fire Safety Report and the Daily Crime and Fire Log. Members of the community are helpful when they immediately report crimes or emergencies to the Texas A&M University-Kingsville University Police Department for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

Campus community members, faculty, staff and students are strongly encouraged to immediately report criminal activity, other emergencies, suspicious activity to the University Police Department or a local law enforcement agency promptly. Reports will be thoroughly investigated and results will be forwarded to the appropriate prosecutorial entity, the Dean of Students Office, the Human Resources office, Office of Compliance or Title IX, as appropriate.

The University has installed emergency two-way call boxes in elevators on campus, individuals may use the emergency telephone and/or the call button to directly communicate with the University Police Department dispatcher. The campus community can also take advantage of the university’s Rave Guardian app, which is called JavGuard, to communicate directly with University Police Department or 911 operators, send text or photographic information to the University police about crimes, numerous incidents or request police assistance, or set a timer to notify people you trust to check on you when you are alone or in an unfamiliar place.

Response to Reported Crimes
The University Police Department will take the following actions as necessary:

- Dispatch police, fire and/or medical assistance as needed to the scene of the incident or if a non-emergency ask the victim to report the incident at the UPD office.
- Investigate or assist allied agencies with the situation.
- Take appropriate actions to identify, apprehend and submit for prosecution to the courts, the responsible person(s).
- Notify or request assistance from other law enforcement agencies and/or other allied agencies as appropriate.
• Document occurrences or take appropriate action and/or notify appropriate agency/departments.
• UPD incident reports involving misconduct by students, faculty or staff may be forwarded to the Dean of Students Office, Office of Compliance or the Human Resources office for review and potential disciplinary action. UPD investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation also will be forwarded to the Dean of Students Office, Office of Compliance or Human Resources Office.

**Confidential Crime Reporting**

The university encourages anyone who is the victim or witness to any crime to promptly report the incident to UPD or local law enforcement. If you are a victim of a crime and do not want to pursue action within university channels or the criminal justice system, or if you are a witness to a crime and do not want to reveal your identity, you may make a report of the incident to the UPD. However, because police reports are public records, under state law, UPD cannot hold all reports of crime in confidence.

The purpose of a confidential report is to maintain the reporting individual’s confidentiality, while helping the university protect the safety of the campus community. A student’s privacy concerns are weighed against the needs of the university to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, Texas A&M University Kingsville reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide “Timely Warning” as well as inclusion in the annual crime statistics. Providing this information also helps the university maintain accurate records regarding the number of incidents involving students, employees and visitors; determine a pattern of crime with regard to location, method or assailant; and alert the campus community to potential dangers when appropriate. Reports filed in this manner are included in the Texas A&M University-Kingsville annual crime statistics, and when they involve allegations of sexual harassment and/or sex-based misconduct (including sexual violence) they are made available to the University’s Title IX Coordinator. Reports will not include personally identifying information as defined in Section 40002(a) of the Violence Against Women Act (VAWA) of 1994.

Voluntary, confidential and/or anonymous reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Campus Security Authorities at Texas A&M University-Kingsville. Anonymous reports of crimes may also be made to the City of Kingsville Crime Stoppers line at 361-592-4636. The only entity on the Texas A&M University-Kingsville campus that can guarantee confidentiality is a licensed professional counselor at the Student Counseling Center located in Student Health and Wellness.

**Campus Security Authorities**

In addition to UPD personnel (police officers, dispatchers and parking enforcement officers) the university has designated individuals as Campus Security Authorities (CSA’s), including officers from local law enforcement who are contracted by the institution to provide campus safety-related services. CSA’s are identified as individuals that have significant responsibility for students or campus activities. CSA’s have a legal obligation to notify UPD of any Clery Act crimes that were conveyed to them in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay. CSA’s must report immediately any Clery Act crime that comes to their attention. CSA crime reports should include sufficient detail, such as dates and locations, and, where appropriate, personally identifying information, including name and contact information if available. At the request of the victim(s), identifying
information may be excluded from the report (e.g., names, initials, contact information, etc.). CSAs can submit Clery Act crimes to UPD in a number of ways, including:

- Notifying the Texas A&M University-Kingsville Police Department at 361-593-2611
- Residence Hall staff members submit incident reports through an online incident management system (Maxient).

Upon receipt of a Clery Act crime report, UPD and the Dean of Students Office reviews the reports and determines the appropriate action to be taken.

Please refer to the Campus Directory for contact telephone numbers or call (361) 593-2111 to reach the campus operator. Primary CSA’s for the main Texas A&M University-Kingsville campus are the:

- Assistant Vice President of Student Affairs/Dean of Students;
- Acting Director of Student Affairs/Associate Dean of Students;
- Director of Student Activities, Leadership & Special Projects Coordinator, International & Multicultural Event Coordinator, Campus Activities Coordinator, Greek Life Coordinator, Javelina Camp staff;
- Faculty/staff advisors for Texas A&M University-Kingsville recognized student organizations;
- Director of Student Health and Wellness (SHW) Department, Medical providers in SHW; Staff nurses; Coordinator of Disability Resource Center;
- Student Success Peer mentors;
- Executive Director of Housing and Residence Life, Director of Housing, Associate Director of Residential Education, Assistant Directors of Residence Life, Area Coordinators, Head Residents, Community Advisors and Resident Advisors;
- Executive Director of Intercollegiate Athletics and Campus Recreation, Assistant and Associate Athletic Directors; head coaches, assistant coaches and graduate assistant coaches (Men’s –football, basketball, baseball, cross-country, track and field; Women’s – basketball, cross-country, golf, softball, tennis, track and field, volleyball beach volleyball, and cheer teams, (including part-time employees and volunteers, any “coach” function);
- Senior Associate Athletic Director/Head Athletic Trainer, Strength and Conditioning coaches, and assistant trainers;
- Campus Recreation Director, Campus Recreation professional staff members and Campus Recreation student staff;
- Executive Director of International Studies and Programs, International Studies and Programs professional staff, and faculty and/or staff members involved with Study Abroad programs;
- Professor and instructors of Military Science;
- Summer Camp coordinators and staff;
- Director of Compliance;
- Title IX Coordinator and Deputy Title IX Coordinators;
- Assistant Dean Rio Grande Valley Engineering Initiative;
- Director, Citrus Center (Weslaco, Texas), Assistant to the Director, and Farm Superintendent;
- Faculty member responsible for Engineering Kleberg/7th Street, Kingsville, Texas;
- Temporary assignments for faculty/staff requiring CSA duties (e.g., faculty and staff accompanying student travel)
- Contract and event security, such as for sporting events or large, registered parties/events
- Individuals who provided safety escorts around campus (including other students)

The university encourages professional counselors, at their discretion, to inform those they counsel to report crimes in a voluntary, confidential manner for the purposes of collecting crime statistics. Student Health and Wellness Services staff informs their clients of the procedures to report crime to the University Police Department on a voluntary and/or
confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Certain individuals are encouraged to report crime statistics to UPD, but according to federal law, they are not designated as CSAs and are not required to report crime statistics. This reporting exemption extends only to the following:

1. **Professional Counselor**: A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. An example is professional mental health counselors, functioning in that capacity, in the university’s Student Health and Wellness Center.

2. **Pastoral Counselor**: A person associated with a religious order or denomination who is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. Texas A&M University-Kingsville does not employ any pastoral counselors who meet this exemption.

Crimes not occurring on the main Texas A&M University-Kingsville campus should be immediately reported to the appropriate law enforcement agency or to the individuals occupying the positions below:

**Texas A&M University–Kingsville students attending South Texas College – Mid Valley Campus**, 400 N. Border Avenue, Weslaco, Texas 78596, Main Phone 956-266-9235
Director of Operations: 956-266-9235

**Texas A&M University–Kingsville Students attending classes at Texas State Technical College** (TSTC), also known as the MIT-C Center, 1902 North Loop 499, Harlingen, Texas 78550, Phone: 1-800-852-8784
Director, University Center, located at 2424 Boxwood, Harlingen, Texas 78550: 956-364-4535

**Texas A&M University–Kingsville students attending classes at Texas A&M University-Kingsville Citrus Center**, 312 N. International Blvd., Weslaco, Texas 78596, Main Phone: 956-447-3360
Director: 956-447-3361
Assistant to the Director: 956-447-3362
Farm Superintendent: 956-447-3366

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**Crime Victim Resources and Information**

**Campus and Community Resources for Victims of Crime**

In addition to campus based resources there are community-based organizations that provide services to victims of crime, such as:

**Campus Resources:**
- Texas A&M- Kingsville University Police Department: 361-593-2611
- Texas A&M- Kingsville Title IX Coordinator: 361-593-4758
- Texas A&M- Kingsville Student Health and Wellness Department: 361-593-3991
- Texas A&M- Kingsville Office of Human Resources: 361-593-3705
- Texas A&M- Kingsville Dean of Students Office: 361-593-3606
- Work/Life Solutions by Guidance Resources (Employee Assistance Program): 1-866-301-9623
Local Kingsville Law Enforcement Resources:
- Kingsville Police Department: 361-592-4311
- Kleberg County Sheriff’s Office: 361-595-8500

Local Legal Assistance:
- Kleberg County Attorney’s Office (Protective Orders): 361-595-8585
- Kleberg County District Attorney’s Office (Crime Victims Compensation): 361-595-8544
- Kleberg County Indigent Care (Legal services for low income applicants) (Divorce): 361-595-8569 or 1-800-840-3379

Local/Regional/National Social Service Organizations:
- Abuse of Elderly or Disabled Adults: 1-800-252-5400
- Department of Family and Protective Services: 361-516-0943
- Coastal Bend Outpatient Services: 361-815-6068
- National Domestic Violence Hotline: 1-800-799-7233
- Palmer Drug Abuse Program: (361) 592-1212
- Purple Door: 361-516-0288 or HOTLINE: 800-580-4878 (HURT).
- Texas Department of Mental Health and Mental Retardation (MHMR) Coastal Plains: 361-592-6481, 361-777-3991, or Hotline: 1- 800-841-6467
- Victim’s Assistance Coordinator (Protective Orders), County Attorney Office: 361-595-8583

Crime Victim Information

Reporting with Intent to Press Criminal Charges
When a victim decides to report the crime to police and to file criminal charges, they need to be aware of the steps involved:
- initial law enforcement officer’s interview
- medical examination (if needed)
- investigator’s interview
- prosecutor’s interview
- court procedures

This may all seem overwhelming. An understanding of the benefits of reporting encourages many victims to choose to press criminal charges, resulting in the convictions of more defendants. Contact the University Police Department at 361-593-2611.

Option Not to Report
Not all victims want to report crimes to a law enforcement agency. This is an individual decision. Without an official report, however, the law enforcement agency will not know that a sexual assault or other crime has occurred. Law enforcement agencies can only help the community when they are aware of crimes being committed. If the assailant was a stranger, the prospect of identifying the suspect greatly decreases over time, and crucial physical evidence will be lost as well. Even if you choose not to report, it is important for your own well-being that you receive medical attention immediately after the assault. Contact Student Health and Wellness 361-593-3991 or Title IX Coordinator at 361-593-4758.

Your Rights as a Crime Victim
Texas Code of Criminal Procedure, Crime Victim’ Rights, Article 56.02, provides that a victim, guardian of a victim, are entitled to the following rights:
(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
(3) the right, if requested, to be informed:
   (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
   (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;
(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;
(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
   (A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
   (B) by the Board of Pardons and Paroles before an inmate is released on parole;
(14) to the extent provided by Articles 56.06 and 56.065, for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility;
(15) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a
continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and (16) if the offense is a capital felony, the right to:

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

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

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

Compensation for Victims of Crime

The State of Texas, Code of Criminal Procedure, Article 56.31, recognizes that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens, or become dependent on public assistance. There is a need for the compensation of victims of crime and those who suffer personal injury or death in the prevention of crime or in the apprehension of criminals. The intent of the law is that the compensation of innocent victims of violent crime encourage greater public cooperation in the successful apprehension and prosecution of criminals.

If you are the victim of a crime in Texas; physically/emotionally injured during the crime; injured trying to stop a crime; injured trying to catch a person who committed a crime; or are the surviving spouse, parent, grandparent, sibling, or child of a victim who was killed, then you may be awarded benefits up to a maximum award of $15,000 for certain unreimbursed losses, such as wages, medical expenses, mental health counseling expenses, funeral/burial expenses up to $3,500, moving expenses up to $1,000, crime scene clean-up expenses, pregnancy expenses resulting from sexual assault, and other reasonable/necessary expenses incurred as a result of the crime (e.g., prescriptions). In order to be eligible to apply you must:

- Report the crime to a law enforcement agency within a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution of the crime.
- File the application within three years of the date of the crime.
- Be a United States resident with the crime occurring in Texas or a Texas resident who becomes a victim in a state or country without a compensation program; United States citizenship not required, claim within 1 year from the date of the crime (or show good cause for not doing so).

A victim of child sexual assault has 10 years past the date of their 18th birthday to file a claim. For more information or an application, contact the Kleberg County District Attorney’s Office at 361-595-8544, 700 E. Kleberg Avenue, Kingsville, Texas; the Crime Victims’ Compensation Program in the Office of the Attorney General by calling 1-800-983-9933 or visit their website at https://texasattorneygeneral.gov/cvs/crime-victims-compensation

No Contact and Protective Orders

No-Contact Orders (issued by the University)

No-Contact Orders issued by the University are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who have no-contact orders are not to contact each other using ANY means. This includes, but is not limited to: comments, words, or gestures in person, through postal mail, email, social networking sites, or through others (friends, acquaintances, family members, etc.) acting on the student’s behalf. An order of no contact will remain in place until both parties agree, in writing, to cancel the order, pending final approval by the Office of the Dean of Students.

Code of Criminal Procedure - Protective Order

Code of Criminal Procedure, Art. 6.08. PROTECTIVE ORDER PROHIBITING OFFENSE CAUSED BY BIAS OR PREJUDICE.
(a) At any proceeding in which the defendant appears in constitutional county court, statutory county court, or district court that is related to an offense under Title 5, (Crimes Against Persons) Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, in which it is alleged that the defendant committed the offense because of bias or prejudice as described by Article Family Violence, a person may request the court to render a protective order under Title 4, Family Code, for the protection of the person.

(b) The court shall render a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section Family Violence, Family Code, the court finds that probable cause exists to believe that an offense under Title 5, (Crimes Against Persons) Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, occurred, that the defendant committed the offense because of bias or prejudice, and that the nature of the scheme or course of conduct engaged in by the defendant in the commission of the offense indicates that the defendant is likely to engage in the future in conduct prohibited by Title 5, Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, and committed because of bias or prejudice.

(c) The procedure for the enforcement of a protective order under Title 4, (Protective Orders and Family Violence) Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this article, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification, except that: (1) the printed statement on the warning must refer to the prosecution of subsequent offenses committed because of bias or prejudice; (2) the court shall require a constable to serve a protective order issued under this article; and (3) the clerk of the court shall forward a copy of a protective order issued under this article to the Department of Public Safety with a designation indicating that the order was issued to prevent offenses committed because of bias or prejudice.

(d) For an original or modified protective order rendered under this article, on receipt of the order from the clerk of the court, a law enforcement agency shall immediately, but not later than the 10th day after the date the order is received, enter the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

Protective Orders (issued by the Courts) "Protective order" an injunction or other order, issued by a tribunal under the domestic violence or family violence laws or another law of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassing, contacting or communicating with, or being in physical proximity to another individual. Protective orders are court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. If a court finds from the information contained in an application for a protective order that there is a clear and present danger of family violence, the court, without further notice to the individual alleged to have committed family violence and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the family or household of the applicant.

In a protective order, the court may prohibit the person found to have committed family violence from: (1) committing family violence; (2) communicating: (A) directly with a person protected by an order or a member of the family or household of a person protected by an order, in a threatening or harassing manner; (B) a threat through any person to a person protected by an order or a member of the family or household of a person protected by an order; and (C) if the court finds good cause, in any manner with a person protected by an order or a member of the family or household of a person protected by an order, except through the party's attorney or a person appointed by the court; (3) going to or near the residence or place of employment or business of a person protected by an order or a member of the family or household of a person protected by an order; (4) going to or near the residence, child-care facility, or school a child protected under the order normally attends or in which the child normally resides; (5) engaging in conduct directed specifically toward a person who is a person protected by an order or a member of the family or household of a person protected by an order, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; (6) possessing a firearm, unless the person is a peace officer, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and (7) harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order. (c) In an
order, the court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. (d) In a protective order, the court shall suspend a license to carry a concealed handgun that is held by a person found to have committed family violence.

If you are a student or employee victim, please inform the Texas A&M University-Kingsville Police of any protection orders. Show these to the police officer, magistrate, prosecutor, or judge if he/she violates the order. Officers shall enforce protective orders from Texas and other states or possessions of the United States.

The Texas A&M University-Kingsville Police Department will explain and provide assistance in the process of obtaining protective orders. The University Police Department officers will provide victims of domestic violence with a “NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE” which states: "It is a crime for any person to cause you any physical injury or harm even if that person is a member or former member of your family or household. You may report family violence to a law enforcement officer by calling the following telephone numbers: 361-593-2611.” If you, your child, or any other household resident has been injured or if you feel you are going to be in danger after a law enforcement officer investigating family violence leaves your residence or at a later time, you have the right to: “Ask the local prosecutor to file a criminal complaint against the person committing family violence; and apply to a court for an order to protect you. You may want to consult with a legal aid office, a prosecuting attorney, or a private attorney.” A court can enter an order that: "(1) prohibits the abuser from committing further acts of violence; (2) Prohibits the abuser from threatening, harassing, or contacting you at home; (3) directs the abuser to leave your household; and (4) establishes temporary custody of the children or any property.” A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY BE A FELONY.

If you feel that you qualify for or you would like to obtain a protective order which aims to protect the health or safety of any person regardless of a decision to arrest. Emergency Protective Orders are issued by a Justice of the Peace. In a protective order, the court may prohibit the person found to have committed family violence from: (1) committing family violence; (2) communicating: (A) directly with a person protected by an order or a member of the family or household of a person protected by an order, in a threatening or harassing manner; (B) a threat through any person to a person protected by an order or a member of the family or household of a person protected by an order; and (C) if the court finds good cause, in any manner with a person protected by an order or a member of the family or household of a person protected by an order, except through the party's attorney or a person appointed by the court; (3) going to or near the residence or place of employment or business of a person protected by an order or a member of the family or household of a person protected by an order; (4) going to or near the residence, child-care facility, or school a child protected under the order normally attends or in which the child normally resides; (5) engaging in conduct directed specifically toward a person who is a person protected by an order or a member of the family or household of a person protected by an order, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; (6) possessing a firearm, unless the person is a peace officer, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and (7) harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order. (c) In an order, the court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. (d) In a protective order, the court shall suspend a license to carry a concealed handgun that is held by a person found to have committed family violence.

The victim may also apply for an arrest warrant. If a warrant is issued, the alleged perpetrator will be arrested. An arrest warrant charges someone with committing a crime.
The University Police Department provides a daily crime log for all campus property and a fire log for all reported fires that occur in on-campus housing facilities for the previous 60-day period. The logs include the date and time the crime occurred, general location and disposition of the complaint, if known. These logs are available to any member of the public, free of charge, upon request and are updated in accordance with federal regulations, within 2 business days of reported incidents. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. Business days are defined as Monday through Friday, excluding any day when the institution is closed.

An electronic version of the combined Daily Crime and Fire Logs are posted on University Police’s website: http://www.tamuk.edu/upd/clery-reporting.html and are available within two business days of receiving a report, and is also made available, in hard-copy format, to walk-in customers from the University Police Department’s Office located at 855 N. University Blvd. The UPD Office is open to the public 365 days a year.

Timely Warnings

In the event a situation arises, within the Texas A&M University-Kingsville Clery Geography of on campus, public property and non-campus property, that in the judgment of the Director of Public Safety/Chief of Police, University Police Department, or his designee, constitutes an ongoing or continuing threat, a campus-wide “Timely Warning” will be issued. The university will issue an alert to provide students, faculty and staff, as reasonably and timely as possible, notification of a crime that may represent a serious or on-going threat to the campus community. The Timely Warning message will withhold the names of the victims, because victim’s names are confidential and be issued in a manner that is timely and with the goals of aiding in the prevention of future similar crimes and heightening safety awareness.

The Director of Public Safety/Chief of Police, or his designee, will notify the Chief of Staff who serves as the chair of the Emergency Management Team (EMT), of a situation that needs reporting. They make the decision whether to issue a Timely Warning on a case-by-case basis in light of all the facts surrounding the incident. Timely Warnings are issued as soon as possible after UPD is notified; however, the release of the warning is subject to the availability of accurate facts concerning the incident. Criteria to be evaluated may include:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

Timely warnings include information that promote safety and would aid in the prevention of similar crimes, including, but not limited to:

- Brief description of the crime(s) that occurred
- Date and time when the crime(s) occurred
- Location of the crime(s)
- Possible connections between incidents (if applicable)
- Description of suspect(s) and/or any available information to aid in the apprehension of the offender(s) (if applicable)
- Recommended actions
• Precautions for the campus community to protect itself
• Description of crime reporting options at the university

Timely Warning Notices are written and distributed by the University Police Department.

Timely Warning Notices will be issued to the campus community via email blast to all TAMUK assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails sent through the University’s TAMUK Tier 1 and/or Tier 2 Emergency Communication System.

Crimes subject to Timely Warning notifications are for Clery reportable crimes, and may be sent for the following crime categories:
• Criminal homicide (murder and non-negligent manslaughter)
• Sex offenses (rape, fondling, incest, and statutory rape) are 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 information known by the University Police Department, or designee). In cases involving sexual assault, they are often reported 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.
• Robbery
• 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 TAMUK community.
• Burglary
• Motor vehicle theft
• Major incidents of Arson
• Other Clery Crimes deemed necessary

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

On the Kingsville campus, anyone with information warranting a Timely Warning should immediately report the circumstances to the University Police, by phone (361-593-2611) or in person at their office at Lewis Hall, Room 128, 855 N. University Blvd.

On the Citrus Center (Weslaco), Mid Valley Campus (Weslaco), and TSTC- MIT-C (Harlingen) anyone with information warranting a Timely Warning should immediately report the circumstances to law enforcement or Campus Security Authority, as noted in the CSA and Law Enforcement sections of this document.

Missing Student Procedures
Missing Student Notification

In the event that a member of the campus community has reason to believe that a Texas A&M University-Kingsville student, residing on-campus, is missing, he or she shall immediately notify the University Police Department (UPD) at 361-593-2611. UPD will generate a missing person report and initiate an investigation. In addition, UPD will report the missing person to University Housing & Residence Life, or if the student is residing off campus, UPD will assist in contacting the appropriate law enforcement agency.

The Procedures TAMUK Must Follow

If the investigation determines that the student has been missing over 24 hours then within the next 24 hours, the university will:

1. Notify the individual identified as the student’s confidential missing contact person;
   • If under 18 years of age and not emancipated, the university will notify the custodial parent or guardian and any other designated contact person within 24 hours; and;
2. Notify surrounding law enforcement agencies, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Contacting Missing Person Confidential Contact and/or Family Members

Individuals identified as missing person confidential contacts by a missing student, and/or the parent(s) if the student is under 18 years of age, will be contacted by UPD, Housing or the DOS Office within 24 hours of the initial missing person report to the UPD.

In situations in which the student has failed to designate a confidential contact for missing student notification, UPD will use University records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by TAMUK 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 A&M University-Kingsville University Police Department) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

If the student is under the age of 18 and is not an emancipated individual, UPD will notify the student’s parent of guardian and any other designated contact person within 24 hours.

Missing Person Contact Registration

Each year, all students residing on campus will be asked to provide, on a voluntary basis, missing person contact information in the event that the student is reported missing while at the institution. Students identify a contact on the Student Health Information Form provided during housing check-in. This information is confidential and will not be disclosed to authorized campus officials and law enforcement except in furtherance of their missing person investigation.

Reporting a Missing Student

Any concerned person should notify the University Police Department, 361-593-2611, or a campus security authority (CSA) of a belief that a student has been missing for 24 hours. A missing person is an individual whose whereabouts are unknown; they have disappeared for no known reason and there is reasonable concern for their well-being and safety. If
a student is believed to be missing and there is reasonable concern for his or her well-being and safety, call the police immediately.

A student enrolled at the university at either a full- or part-time status, who is perceived by the reporting person to be overdue in reaching home, campus, or another specific location, and there is an identifiable concern for the well-being of the student, may be reported as a missing student.

Any university employee receiving a complaint of a missing student must immediately notify UPD and provide further information related to the reported missing student. Be prepared to provide the following information:
- The missing person’s full name and nicknames or aliases
- Full description to include sex, race, date of birth (age), height, weight, eye color, and hair color
- Photograph
- Mediations
- Vehicle information
- Unusual or visible physical attributes such as birthmarks, tattoos, scars, or piercings
- Date and time of last contact
- Last known whereabouts
- What they were last seen wearing
- Who they were last seen with
- Fingerprints, recent photos, dental records, and all other significant and relevant information, if available

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Weapons Policy

Campus Weapons Policy
Texas A&M University-Kingsville strives to provide a safe and secure environment for its students, staff, and faculty. Texas A&M University-Kingsville prohibits the possession or storage of any weapons, fireworks, or explosives on university premises or at any university-sponsored activity, except in the following cases: law enforcement personnel engaged in the official performance of their assigned duties; approved university experiments and/or projects; transporting of firearms to and from a place of storage; Texas A&M University-Kingsville ROTC; and other approved academic use. The term “weapons” may be defined as any object or substance designed to inflict a wound, cause injury or incapacitate.

Weapons as defined in Texas Penal Code, Chapter 46, include, but are not limited to:
- Handguns, revolvers, pistols, etc.
- Chemical weapons and/or explosives (including bullets or fireworks)
- Location restricted knives, bows and arrows; slingshots
- Martial arts weapons

Carrying Concealed Handguns on Campus
Texas A&M University Kingsville Rule 34.06.02.K1, is established pursuant to Texas Government Code 411.2031.

Procedures and Responsibilities
- The President of Texas A&M University-Kingsville (TAMUK) established this rule after consulting with Texas A&M University-Kingsville students, staff and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This rule has been reviewed and approved by
the system board of regents, as required by law.

- A handgun license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder’s person while the license holder is on the TAMUK campus or in a TAMUK vehicle, unless prohibited by state or federal law, or this rule. The open carrying of a handgun on campus is prohibited. Licensed peace officers are authorized by law to carry firearms at all times.

- TAMUK enforces state law regulating firearms on campus. This enforcement occurs in two ways. First, university police or other applicable law enforcement agencies will investigate and take appropriate action, including referral for criminal prosecution when violations occur. Second, Texas A&M University-Kingsville will consider any violation of state law regulating firearms to be a violation of Texas A&M University-Kingsville rules. Accordingly, such a violation is subject to disciplinary action under rules applicable to students, faculty, and staff.

- Storage of Handguns in Residential Facilities.
  
  A. This section applies to residence halls or other residential facilities located on campuses that are owned by Texas A&M University-Kingsville.
  
  B. Any resident student that is a Concealed Handgun License Holder who wishes to store their handgun in their residence hall room:
     1) Must provide a safe that is intended and made for the storage of handguns. Inspection and installation of a safe must go through the Department of University Housing & Residence Life or
     2) Concealed Handgun License Holders may apply for a safe through the Department of University Housing and Residence Life which will oversee installation.

5. Rules Applicable to Carrying a Concealed Handgun on Campus
   
   A. State Law Prohibitions
      A license holder is responsible for complying with the applicable state law prohibitions.
   
   B. Federal Law Prohibitions
      A license holder is responsible for complying with the applicable federal law prohibitions.
   
   C. Other Prohibited Campus Premises
      A license holder is also prohibited from carrying a concealed handgun in the following campus premises:
      1) The President has prohibited carrying a concealed handgun in:
         a) Academy High School;
         b) Marc A. Cisneros Center for Young Children;
         c) University Speech and Hearing Clinic;
         d) University Child Literacy Laboratory;
         e) Premises on which UIL and Interscholastic events are hosted by the University and where minors are the primary attendees/audience (band camp, sports camps, engineering day, leadership conferences, etc.);
         f) Campus laboratories that have in their bounds compressed gas cylinders, flammable organic solvents, flammable liquids, or unstable (reactive) chemicals;
         g) The Student Health & Wellness Center (medical/counseling facility);
         h) On the premises of the stadium, ballpark, gymnasium, court area, or track and field facility where the following is taking place: interscholastic sporting event; intercollegiate sporting event; professional sporting event;
         i) Athletic practice fields and marching band practice fields whenever Academy High School is holding practice for football, baseball, basketball, softball, tennis, track & field or marching band.
         j) Third (3rd) floor, Irma Rangel College of Pharmacy building. All pharmacy labs are located on this floor and compressed gas and flammable liquids are located throughout this entire floor/laboratory complex.
         k) TAMUK Citrus Center in Weslaco: 1) Research labs 214-229 and open central lab; 2) Two Chemical Storage buildings located East of greenhouses and North of main building; 3) Auto
repair shop; 4) Post harvest shed & workshop; and 5) Diagnostic Labs 1st floor 110 and 112

1) The Student Recreation Center (SRC).
2) The Steinke Physical Education Center (SPEC).

2) Any premises where the university, as directed or approved by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the term “owner of the property” in Section 30.06(b), Penal Code, means the president of the university. No university employee is “someone with apparent authority to act for the owner” for purposes of Section 30.06(b), Penal Code. All notices under Section 30.06, Penal Code, will be institutional notice, conform to Sections 46.03 and 46.035, Penal Code, and apply equally to all handgun license holders.

6. At all premises where concealed carry is prohibited, TAMUK must give effective notice under Section 30.06, Penal Code

Alcohol, Illegal Drugs and Substance Abuse

University's Alcohol and Drug Policy
The university recognizes alcohol/drug dependency as an illness and a major health problem. Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse also can contribute to a host of other physical and mental health problems such as complications in pregnancy, violent behavior, HIV infection and other sexually transmitted diseases, psychological depression, hallucinations and death. Information, assessment and referral services for alcohol or drug-related problems are available on campus. Services for students are available at Student Health and Wellness Services. Services for employees are available through the university’s Human Resources Office.

University disciplinary charges may be pursued against faculty, staff and students alleged to have violated university regulations and/or local, state and federal laws concerning alcohol and/or controlled substances. Violations of any local, state or federal law pertaining to alcohol and/or controlled substances that occur off campus and are not associated with a university-connected activity may result in disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and the orderly operation of the university. University disciplinary proceedings will be in accordance with procedures outlined in the Student Code of Conduct and university policy (faculty and staff). Voluntary admission to a substance abuse treatment program prior to the issuance of charges may be looked upon favorably in disciplinary cases. Disciplinary action in cases involving serious alcohol and/or drug-related violations will result in termination, suspension, dismissal or expulsion from the university, depending on the nature and seriousness of the case. Participation in a substance abuse education or treatment program may be required in addition to other sanctions. Any disciplinary action imposed by the university may precede and be in addition to any penalty imposed by an off-campus authority.

Texas A&M University-Kingsville began offering an online educational program called Alcohol EDU, and by the fall of 2019, the university expanded the online programming to include a Prescription Drug Abuse Prevention course. Alcohol EDU and Prescription Drug Abuse Prevention courses were offered to all students. Beginning in the Fall of 2017, Alcohol EDU was required to be taken by all new first-time in college students and transfer students enrolled in a University Success Course through the Center for Student Success.

Biennial Review Process
Texas A&M University-Kingsville educates students, faculty, and staff on the use and misuse of alcohol and other drugs, policies, and sanctions via a comprehensive institution-wide program and events sponsored by university departments and a regional and national award winning Peer Educator Program. These include the Dean of Students Office,
University Housing & Residence Life, Athletics, Student Health and Wellness, Student Activities, Memorial Student Union, University Police Department, Campus Recreation and Fitness, Human Resources, and PEP Talk (Peer Educator Program).

In compliance with the Drug-Free Schools and Campuses Regulations [EDGAR Part 86] of the Drug Free Schools and Communications Act (DFSCA), a Biennial Review committee met to assess the effectiveness of Texas A&M University-Kingsville’s Alcohol and Other Drug (AOD) program and policies within the academic years of September 1, 2018 – August 31, 2020. This executive summary outlines the procedures used in completing this assignment, findings, and recommendations.


**Alcohol**

In compliance with the Drug Free Schools and Campuses Regulations (34CFR, Part 86) of the Drug Free Schools and Communications Act (DFSCA), and the Higher Education Act (Section 120A), Texas A&M University - Kingsville recognizes that the abuse of alcohol and other drugs is a threat to the mission of this institution and to the members of this university community.

Texas A&M University-Kingsville prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. The use of alcoholic beverages by members of Texas A&M University-Kingsville community is at all times subject to the alcoholic beverage laws of the State of Texas. Individuals must be at least 21 years old to purchase, possess or consume alcoholic beverages. Violators are subject to university discipline, criminal prosecution and removal from university housing.

The University Police Department has primary responsibility for the enforcement of state underage drinking laws in the identified Clery geographical areas related to Texas A&M University - Kingsville, as well as the enforcement of federal and state drug laws.

On-campus use of alcohol is limited to certain approved events and locations covered by the guidelines of Texas A&M University-Kingsville’s official policy on alcohol and other drugs.

The Texas Alcoholic and Beverage Code and University policy prohibit the use of alcohol by a minor, someone under 21 years of age. Violations include, but are not limited to:

- Purchase of Alcohol by a Minor: A minor purchases an alcoholic beverage.
- Attempt to Purchase Alcohol by a Minor: A minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.
- Consumption of Alcohol by a Minor: A minor consumes an alcoholic beverage.
- Possession of Alcohol by a Minor: A minor possesses an alcoholic beverage.
- Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor: A person purchases an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence.
- Misrepresentation of Age by a Minor: A minor falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.

**Punishment for Alcohol-Related Offenses by Minor**

Punishment for persons found guilty of alcohol related offenses may include:
• A fine of not less than $250 or more than $2,000;
• Confinement in jail for a term not to exceed 180 days; or
• Both the fine and confinement.

In addition to any fine and any order issued, the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:
• Not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or
• Not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and
• The court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:
  • 30 days, if the minor has not been previously convicted of an offense to which this section applies;
  • 60 days, if the minor has been previously convicted once of an offense to which this section applies; or
  • 180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

Community service ordered under this section must be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

Carson Starkey Amnesty Policy
The safety and health of university students is a primary concern at Texas A&M University-Kingsville. As such, any student can seek assistance from the University Police Department (361-593-2611) for themselves or others who are intoxicated or drug-impaired. Texas statutes provide that a person may not be cited for illegal possession or consumption of alcoholic beverages if the individual:
• Requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person;
• Was the first person to make a request for medical assistance; and
• If the minor requested emergency medical assistance for the possible alcohol overdose of another person:
  o Remained on the scene until the medical assistance arrived; and
  o Cooperated with medical assistance and law enforcement personnel.

A complete description of these regulations is contained in the University’s Alcohol Policy and Drug Policy. This policy can be located in the student handbook or at the Dean of Students website: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf

Drugs
Texas A&M University-Kingsville strives to assist students in achieving their potential as human beings and in becoming self-directed in all activities. Because growth and development are shaped by a student’s experience, the university seeks to develop an environment where students can learn how to live fulfilling and productive lives. Substance abuse disrupts this environment and threatens not only the lives and well-being of our students, faculty and staff but also their potential for contribution to society. It is important for all members of the university community to take responsibility for preventing substance abuse from negatively affecting the community’s learning environment and the academic, physical and emotional well-being of its membership. In recognition of the problems of substance abuse, members of the university community have developed a university-wide drug policy. These policies deal with education, prevention, intervention and treatment activities as well as disciplinary sanctions for those found in violation of the policy. The university has established comprehensive substance abuse prevention programs to help eliminate the
threat that substance abuse poses. Through education, the university is committed to helping individuals achieve their personal and academic goals.

Legal Aspects and Consequences Concerning Controlled Substances and Illegal Drugs
All members of the university community are expected to abide by local, state and federal laws pertaining to controlled substances and illegal drugs. More specifically, the Texas A&M University-Kingsville policy prohibits “manufacturing, possessing, having under control, selling, transmitting, using or being party thereto any illegal drug, controlled substance or drug paraphernalia on university premises or at university-sponsored activities.” The term “controlled substances,” when used in this policy, shall refer to those drugs and substances whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substance Act (Texas Health and Safety Code, Chapter 481), as well as substances that possess a chemical structure similar to that of a controlled substance (e.g., “designer drugs”).

Education, Prevention and Referral for Treatment
Texas A&M University-Kingsville is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Health and Wellness provides a broad-based educational program to assist in the prevention of substance abuse. The university realizes the importance of treatment services in assisting faculty, staff and students to overcome substance abuse problems. Assessment and intervention services are available through Student Health and Wellness. If further treatment is necessary, the student may be referred to outside counselors and programs.

Controlled Substance Laws and Sanctions
The following summary is provided for your information. Controlled substances are classified under the Controlled Substances Act into “schedules” that indicate their relative medicinal use and probability of abuse and dependence (addiction), for more information see the Texas Health and Safety Code, Chapter 481, Controlled Substance Act.

Controlled Substance Schedules
Schedule I: substance that has a high potential for abuse; and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. Some examples are heroin, marijuana, LSD, PCP, and crack cocaine.

Schedule II: substance that has a high potential for abuse; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to severe psychological or physical dependence. These drugs include certain narcotic, stimulant, and depressant drugs. Some examples are morphine, cocaine, oxycodone (Percodan®), methylenidate (Ritalin®), and dextroamphetamine (Dexedrine®).

Schedule III: substance has a potential for abuse less than that of the substances listed in Schedules I and II; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. These contain smaller amounts of certain narcotic and non-narcotic drugs, anti-anxiety drugs, tranquilizers, sedatives, stimulants, and non-narcotic analgesics. Some examples are acetaminophen with codeine (Tylenol® No.3), paregoric, diazepam (Valium®), alprazolam (Xanax®), propoxyphene (Darvon®), and pentazocine (Talwin®).

Schedule IV: substance has a lower potential for abuse than that of the substances listed in Schedule III; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to a more limited physical or psychological dependence than that of the substances listed in Schedule III.

Schedule V: substance has a lower potential for abuse than that of the substances listed in Schedule IV; has currently accepted medical use in treatment in the United States; and may lead to a more limited physical or psychological dependence liability than that of the substances listed in Schedule IV.
Penalties
Three factors determine offense level for drug possession, the main factors are; (1) the type of drug; (2) the amount; and (3) surrounding aggravating circumstances (such as drug-free zone or possession with intent to deliver.)

Marijuana
- Usable amount less than 2 ounces, class B misdemeanor;
- Between 2 and 4 ounces, class A misdemeanor;
- 4 ounces to 5 pounds, state jail felony;
- 5 pounds to 50 pounds 3rd degree felony.

Penalty groups 1 and 2
- Less than I gram, state jail felony;
- Between 1 to 4 grams, 3rd degree felony;
- Between 4 to 200 grams, 2nd degree felony.

Penalty groups 3 and 4
- Less than 28 grams, 3rd degree felony;
- 28 to 200 grams, 2nd degree felony;
- 400 grams or more, 1st degree felony.

Health Risks of Drug Alcohol Misuse and/or Abuse
The list below only a partial list of the health risks caused by the misuse or abuse of alcohol or drugs:

Excessive alcohol use poses immediate health risks as well as long-term physical consequences. Consuming too much alcohol—even on a single occasion—can result in injury, violence, risky sexual behaviors, miscarriage and stillbirth among pregnant women, and alcohol poisoning. Long-term, excessive use can lead to the development of chronic diseases, neurological impairments, and social problems. In addition, people risk significant health problems when they use illicit drugs or prescription drugs for recreational purposes.

Stimulants (e.g., cocaine, speed) raise blood pressure, increase the heart rate, and cause rapid breathing. Frequent and long-term stimulant use may cause paranoia, anxiety, hallucinations, insomnia, and depression. Hallucinogens (e.g., LSD, “shrooms”) can result in memory impairment and flashbacks, and have been known to lead to injuries and deaths if the user gets violent or out of control due to a “trip.” Sedatives (e.g., heroin, GHB) can cause memory loss, vertigo, reduced heart rate, seizures, insomnia, anxiety, tremors, and respiratory failure.

Description of Drug and Alcohol Abuse Education Programs

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<tr>
<th>WORKSHOP/EVENT</th>
<th>DATE</th>
<th>TOPICS ADDRESSED</th>
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<td>Tropical Temptations Safe Spring Break Event</td>
<td>March 4, 2020</td>
<td>Educational Booths at the Event: (1) Javelinas Get High on Life not Drugs – Coastal Bend Wellness Foundation – Substance Use; (2) Counseling Services – Peer Pressure – You Matter!; (3) Arrive Alive – Education on Drinking and Driving &amp; other Distractions (VR Goggles) – Partnership with U in the Driver’s Seat and PEP Talk; (4) UPD – Driving under the Influence – Simulation (Driving Golf Cart with Fatal Vision Goggles &amp; UPD escort) and (5) Drugged Driving – PEP Talk (Purple Haze) driving while under medication influence.</td>
</tr>
<tr>
<td>Event</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
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<tr>
<td>Javelina Healthfest Event</td>
<td>September 14, 2020</td>
<td>COVID 19- Party of Five—Educating students regarding healthy and safe “things to know/consider” as they gather &amp; party during the pandemic.</td>
</tr>
<tr>
<td>SOBER Spirits – Event</td>
<td>October 20, 2020</td>
<td>PEP Talk - Know Your Limit (BAC Levels); COVID 19- Party of Five—Educating students regarding healthy and safe “things to know/consider” as they gather &amp; party during the pandemic. Counseling Services - Mental Health Resources; Sexual Health Information – Men’s &amp; Women’s Health Services</td>
</tr>
<tr>
<td>Campus Spirit Week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OkSOBERfest Event</td>
<td>October 29, 2020</td>
<td>PEP Talk - Know Your Limit (BAC Levels); Educated students on COVID 19- Party of Five—Educating students regarding healthy and safe “things to know/consider” as they gather &amp; party during the pandemic. Counseling Services – Peer Pressure; Men’s &amp; Women’s Health Services - Sexual Health</td>
</tr>
<tr>
<td>Stress-Free Zone Event</td>
<td>November 18, 2020</td>
<td>PEP Talk Education on Energy Drinks/Binge Drinking; Counseling Services – Mental Health – education on how to unwind your mind in healthy &amp; safe methods.</td>
</tr>
<tr>
<td>Workshops or presentations</td>
<td>Four Workshops or Presentations</td>
<td>Discussion on the following topics: Drinking &amp; Driving; Alcohol and Marijuana Use/Misuse; and Safety Tips</td>
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</tbody>
</table>

Texas A&M University-Kingsville is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Health and Wellness provides a broad-based educational program to assist in the prevention of substance abuse. The university realizes the importance of treatment services in assisting faculty, staff and students to overcome substance abuse problems. Assessment and intervention services are available through Student Health and Wellness. If further treatment is necessary, the student may be referred to outside counselors and programs.

In compliance with the Drug Free Schools and Communities Act, Texas A&M University-Kingsville publishes information regarding the University’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Texas A&M University-Kingsville students and employees. A complete description of these topics, as provided in the University’s annual notification to students and employees, is available online at: [https://www.tamuk.edu/shw/biennial-review.html](https://www.tamuk.edu/shw/biennial-review.html)

Additionally, Student Health and Wellness has also conducted various outreach educational workshops within the following areas: Residential Life, Athletics, Greeks, and freshman seminar classes.

PEP Talk (a recognized university student organization) conducted five STEP UP Javelinas presentations on bystander intervention for the campus community.

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**Emergency Notification, Response and Evacuation Procedures**
Emergency Reporting

Notify University Police (361-593-2611) or local police at 9-1-1 in case of emergency. All members of the campus community are notified on an annual basis that they are required to notify the University Police Department or local emergency services of any situation that involves a significant emergency or danger that may pose an immediate or ongoing threat to the health and safety of the campus community.

Campus Emergency Notifications

In the event of a significant emergency or dangerous situation involving the immediate threat to the health or safety of persons on the campus, the university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency Notification (Tier I and Tier II)

When time is of the essence, information may be released to the university community through the Tier I and Tier II mass notification system. Tier I is capable of displaying written commands on interior signs, as well through direct commands and sounds that alert the campus to danger and ways to take necessary precautions through the outdoor public address system. Additionally, in buildings equipped with public address capability through the fire alarm system, announcements can be made. Tier II is capable of sending alerts via telephone call, email messages and text messages to registered users. Students are able to include several telephone numbers and email addresses allowing notification to parents and/or spouses as well. Because Tier I and Tier II uses data provided by the students, it is imperative that contact information remain up-to-date at all times. In emergency situations, the campus also is equipped with an outdoor speaker system that can broadcast direct commands and sounds to alert the campus to danger and ways to take necessary precautions. The system is also accompanied by interior signs placed strategically in campus buildings throughout the campus.

Texas A&M University-Kingsville will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). When the imminent threat no longer exists the university will send out a follow up notification or an all clear message.

It is the policy of Texas A&M University-Kingsville to notify the campus community, via the Tier I and Tier II Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors occurring on the campus. The University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community. The University Police Department may receive such information from entities including, but not limited to: law enforcement, fire department, National Weather Service, Office of Enterprise Risk Management or personnel from Environmental Health and Safety. The Tier I and Tier II emergency notification system does not replace Timely Warning requirements. They differ in that the Time Warning requirement applies only to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.).

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through the Emergency Notifications channel on the Campus Resources tab in JNET.

Follow-up information will be distributed using some or all of the identified communication systems.
The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. Information is communicated by Marketing and Communications to all television outlets based in Corpus Christi, Texas. Locally, the University may assume control of the campus TV and radio station. The larger community can also access emergency information via the Texas A&M University-Kingsville homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must 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.

Initiation of the Emergency Notification System
The procedure for determining when a Tier I and Tier II emergency alert message is sent and/or activation of the notification system is the responsibility of the Director of Public Safety/Chief of Police or his designee of the Texas A&M University-Kingsville Police Department. The University Police Department functions 24-hours a day, seven days a week. Upon notification from one of the individuals authorized to issue a Tier I and Tier II alert, the University Police Department, without delay, and taking into account the safety of the community, determines the content of the notification and initiates the notification system; unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Personnel authorized to issue a Tier I and Tier II alert are:
- Director of Public Safety/Chief of Police, or designee,
- Police Lieutenant,
- University Police Department patrol supervisors and communications officers,
- Executive Director of Enterprise Risk Management,
- Acting Director of Student Affairs/Assistant Dean of Students,
- Assistant Vice President of Student Affairs/Dean of Students, and,
- President of the University, or his designee.

The university conducts weekly pre-scheduled testing of the emergency notification system. These weekly tests are launched by the Office of Enterprise Risk Management and/or the Communications Section of the University Police Department.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System
1. University Police and/or other first responders may become aware of a critical incident or other emergency situation that potentially affects the health or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the UPD Dispatch Center or upon discovery during patrol or other assignments.
2. Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify supervisors at UPD to issue an emergency notification.
3. The Director of Public Safety/Chief of Police and the Executive Director of Enterprise Risk Management, or their designee will make the appropriate notifications to Texas A&M University–Kingsville’s executive leadership and initiate all or some portions of the emergency notification system.
4. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the university may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the emergency notification to the campus community will be issued, if there is a continuing threat to the campus community.
Segment(s) of the Campus Community to Receive an Emergency Notification

University Police will share information with those preparing the emergency notification to determine what segment or segments of the campus community should receive the notification. The entire Texas A&M University-Kingsville community including Texas A&M University-Kingsville main campus, Citrus Center in Weslaco, Texas A&M University-Kingsville students attending classes on the South Texas College Mid Valley Campus in Weslaco, and Texas A&M University-Kingsville students attending classes on the Texas State Technical College- MIT-C in Harlingen and Irma Rangel School of Pharmacy will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. The university will continue to assess the situation and additional segments of the campus community may be notified if the situation warrants.

The University Police Department will notify/coordinate response efforts with local enforcement authorities and other outside emergency personnel. The Director of Public Safety/Chief of Police or designee is responsible for disseminating emergency information to the public.

Contents of the Emergency Notification

The University Police shares responsibility with other campus divisions and departments for issuing emergency notifications and determining the contents of the notifications. UPD has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases, where there are no predetermined template messages in the system, the individual authorizing the alert will develop a message to convey the appropriate information to the community. Messages are designed to convey the nature of the emergency and response actions that should be taken to protect life, property, and the environment.

Procedures Used to Notify the Campus Community

When the University Police Department receives notification of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the Texas A&M University-Kingsville campus, first responders will confirm the emergency/threat. If the emergency warrants, the UPD supervisor shall communicate immediately with the chief of police or designee; and depending on the magnitude of the incident, the Emergency Management Team chair or alternate who will communicate with the president.

Depending on the emergency the Emergency Management Team will execute the emergency management plan for emergency at hand. The university community will be notified using Tier I and Tier II communication systems via:

- SMS text message,
- Email,
- Telephone calls to registered users (home, office and cell phones),
- Outdoor warning sirens and public address messages, or
- Scroll messages in campus buildings

In those instances, take appropriate action to evacuate the area and to ensure your safety and give protection to those around you that may need assistance.

The Emergency Management Team chair or designee, shall, consistent with university’s Emergency Management Plan, authorize immediate notification to the university community following confirmation of the threat, unless that notification is delayed for as short a time as possible, if there is a professional determination by law enforcement that issuing a notice would put the university community at greater risk. The content of the notification will be generic in nature to maintain campus safety while responding to, containing, and/or rendering aid or assistance to victims.
Emergency Management Team

Members of the University’s Emergency Management Team include the following:

- Chief of Staff. Serves as the Chair of the Emergency Management Team
- Executive Director, Enterprise Risk Management
- Director of Public Safety/Chief of Police
- Executive Director, Physical Plant
- Manager, Environmental Health & Safety
- Associate Vice President for Information Technology/Chief Information Officer
- Assistant Vice President of Student Affairs/Dean of Students
- Construction Project Manager III
- Executive Director, University Housing & Residence Life
- Director, Student Health & Wellness
- Acting Director of Student Affairs/Associate Dean of Students
- Executive Director, Human Resources
- Assistant Dean for Finance and Administration (College of Pharmacy)
- Assistant Vice President, Marketing and Communications
- Academy High School Principal
- Associate Vice President for Academic Affairs
- Vice President for Finance/Chief Financial Officer
- Director, University Facilities Planning and Construction

Depending upon the situation, however, other university personnel will be involved in carrying out the university’s emergency response efforts.

Campus Evacuation

The President or designee will authorize university evacuation orders. An announcement of a campus-wide evacuation will come from the Office of the President or the Emergency Management Team. Students and employees should follow the instructions and timeline for leaving the campus and alert others to do the same. Information about returning to the campus will be provided through Tier I and Tier II, the personnel recall process for employees and press releases through the news media outlets.

Building Evacuation

An evacuation will occur when the fire alarm sounds and/or notification is made by the University Police Department, Emergency Management Team, the building emergency managers acting under the instructions of these offices, the Kingsville Fire Department, or the Kingsville Police Department.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area. Personnel shall not return to an evacuated building until given the all clear signal by Texas A&M University - Kingsville police officers or authorized officials.

Annually, one or more buildings are selected at random, an emergency is declared within or in the vicinity of, and evacuation procedures are executed. The drill is critiqued and an After Action Report (AAR) is generated. The AAR will be retained for a minimum of (2) two years.
For more information on evacuation routes for the campus, “Control Click” to follow links for detailed evacuation routes for each campus building:
Fire Escape Quadrants

<table>
<thead>
<tr>
<th>Quadrant 1</th>
<th>Quadrant 2</th>
<th>Quadrant 3</th>
<th>Quadrant 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic-Offices</td>
<td>Ag-Mechanics-Building/Archives</td>
<td>Center-for-Young-Children</td>
<td>Bailey-Art-Bldg.</td>
</tr>
<tr>
<td>Dotterweich-Engineering-Complex</td>
<td>Howe-Ag.</td>
<td>Eckhardt-Hall</td>
<td>Biology-and-Human-Sciences</td>
</tr>
<tr>
<td>Gross-Ind.-Tech.-Bldg.</td>
<td>Kleberg-Ag</td>
<td>Human-Sciences</td>
<td>Conner-Museum</td>
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<tr>
<td>Jernigan-Library</td>
<td>Javelina-Dining-Hall</td>
<td>Lewis-Hall</td>
<td>Cousins-Hall</td>
</tr>
<tr>
<td>Kleberg-Eng.-Hall</td>
<td>Lucio-Hall</td>
<td>Lynch-Hall</td>
<td>Drama-/Art-Building</td>
</tr>
<tr>
<td>McCulley-Hall</td>
<td>Mesquite-Village-West</td>
<td>Martin-Hall</td>
<td>Fore-Hall</td>
</tr>
<tr>
<td>New-Eng.-Bldg.</td>
<td>Rhode</td>
<td></td>
<td>Hill-Hall</td>
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<tr>
<td>Irma-Rangel-College-of-Pharmacy</td>
<td>Student-Health-and-Wellness</td>
<td></td>
<td>Javelina-House</td>
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<tr>
<td>ROTC-Bldg.</td>
<td>Support-Services</td>
<td></td>
<td>Jones-Auditorium</td>
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<tr>
<td>Steinke-Physical-Ed.-Center</td>
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<td></td>
<td>Manning-Hall</td>
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<tr>
<td>Student-Rec-Sports-Center</td>
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<td>MSUB</td>
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<tr>
<td>Bellamah-Music-Bldg.</td>
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<td>Nierman-Hall</td>
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<tr>
<td>Conner-Museum</td>
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<td></td>
<td>Poteet-Hall</td>
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<tr>
<td>Cousins-Hall</td>
<td></td>
<td></td>
<td>Speech-Bldg.</td>
</tr>
</tbody>
</table>

Fire Evacuation Routes

“Control click” on each quadrant below to find evacuation routes and assembly areas (are depicted with a figure and circle) for each building in the quadrant:

- **Quadrant 1**
- **Quadrant 2**
- **Quadrant 3**
- **Quadrant 4**

Drills, Exercises and Training

Tests of evacuation procedures, (e.g., tornado, fire drills exercises) are coordinated by the Office of Enterprise Risk Management, Environmental Health and Safety Office and University Housing and Residential Life each fall, spring and summer semesters for all residential facilities at Texas A&M University-Kingsville. Test is defined as regularly scheduled drills, exercises and appropriate follow-through activities designed for assessment and evaluation of emergency plans.
and capabilities. These tests may be announced or unannounced. The emergency evacuation procedures for each residential unit (Lucio Hall, Mesquite Village - West, Turner Hall, Bishop Hall, Martin Hall and Lynch Hall) and academic and auxiliary buildings. All on campus residence halls are tested on average at least twice each semester, once in each of the summer session for total of 4 drills per housing residential unit (see the Annual Fire Safety Report included later in this document for detailed information).

University Housing and Residential Life conducts announced and unannounced evacuation drills. Students become familiar with 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. University Housing and Residence Life does not inform residents in advance about the designated long-term evacuations because those decisions are affected by the 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 all cases, UPD, Enterprise Risk Management, Environmental Health and Safety, University Housing and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of the drills is to prepare building occupants for an organized evacuation in cases of an emergency. Evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. All occupants are instructed that in the cases where fire alarms are activated they must evacuate the building immediately. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of the fire alarm system components. Any deficient equipment is noted so that appropriate repairs can be performed. Students receive emergency information and procedures during their hall meetings.

The Texas A&M University-Kingsville Emergency Management Plan (EMP) describes the responsibilities and duties of campus personnel, departments, in event of an emergency or dangerous situation involving an immediate threat. The EMP is designed to assist employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, the university conducts emergency response exercises annually. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. In conjunction with at least test (drill and an exercise) the University will disseminate emergency response and evacuation procedures to the campus community through the campus e-mail system.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced

Faculty, staff and students who fail to evacuate during a drill or actual event will be reported to the appropriate university official for possible disciplinary action for unsafe practices.

Fire Drills
Fire drills are also conducted each semester to ensure students understand emergency building evacuation procedures. Students must evacuate the building whenever an alarm sounds. Students who ignore evacuation instruction may be subject to conduct proceedings. The University Housing and Residence Life department schedules 4 or more fire drills for each housing unit, per academic year, usually 2 each semester (1 announced & 1 unannounced).

Emergency Exercises
The university conducts tabletop, functional, and/or full-scale emergency exercises with the various university departments, the university’s Emergency Management Team and community partners. These exercises are designed to prepare university personnel to respond to various emergencies that may occur on campus, recover from emergencies as quickly as possible, and provide the appropriate support to students, employees, and university operations.
Security Awareness and Crime Prevention Programs

1) **For Students:** Annually the Texas A&M University-Kingsville police department along with Dean of Students, Office of Compliance and other university departments address the students in the athletic program, which includes all university sports, on safety awareness, sexual assault, alcohol and drug awareness, university policies, conduct while travelling and how they represent the university. All student athletes and athletic staff are required to take annual sexual violence prevention through EverFi. Additionally, all new undergraduate first time in college students and new undergraduate transfer students to Texas A&M University-Kingsville are required to participate in Sexual Assault Prevention for Undergraduates training. Students enrolled in a Student Success Course through the Center for Student Success will be assigned AlcoholEdu training. Online sexual assault prevention, AlcoholEdu, and Prescription Drug Abuse Prevention courses will be made available to all students.

2) **For Faculty and Staff:** New employee orientation: Bi-weekly; Robbery and personal safety ongoing, Rape Aggression Defense (RAD), active shooter (Shots Fired and/or Civilian Response to Active Shooter Event (CRASE)), Building Emergency Managers (BEM); upon request. All faculty and staff are trained in Title IX and System Regulation 08.01.01 through TrainTraq, and had access to Harassment and Discrimination Prevention Training through EverFi.

3) **For Campus Community:** The University Police Department conducts crime prevention and crime awareness presentations at student orientations and upon request. These presentations include: Alcohol Awareness, RA Presentations, Crime Prevention and Safety, Crime Prevention Tips, Date Rape, Drug Abuse, Hate Crimes, Rape Aggression Defense (RAD) Program, Personal Safety, Safety in the Workplace, Student Orientation, Shots Fired, Civilian Response to Active Shooter Event and others.

The University Police Department, in cooperation with other university organizations and departments, offers security awareness and crime prevention programs to the campus community on an ongoing basis. A common theme of the awareness and crime prevention programs is to encourage new and returning students and employees to be aware of their responsibility for their own security and to be concerned for the security of others. During the 2018-2019 academic year, TAMUK offered approximately 56 crime prevention and security awareness programs. These programs aim to eliminate or reduce incidents of domestic violence, dating violence, sexual assault, stalking, illicit drug use and dangers, theft, vandalism, personal safety and campus/residence hall security.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, displays, videos, security alert posters and articles and on the university’s website and in *The South Texan* student newspaper.

<table>
<thead>
<tr>
<th>Workshop/Event</th>
<th>Date</th>
<th>Audience</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Transfer Thursday</td>
<td>January 6, 2020</td>
<td>New Student</td>
<td>General Safety</td>
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<td>Orientation</td>
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<tr>
<td>Orientation Presentation</td>
<td>January 8, 2020</td>
<td>International</td>
<td>General Safety</td>
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<td></td>
<td></td>
<td>Students</td>
<td></td>
</tr>
<tr>
<td>Transfer Thursday</td>
<td>January 13, 2020</td>
<td>New Student</td>
<td>General Safety</td>
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<td></td>
<td></td>
<td>Orientation</td>
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</tbody>
</table>
Programs offered by the University Police Department:

- **Alcohol Awareness Programs, Minor in Consumption and Minor in Possession Enforcement, Fatal Vision – DWEyes:** UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the campus community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers, and cite violators for minor in consumption and minor in possession of alcohol. In addition, the Student Health and Wellness Services provide education on substance use and abuse issues.

- **Civilian Response to Active Shooter Event (CRASE):** UPD offers the CRASE course to the campus community throughout the year. The program developed by the Texas Advanced Law Enforcement Rapid Response Training (ALERRT) Center provides information to the community on what they should do if confronted with an active shooter event. The course is designed and built on the Avoid, Deny, Defend™ strategies for surviving an active shooter event.

- **New Student Orientation (formerly known as Hoggie Days and Transfer Thursday):** UPD presents to incoming students and their parents safety awareness, services offered by the police department and general information about weapons, parking issues, alcohol and drug policies.

- **Rape Aggression Defense (RAD):** UPD has trained and certified RAD instructors that offer sexual assault prevention, education and awareness. The course includes lecture, discussion and self-defense techniques suitable for women of all ages and abilities. Classes range from a minimum of nine to twelve hours plus in length.

Additional crime prevention programs and activities are also available to students, faculty, staff and visitors, including, but not limited to:

- **Crime Stoppers:** In conjunction with the City of Kingsville’s Crime Stoppers organization and Student Government Association, Criminology Club and others, TAMUK Crime Stoppers offers cash rewards for information on crime that may lead to arrests or indictments of criminal activity on campus.

- **Emergency Telephones and Emergency/Reporting Smartphone App:** The University has installed emergency two-way call boxes in elevators on campus, individuals may use the emergency telephone and/or the call button to directly communicate with the University Police Department dispatcher. The campus community can also take advantage of the university’s Rave Guardian app, which is called JavGuard, to communicate directly with University Police Department or 911 operator, send text or photographic information to the University police about crimes, numerous incidents or request police assistance, or set a timer to notify people you trust to check on you when you are alone or in an unfamiliar place.

- **International Student Orientation:** The UPD and other university departments conduct orientation for new incoming international students. The orientation includes information on safety awareness, services offered by the police department and general information about weapons, parking issues, alcohol and drug policies, immigration issues concerning I-20’s, possible scam or threats they may encounter.

- **Operation Identification (ID):** Police can help students engrave unique identifiers on personal items kept on campus, such as bikes, computers, radios, and stereo systems. This nationally recognized identification procedure has been shown to facilitate the recovery of stolen items. UPD suggests keeping a record of serial numbers and unique identifiers, and taking photos of valuable items kept on campus to aid in identification and recovery.
- **Personal Safety Training**: Staff from Health and Wellness Services is available for seminars concerning personal safety for women (361-593-3991).

- **Safety Awareness Resources**: Brochures are available through the University Police Department, which provide additional information and training. The university’s Emergency Management Plan is available to the campus community through the Office of Environmental Health and Safety and on the web: [http://www.tamuk.edu/compliance/risk/](http://www.tamuk.edu/compliance/risk/) with information concerning procedures for emergency evacuation, responding to fire, earthquake, hurricanes, serious injury, bomb threat, hazardous material leaks and violent crimes.

- **Security Cameras**: Video surveillance at the University plays an ever increasing role in the total security package that the University is able to provide for the students, faculty, staff, and visitors. The University maintains and monitors a comprehensive video surveillance system.

- **Sexual Assault Prevention Programs**: The Texas A&M University - Kingsville Police Department provides educational programs to prevent sexual assault and to increase student awareness to circumstances which could lead to sexual assault. These educational programs include: Date Rape, Drug Abuse, Hate Crimes, RAD Program, and Personal Safety. Student Health and Wellness Services has a brochure on rape prevention and another on acquaintance rape.

- **University Police Escort**: The campus community members can request an escort to their vehicle or to their residence hall when alone at night by contacting police dispatch at 361-593-2611. Transportation will be provided based on the availability of patrol officers.

- **University Housing & Residence Life Training**: UPD works in conjunction with other university departments and the Texas A&M University-Kingsville University Housing & Residence Life to provide training to the Executive Director University Housing & Residence Life, Director of Residence Life, Associate Director of Residential Education & Living Learning Communities, Assistant Director of Residence Life, Manager, University Housing Business Operations, Assistant Director of Residence Life, Director of University Housing Facilities, and Area Coordinators, Head Residents and Resident Advisors. Topics include campus security authority responsibilities, Title IX, crime prevention, alcohol awareness (including acute alcohol intoxication), safety, security and emergency preparedness.

- **University Shuttle Service**: The University operates a shuttle service, B&G Express, with continuous shuttle service for the Texas A&M University-Kingsville campus from 7:30 a.m. to 8:00 p.m.; shuttle services from the west side of the Student Union Building to a variety of locations in the City of Kingsville from 10 a.m. to 8 p.m.; and, pre-arranged trips to the Corpus Christi airport and local Greyhound bus station for a small fee. More information can be obtained on the website: [http://www.tamuk.edu/dean/shuttle-request.html](http://www.tamuk.edu/dean/shuttle-request.html)

**University Police Escort**: The campus community members can request an escort to their vehicle or to their residence hall when alone at night by contacting police dispatch at 361-593-2611. Transportation will be provided based on the availability of patrol officers.

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### Personal Safety Tips

The safety and well-being of our students, faculty, staff, and visitors will always be a primary institutional goal at Texas A&M University-Kingsville. The UPD can help you protect yourself and your property by reducing the possibility of being victimized. As a member of the university community, you can help in reducing the potential for criminal activity.

The university’s safety and security measures are designed to address every area of campus life, but a safe environment also depends on the awareness and cooperation of individual campus community members.

Here are some common-sense steps you can take for personal safety and loss prevention:

**General:**

- Remember to call 9-1-1 in case of an emergency
- Know the non-emergency phone number of the Texas A&M University – Kingsville Police: 361-593-2611, program it into your cell phone.
• Notify University Police or a university employee of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.
• Remain alert, pay attention to your surroundings, and avoid listening to musical devices such as an iPod to make it more difficult to be taken by surprise.
• When traversing the campus at night, stay within well-lit walkways.
• Never prop doors open, even for a short time.
• Park in well-lighted areas, and check the inside of your vehicle before entering it.
• Although the campuses are considered safe, students and staff are encouraged to walk in pairs or groups after dark. Students may request a security escort by calling UPD at 361-593-2611.
• Utilize the Rave Guardian, known as JavGuard, mobile application.

Walking:
• Have a plan, be aware of your surroundings, and walk with confidence.
• Walk with a friend whenever possible.
• Avoid dark areas, high shrubbery, and shortcuts: stay in well lighted areas.
• Try to walk facing oncoming traffic.
• Cross streets using marked crosswalks or at intersections.
• Use sidewalks.
• Maintain a secure grip on purses and personal items.
• Keep your cell phone at the ready.
• Program the UPD telephone number (361-593-2611) in your cell/smart phone.
• Familiarize yourself with the emergency call box locations on campus.
• Be wary of newly acquired acquaintances.
• Don’t reveal personal information to new found friends.

Residence Halls:
• Never give your key or university ID to anyone.
• Never open your door to strangers.
• Never leave your door open or unlocked, even for a short period of time, when no one is in your room.
• Keep all laptops, electronics, jewelry, and expensive items out of sight.
• Request I.D. from people you don’t know.
• Close your blinds or shades after dark.
• Never “prop” the entrance doors to the residence halls.
• Never let anyone “piggyback” into the residence halls when you swipe in.
• Don’t leave keys under the door mat or in other “hiding places” and don’t leave notes.

Laundry room:
• Be cautious.
• Try to never be in the laundry room alone.
• Remove clothes promptly from washers and dryers.
• Consider folding your clothes in your room.

To prevent theft and help in the recovery of stolen property:
• Engrave personal property such as computers, televisions, and stereos.
• Record all serial numbers of property and maintain a receipt of purchase in a safe, secure place.
• Take photographs of all expensive items. These photographs can assist in proving ownership in the event of a fire or a theft. Keep these photographs in a safe, secure place.
Bystander Intervention

Bystander intervention can be as simple as calling the police if you witness a serious situation in progress.
If you feel you are being stalked and want to report it as a crime; you should immediately call the call the Texas A&M
University-Kingsville Police if the incident occurred on campus at 361-593-2611; if the incident happened in the City of
Kingsville call the Emergency 911, or Business 361-592-4311 for assistance. If the incident happened outside of
Kingsville, report the incident to local law enforcement or other appropriate campus officials.

Safe and Positive Options for Bystander Intervention

Everyone has a role to play in preventing sexual assault. There are many different ways that you can step in or make a
difference if you see someone at risk. This approach to preventing sexual assault is referred to as “bystander
intervention.”

Bystander Intervention involves 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.

- Be aware of comments and behaviors from others that would indicate they are intent on having sexual
  intercourse even if a partner is unwilling.
- Notice if someone is getting ready to have sexual intercourse with a partner who is incapacitated.
- Never pressure or encourage friends to drink or have sex as often or with as many people as possible.
- Never joke about sexual assault; comments and jokes that are meant to “ease the tension” or are “just kidding
  around” can trivialize the severity of the behavior.
- Know your level of comfort with conversations and talk about sexual behavior. If you find groups or individuals
  who talk about sexual relationships that are not in sync with how you feel, or the type of relationship you want,
  do not be afraid to state your position.
- Many perpetrators are unaware that what they have done is a crime. They may say, “Yeah, that was messed up,
  but it was fun.” Let them know that what they did was not right and was against the law.
- Speak up when you hear threatening language.
- Respectfully challenge comments that degrade others.

A bystander’s role in preventing sexual assault, dating violence, domestic violence or stalking

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level.
Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make
all the difference, but it should never put your own safety at risk.

- Create a distraction. Do what you can to interrupt the situation. A distraction can give the person at risk a
  chance to get to a safe place. Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or
  “This party is lame. Let’s try somewhere else.” Bring out fresh food or drinks and offer them to everyone at the
  party, including the people you are concerned about. Start an activity that draws other people in, like a game, a
  debate, or a dance party.
- Ask directly. Talk directly to the person who might be in trouble. Ask questions such as “Who did you come here
  with?” or “Would you like me to stay with you?”
- Refer to an authority. Sometimes the safest way to intervene is to refer to a neutral party with the authority to
  change the situation, such as a resident assistant, security guard, bartender, or other employee. It’s in their best
  interest to ensure that their patrons are safe, and they will usually be willing to step in. Don’t hesitate to call
  9-1-1 if you are concerned for someone else’s safety.
- Enlist others. It can be intimidating to approach a situation alone. Enlist another person to support you or to
  come with you to approach the person at risk. Or ask someone to intervene in your place. For example, you
could ask someone who knows the person at risk to escort that person to the bathroom. Enlist the friend of the
person you’re concerned about by saying, “Your friend looks like they’ve had a lot to drink. Can you check on them?”

If you become aware that a sexual assault, dating violence, domestic violence or stalking has occurred or are told of an incident occurring:

- Believe the person. He or she will need you to be supportive and understanding.
- Tell the victim it is not their fault.
- Encourage the victim to talk to a professional, such as someone from Student Health and Wellness (confidential resource), University Police, the Dean of Students, or the Title IX Coordinator. Realize, however, there may be reasons that the person does NOT want to do that at this time. Respect that decision.
- Don’t pry or try to get information out of the person if they are unwilling to be forthcoming with information. Be ready to listen when the individual is ready to talk. The person may feel uncomfortable about involving others, and will open up when ready.
- If you learn of the perpetrator’s identity, do not suggest physical retaliation of any kind.
- Know available resources.
- Listen.
- Be patient.

**Tips for Violence Risk Reduction**

The following are some strategies to reduce one’s risk of violence (adapted from the Rape, Abuse, and Incest National Network (RAINN) at: [www.rainn.org](http://www.rainn.org) and Love is Respect at: [www.loveisrespect.org](http://www.loveisrespect.org) or other similar help sites). Risk reduction options are 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. With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of violence, sexual assault or harassment:

- 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.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- 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. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately. (UPD can be reached by calling 361-593-2611 or calling 9-1-1 in most areas of the U.S.).
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, get a new one.
- Don’t accept drinks from people you don’t 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, don’t drink from the punch bowls or other large, common open containers.
- Make or order your own drinks and never feel pressured to have “just one more.”
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

**Sexual Harassment and Sex-based Misconduct**

It is the policy of Texas A&M University-Kingsville, that the sexual harassment of students, employees and users of university facilities is unacceptable and prohibited. This stance is consistent with the university’s efforts to maintain equal employment opportunities, equal educational opportunities, and non-discrimination in program services, use of facilities, and the affirmative action program. The Office of Compliance publishes a resource guide that gives detailed information about reporting options, adjudication process, and resources available for sexual harassment and sex-based misconduct. These are available in the Office of Compliance and other offices across campus.

Sexual harassment and sex-based misconduct is the introduction of unwanted sexual activities or comments into the work or learning situation. Oftentimes, sexual harassment and sex-based misconduct involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment and sex-based misconduct may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person’s ability to study or work.

For general policy purposes, sexual harassment, as defined in the January 2, 2020 update of System Regulation 08.01.01, Civil Rights Compliance, may be described as Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment that, in the employment context, either explicitly or implicitly, is sufficiently severe, persistent or pervasive that it 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 it unreasonably interferes with a person’s ability to participate in or benefit from educational programs or activities or campus living environment at a postsecondary educational institution. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

As of an August 14, 2020 update to System Regulation, 08.01.01, Sexual Harassment may be described as unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual’s participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member’s education program or activity; or (3) sexual assault or dating violence, domestic violence, or stalking based on sex. The August 14, 2020 regulation change defined sex-based misconduct as unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sex-based misconduct is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. The date that the incident was reported to have occurred will determine which policy definition applies.
In keeping with the applicable policies, Texas A&M University-Kingsville is undertaking an education and prevention plan of action to protect employees, students, and users of university facilities from sexual harassment and/or sex-based misconduct to rid the University of such conduct.

Anyone subjected to suspected sexual harassment and/or sex-based misconduct should contact the Office of Compliance at Texas A&M University-Kingsville. Texas A&M University-Kingsville makes every effort to keep reports private by restricting information to those with a reasonable need to know. However, confidentiality cannot be guaranteed unless a person reports to an employee identified as a confidential reporter. Individuals wanting to make an anonymous report should utilize the EthicsPoint hotline: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html and leave the reporters information blank. Sexual harassment and sex-based misconduct grievances will be handled according to the procedure summarized below.

Confidentiality
The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, stalking, or sexual exploitation to the fullest extent possible as required by law. However, when accessing university resources, individuals should be aware of the university’s confidentiality and mandatory reporting obligation in order to make informed choices. Some on-campus resources offer confidentiality, sharing options, and advice without an obligation to disclose identifying information unless the reporter wants them to or when state or federal law requires mandatory reporting. Confidentiality is limited to licensed professional counseling staff at the Student Health and Wellness Department. In addition, individuals may speak on or off-campus with members of the clergy and chaplains who will keep reports made to them confidential. Any information provided anonymously or formally will be used in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act for data collection.

Violence Against Women Reauthorization Act of 2013 Overview
(Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

On March 7th, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) was enacted by the United States Congress. Among other provisions, this law amended sections of the Clery Act. These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security Reports beginning with the 2013 Annual Security Report. Although VAWA was awaiting reauthorization as of 2018, Texas A&M-University-Kingsville continued to follow reporting requirements (VAWA was reauthorized in 2021).

Texas A&M University-Kingsville strictly prohibits the offenses of domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Toward that end, Texas A&M University-Kingsville issues a statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for reporting and investigating complaints and the institutional disciplinary actions that may result in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official. As of August 14, 2020, reports involving off-campus incidents of domestic violence, dating violence, sexual assault and stalking will be investigated under the campus definition of sex-based misconduct and
reports of on-campus incidents will be investigated under the campus definition of sexual harassment. Both definitions proceed through the same investigative process and may result in the same sanctions.

Alleged offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. The university utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and/or stalking. These procedures are carried out by officials who receive specific annual training.

Sexual violence is a form of sexual harassment and/or sex-based misconduct. Services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking based on sex. In these situations, Texas A&M University-Kingsville is committed to providing crisis intervention measures for students, faculty, and staff, as well as an appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities when required; and educating and promoting discussion on interpersonal abuse and violence issues. The university’s process does not preclude adjudication under state law. The University prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX.

As a victim of crime, you will have questions. What should you do? Generally speaking, a victim of sexual assault, dating violence, domestic violence, or stalking has five choices:

- Choose to not report the crime to police or any campus authority.
- Report the crime to University Police or the Office of Compliance anonymously. The Office of Compliance accepts anonymous reports through the EthicsPoint hotline: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html.
- Report the crime to University Police (361-593-2611) or local police (361-592-4311) with the intent of pressing criminal charges.
- Report the crime to the university, including the Title IX Coordinator (361-593-4758), with the intent of using the Student Code of Conduct Process to hold the offender responsible. See Texas A&M University – Kingsville’s Sexual Misconduct Policy in the Student Handbook online: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf.
- Obtain forensic evidence from a sexual assault nurse examiner (SANE) (361-761-1000), which can be maintained even if you choose not to immediately report the crime to police or any campus authority.

**Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws**

**Sexual Assault Penal Code**

Texas Penal Code Sec. 21.01. DEFINITIONS. In this section:

1. "Deviate sexual intercourse" means: (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or (B) the penetration of the genitals or the anus of another person with an object.
2. "Sexual contact" means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person. (3) "Sexual intercourse"
Texas Penal Code, Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if:
(1) the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
(b) A sexual assault under Subsection (a) (1) is without the consent of the other person if:
(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; (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.
(c) In this section: (1) "Child" means a person younger than 17 years of age. (2) "Spouse" means a person who is legally married to another. (3) "Health care services provider" means: (A) a physician licensed under Subtitle B, Title 3, Occupations Code; (B) a chiropractor licensed under Chapter 201, Occupations Code; (C) a physical therapist licensed under Chapter 453, Occupations Code; (D) a physician assistant licensed under Chapter 204, Occupations Code; or (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code. (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a: (A) licensed social worker as defined by Section 505.002, Occupations Code; (B) chemical dependency counselor as defined by Section 504.001, Occupations Code; (C) licensed professional counselor as defined by Section 503.002, Occupations Code; (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code; (E) member of the clergy; (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code. (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer. (6) “Assisted reproduction” and “donor” have the meanings assigned by Section 160.102,
Family Code. (7) “Human reproductive material” means: (A) a human spermatozoon or ovum; or (B) a human organism at any stage of development from fertilized ovum to embryo.

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

(e) It is an affirmative defense to prosecution under Subsection (a)(2): (1) that the actor was the spouse of the child at the time of the offense; or (2) that: (A) the actor was not more than three years older than the victim and at the time of the offense: (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and (B) the victim: (i) was a child of 14 years of age or older; and (ii) was not: (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is: (1) a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

Texas Penal Code, Sec. 22.021. AGRGRAVATED SEXUAL ASSAULT. (a) A person commits an offense: (1) if the person: (A) intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of a child by any means; (ii) causes the penetration of the mouth of a child by the sexual organ of the actor; (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; and (2) if: (A) the person: (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8); or (iv) to cause the death, serious bodily injury, or kidnapping of any person; (iv) uses or exhibits a deadly weapon in the course of the same criminal episode; (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim’s ability to appraise the nature of the act or to resist the act; (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or (C) the victim is an elderly individual or a disabled individual.

(b) In this section:

(1) "Child" has the meaning assigned by Section 22.011(c). (2) "Elderly individual" and "disabled individual" have the meanings assigned by Section 22.04(c). (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person’s self from harm or to provide food, shelter, or medical care for the person’s self. (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

(d) The defense provided by Section 22.011(d) applies to this section. (e) An offense under this section is a felony of the first degree. (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
(1) the victim of the offense is younger than six years of age at the time the offense is committed; or (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

Dating Violence Penal Code
Texas Family Code, Sec. 71.0021. DATING VIOLENCE.
(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim 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 in fear of imminent physical harm, bodily injury, assault, or sexual assault.
(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.
(c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

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

Sec. 71.005. HOUSEHOLD. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Sec. 71.006. MEMBER OF A HOUSEHOLD. "Member of a household" includes a person who previously lived in a household.

Stalking Penal Code
Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or (C) that an offense will be committed against the other person's property; (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following
laws that contains elements that are substantially similar to the elements of an offense under this section: (1) the laws of another state; (2) the laws of a federally recognized Indian tribe; (3) the laws of a territory of the United States; or (4) federal law.

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

(d) In this section: (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code. (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

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**Information for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

When a victim of sexual assault, dating violence, domestic violence or stalking contacts the University Police Department, UPD will contact the Director of Student Health and Wellness Services or designee and the Title IX Coordinator or designee. Student Health and Wellness staff will guide the victim through the available options and support the victim in his/her decisions. The victim also will be encouraged to access the counseling services offered through Student Health and Wellness.

The University Police Department works in concert with Student Health and Wellness Department and the Health Care Clinic, taking a team approach in dealing with sensitive situations and referring persons to counseling services, as needed.

Police officers are trained in threat assessment and licensed professional counselors encourage their clients to report crimes to the University Police Department. Crime information will be forwarded to the University Police Department and may be anonymous at the request of the client.

If the client chooses to report anonymously counselors do not disclose identifying information to the police department, unless there is an immediate threat to safety.

The victim may choose for the investigation to be pursued through the criminal justice system, the campus disciplinary system or both. The university police, with the victim’s consent, will immediately conduct a criminal investigation of on-campus incidents. Completed investigations will be forwarded to the District Attorney’s Office for review and possible prosecution.

Along with criminal prosecution, University disciplinary action may be imposed on individual students, recognized student organizations and/or university faculty and staff found in violation of the university policy. University action is an option that can be pursued in lieu of or concurrent with legal prosecution. University proceedings will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking. Both the victim and the accused will receive equal access and opportunities to
participate in the administrative processes, including access to the investigation procedures; support of an advisor; information in writing regarding any extensions requested; reviews of the draft investigation report and final investigation report; the outcome of the investigation; the appeal process; and the prohibition of institutional retaliation. While an investigation is occurring, the university will assist the victim in any appropriate interim measures, including but not limited to, changing academic and living situations, if such changes are reasonably available. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. To begin a university inquiry, the counselor, police, employee reporter, third-party reporter or victim should contact the Title IX Coordinator at 361-593-4758. To proceed with an investigation, the complainant needs to sign a formal-complaint form.

When students are the alleged perpetrator, if they are found responsible for a violation of the Student Code of Conduct, the responding student may be placed on probation, suspended or expelled, for committing violent or criminal acts on campus or at campus-related events. University disciplinary proceedings, when students are accused of a violation of sexual assault, dating violence, domestic violence or stalking, are detailed in the Texas A&M University -Kingsville student handbook.

The institution will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the institution will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

**Things to Remember:**
- Obtain necessary medical treatment. This may include a voluntary medical exam and post-assault medical care. This can be performed at a local emergency room or designated hospital. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive appropriate medical assessment and treatment, and can preserve evidence for possible future action.
- Pursue counseling services with appropriate agencies (e.g., Student Health and Wellness, Employee Assistance Program (EAP), or private providers).
- Call someone that is known and trusted, such as a friend or counselor. This person can help to evaluate the next steps.
- Make a police report to the University Police Department or other appropriate law enforcement agency.
- Make a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator, or other responsible employee under Title IX.
- Make an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

**Procedures for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

**If the Assault Just Occurred**
- Remember the sexual assault, dating violence, domestic violence or stalking is not your fault.
• Your first priority should be to get to a place of safety. If you do not feel safe and need immediate police or medical assistance, call 9-1-1 or if on campus 361-593-2611. Police can also take you to the hospital or meet you there.

• If you are a victim of sexual assault, you should make every attempt to preserve any physical evidence of the assault; avoid destroying evidence by bathing or showering, douching, changing clothes, or cleaning up in any way, or disposing of any damaged clothing or other items that were present after/during the assault.

• Contact someone who can help you: a friend, the University Police Department (at 361-593-2611 if on campus or 9-1-1 if off campus), a relative - any or all of the above.

• Get medical attention at a hospital emergency room right away. You do not have to report the incident to the police to be seen in the emergency room or to have an evidence-gathering exam (e.g., using a sexual assault nurse examiner kit).

• Seek medical help whether or not you want to report the incident. You may have injuries you are not aware of, and a doctor can help you do what you can to prevent pregnancy or sexually transmitted infections.

• Do not shower, drink or eat, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to press criminal charges against the assailant.

• Know that you have legal choices. Call the University Police at 361-593-2611 or Title IX Coordinator 361-593-4758 for assistance or to learn about your choices.

• As soon as you have a quiet moment, write down everything that you remember happening, with as much detail as possible. This will help with your own healing process and in any legal action you might decide to take.

As soon as possible, the victim of a sexual assault, dating violence, domestic violence or stalking should report the incident to the University Police Department or to the appropriate law enforcement agency, if the incident took place off campus. The Office of Compliance, University Housing and Residence Life staff, Dean of Students or other appropriate university staff of Texas A&M University-Kingsville will assist you with reporting to UPD or outside agencies as appropriate. Filing a police report with law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a report will:

• Ensure that a victim of sexual assault, domestic violence, dating violence or stalking receives the necessary medical treatment and tests. Ideally a victim of sexual assault should not wash, douche, use the toilet or change clothing prior to a medical/legal exam.

• Provide the opportunity for collection of evidence helpful in prosecution or obtaining a protection order, which cannot be obtained later.

• Assure the victim has access to free confidential counseling from counselors specifically trained in the area of crisis intervention.

Preserving Physical Evidence
If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voicemail, or other electronic communications should be saved and not altered in any way. For more information about how to preserve evidence, contact the University Police Department at 361-593-2611.

If someone is pressuring you, or if you need to get out of an uncomfortable or scary situation:

• 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 who is to blame.

• Be true to yourself. Don’t feel obligated to do anything you don’t 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.
• Have a code word or phrase with your friends or family. If you feel uncomfortable in a situation you can call and notify them without alerting the person you are with. Your friends or family can then come get you or make up an excuse for you to leave.
• Lie. If you don’t 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.
• Try to think of an escape route. How would you try to get out of the room? Where are the doors or windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
• 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.

Campus Resources for Sexual Assault, Dating Violence, Domestic Violence and Stalking
The Texas A&M University-Kingsville Student Health and Wellness – Counseling Services, 361-593-3991, offers free and confidential assessments and counseling for academic, career, and personal issues to all enrolled Texas A&M University-Kingsville students. All counseling sessions are confidential to the full limits provided by the law; no identifying information can be released within or outside the university without the client’s consent. There is no set limit or requirement to the number of sessions that one may attend. Student Health and Wellness offers support and counseling for individuals who have experienced violence. That support may be through individual counseling. Counseling is also available for enrolled university students who are friends and partners of people who have experienced this kind of violence.

Student Health and Wellness conducts workshops on healthy relationships. The department annually conducts sexual assault and gender violence prevention programs, including Walk a Mile in Her Shoes (Wearing women's shoes while walking a mile on campus, Texas A&M University-Kingsville men help raise awareness about gender violence), Take back the night (Empowering each other to stand strong, illuminate the night and share stories to end sexual assault, domestic and gender violence).

The Office of Compliance, in conjunction with the University Police Department, provides female faculty, staff and students access to Rape Aggression Defense self-defense courses. The Office of Compliance also provides online training to faculty, staff and students and in-person training covering reporting options, bystander intervention, consent, employee reporting requirements, etc.

Consent in Reference to Sexual Activity
Texas Penal Code § 1.07 (11) "Consent" means assent in fact, whether express or apparent. (19) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if: (A) induced by force, threat, or fraud; (B) given by a person the actor knows is not legally authorized to act for the owner; (C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or (D) given solely to detect the commission of an offense.
A sexual assault under Subsection (a)(1) is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force or violence, 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 a 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 reproductive 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.

TAMUK Consent and Sexual Assault Definition

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines consent as clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent. As of August 14, 2020, the definition also includes recognition that consent may be revoked by any party at any time.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines sexual assault as an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as: Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Assisting someone in the commission of sexual assault is prohibited, and sexual assault is a form of sexual harassment and/or sex-based misconduct.

Medical Exam Following Sexual Assault

If you go to a hospital as a result of a sexual assault, you are entitled to a free evidence collection examination performed by a sexual assault nurse examiner (SANE). Texas A&M University-Kingsville departments (Student Health and Wellness, University Police, Title IX Coordinator) use area hospitals for such an exam, including Doctor’s Regional Hospital, Corpus Christi; or Driscoll Children’s Hospital, Corpus Christi. These facilities have specially trained nurses on call 24 hours a day for such purposes. The nurse will collect the evidence and ask the university police to pick it up and store it for at least six months. The evidence will be in a box marked only with a number, not your name. You are not
required to make an official police report for this evidence to be collected. If you later decide to make such a report, the hospital will give your name to the police and the evidence kit will be tested for possible use in a court case. For assistance in this process, contact the University Police Department at 361-593-2611.

Texas Code of Criminal Procedure, Art. 56.06. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS. (a-1) If a sexual assault is reported to a law enforcement agency within 120 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a forensic medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) If a sexual assault is not reported within the period described by Subsection (a-1), on receiving the consent described by that subsection the law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(b-1) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a-1) or (b), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall: (1) provide the documentation of the agency's decision regarding a request for a forensic medical examination to: (A) the health care facility and the sexual assault examiner or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (B) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (2) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.

(b-2) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for: (1) the reasonable costs of the forensic portion of that examination; and (2) the evidence collection kit.

(b-3) The application under Subsection (b-2) must be in the form and manner prescribed by the attorney general and must include: (1) the documentation that the law enforcement agency requested the forensic medical examination, as required under Subsection (b-1); and (2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

(b-4) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (b-2) shall accept reimbursement from the attorney general as payment for the costs unless: (1) the health care facility or sexual assault examiner or sexual assault nurse examiner, as applicable, requests, in writing, additional reimbursement from the attorney general; and (B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and (2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(b-5) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(1), eff. September 1, 2019.

(d) A law enforcement agency or prosecuting attorney's office may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the forensic medical examination or manner in which it was performed.

(e) This article does not require a law enforcement agency to pay any costs of treatment for injuries.

(f) The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code.

(g) The attorney general shall adopt rules necessary to implement this article.

(h) On request, the attorney general may provide training to a health care facility regarding the process for applying for reimbursement under this article.
Texas Code of Criminal Procedure, Article 56.065. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS NOT REPORTED ASSAULT; COSTS. (a) In this article:
(1) "Crime laboratory" has the meaning assigned by Article 38.35.
(2) "Department" means the Department of Public Safety.
(3) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(2), eff. September 1, 2019.
(b) This article applies to the following health care facilities that provide diagnosis or treatment services to victims of sexual assault: (1) a general or special hospital licensed under Chapter 241, Health and Safety Code; (2) a general or special hospital owned by this state; (3) an outpatient clinic; and (4) a private physician's office.
(c) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (e), a health care facility shall conduct a forensic medical examination of the victim of an alleged sexual assault if:
(1) the victim arrives at the facility within 120 hours after the assault occurred; (2) the victim consents to the examination; and (3) at the time of the examination the victim has not reported the assault to a law enforcement agency.
(c-1) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, within 120 hours after the alleged sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for: (1) the reasonable costs of the forensic portion of that examination; and (2) the evidence collection kit.
(c-2) The application under Subsection (c-1) must be in the form and manner prescribed by the attorney general and must include: (1) certification that the examination was conducted in accordance with the requirements of Subsection (c); and (2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.
(c-3) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (c-1) shall accept reimbursement from the attorney general as payment for the costs unless: (1) the health care facility or sexual assault examiner or sexual assault nurse examiner, as applicable: (A) requests, in writing, additional reimbursement from the attorney general; and (B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and (2) the attorney general determines that there is a reasonable justification for additional reimbursement.
(c-4) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.
(d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(2), eff. September 1, 2019.
(e) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim seeking a forensic medical examination under Subsection (c) to a health care facility that provides services to those victims.
(f) The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of the alleged sexual assault other than through an examination as described by this article.
(g) The department, consistent with Chapter 420, Government Code, shall develop procedures for: (1) the transfer of evidence collected under this article to a crime laboratory or other suitable location designated by the public safety director of the department; (2) the preservation of the evidence by the receiving entity; and (3) the notification of the victim of the offense before a planned destruction of evidence under this article.
(g-1) Subject to Subsection (g-2), an entity receiving evidence described by Subsection (g) shall preserve the evidence until the earlier of: (1) the fifth anniversary of the date on which evidence was collected; or (2) the date on which written consent to release the evidence is obtained as provided by Section 420.0735, Government Code.
(g-2) An entity receiving evidence described by Subsection (g) may destroy the evidence on the expiration of the entity's duty to preserve the evidence under Subsection (g-1)(1) only if: (1) the entity provides written notification to the victim of the offense, in a trauma-informed manner, of the decision to destroy the evidence that includes: (A) detailed instructions on how the victim may make a written objection to the decision, including contact information for the entity; or (B) a standard form for the victim to complete and return to the entity to make a written objection to the decision; and (2) a written objection is not received by the entity from the victim before the 91st day after the date on which the entity notifies the victim of the planned destruction of the evidence.
(g-3) The entity shall document the entity's attempt to notify the victim under Subsection (g-2).
(h) The victim may not be required to: (1) participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article; or (2) pay for the forensic portion of the medical examination or for the evidence collection kit.
(i) The attorney general and the department each shall adopt rules as necessary to implement this article.
(j) A communication or record that contains identifying information regarding a person who receives a forensic medical examination under this article and that is created by, provided to, or in the control or possession of the department is confidential for purposes of Section 552.103, Government Code. In this subsection, "identifying information" includes:
   (1) information revealing the identity, personal history, or background of the person; or
   (2) information concerning the victimization of the person.
(k) The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code.
(l) On request, the attorney general may provide training to a health care facility regarding the process for applying for reimbursement under this article.

If the Assault Occurred Some Time Ago
You may just now be realizing that your experience was unwanted, or may finally be ready to call the experience a sexual assault. Even if the incident did not take place recently, you still have options.

- Remember that sexual assault is never your fault. Believe in yourself. Get the support you deserve and give yourself time to heal.
- Consider seeking medical attention. You may still need treatment of physical symptoms.
- Seek counseling. Unresolved experiences of sexual assault can have long-term psychological and social effects.
- Take advantage of resources that are there for you. Consult with Student Health and Wellness 361-593-3991, Title IX Coordinator 361-593-4758, University Police Department 361-593-2611 explore your options regarding:
  - Receiving medical care
  - Reporting the incident to the police
  - Pursuing campus judicial intervention
  - Seeking academic or administrative intervention

**Dating Violence and Domestic Violence**

The Texas A&M University-Kingsville takes dating and domestic/family violence complaints seriously. The nature and seriousness of crimes committed between dating partners, family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must be thorough when responding to dating violence and/or domestic violence calls. An immediate criminal justice response can make a major difference in the disputants' lives. If an assault should occur, the victim should go to a safe place and contact a friend or family member for support. Call the Texas A&M University-Kingsville police if the incident occurred on campus at 361-593-2611; if the incident occurred in the City of Kingsville call the Emergency 911, or Business 361-592-4311 for assistance. For locations not in Kingsville, the incident should be reported to local law enforcement and/or the appropriate campus authorities.

With all due consideration for their own safety, the primary duties of a peace officer of the Texas A&M University-Kingsville Police department responding to a dating and/or domestic disturbance and who investigates a
dating/domestic/family violence allegation or who responds to a disturbance call that may involve dating/domestic/family violence are:

- To protect any potential victim of dating/domestic/family violence,
- Enforce the law of this state,
- Enforce a protective order from another jurisdiction and
- Make lawful arrests of violators.

State law requires a peace officer who investigates a dating/domestic/family violence incident or who responds to a disturbance call that may involve dating/domestic/family violence, (the officer), shall make a written report, including but not limited to:

- The names of the suspect and complainant;
- The date, time, and location of the incident;
- Any visible or reported injuries;
- A description of the incident and a statement of its disposition; and
- Whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

In Texas, domestic violence laws apply to incidents of violence in domestic situations that cause bodily injury, threaten to cause imminent bodily injury, or cause any kind of physical contact that someone could reasonably expect would cause the other person to regard as offensive or provocative, including forceful detention which results in physical injury or places one in reasonable apprehension of bodily injury, impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth and which is committed by a person against such person's family or household member. "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 by a member of a family or household toward a child of the family or household; or (3) dating violence.

In essence domestic violence is any violent or controlling behavior by a person toward a spouse or partner. Although the partner is the primary target, domestic abuse also affects the children in the household, extended family members, and even the community at large.

"Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b)"dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship".

The Texas A&M University-Kingsville Police will arrest the aggressor when probable cause exists by the totality of the circumstances which may include: evidence that any of the parties acted in self-defense; a history of violence (prior assault convictions) of the parties involved, including history of calls for service; the relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive; the relative size, bulk, and strength of the parties involved; evidence from persons involved in or witnesses to the incident; the likelihood of future injury to
any party; and, current or previous protection orders filed against either party. As with any crime, it is important to preserve evidence. Physical evidence can include injuries of the victim, evidentiary articles that substantiate an attack and the crime scene itself. Photographs of injuries and the crime scene showing a struggle occurred can be invaluable.

A student victim of dating violence has the right, in addition to filing charges through the criminal justice system, to file a complaint with the Office of Compliance, 361-593-4758 or the Office of the Dean of Students, 361-593-3606, along with criminal prosecution, University judicial action is an option that can be pursued in lieu of/or concurrent with legal prosecution. University students may report the incident to the Title IX Coordinator or the Dean of Students, regardless of whether the act of violence occurred on or off-campus since the university reserves the right to hold students accountable for certain types of off-campus behavior. Disciplinary action will result if a student’s behavior jeopardizes the educational atmosphere or mission of the institution. Sanctions may include disciplinary probation and educational programs and may result in suspension from the university.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines Dating violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. Domestic Violence is defined as a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. Assisting someone in the commission of dating and/or domestic violence is prohibited, and dating and/or domestic violence is a form of sexual harassment and/or sex-based misconduct.

Red flags in a relationship:
Indicators in a relationship that might be warning signs of impending dating or domestic violence:
- Always wanting to know where you are and who you are with
- Not wanting you to spend time with others
- Getting angry if you do not answer a call or text immediately
- Always blaming you for their mistakes
- Calling you names or constantly putting you down
- Yelling constantly, throwing or punching objects
- Pressuring you to do more sexually than you are ready for

Do you...
- Feel afraid of your partner most of the time?
- Feel that you can’t do anything right?
- Get embarrassed by your partner’s behavior toward you?
- Believe that you deserve to be hurt or mistreated?
- Avoid topics or situations out of fear of angering your partner?

Does your partner...
- Humiliate, criticize or yell at you?
- Blame you for his behavior?
- Threaten to hurt you?
- Threaten to take your kids away?
- Threaten to harm your kids or pets?
- Force you to have sex?
- Act jealous and possessive?
- Keep you from seeing friends and family?
- Limit your access to money or necessities?
- Keep you from getting a job or going to school?
- Constantly check up on you?
- Threaten to kill or hurt himself if you leave?

Pay attention to the “red flags”, and trust your instincts. Instincts may have told victims that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Survivors of domestic violence frequently report that their instincts told them that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings.

Understand barriers to getting help such as fear of being judged, embarrassment and not wanting to admit that it’s a real problem. Keep in touch with your support system and confide in them. Participate in good self-care can lower your risk of being involved in an abusive relationship.

If anyone has been hit or abused by a dating or domestic partner and they want to report it as a crime; they should immediately call the Texas A&M University-Kingsville Police if the incident occurred on campus at 361-593-2611; or to the appropriate law enforcement agency.

Keeping in touch with your support system and participating in good self-care can lower your risk of being involved in an abusive relationship. The Texas A&M University-Kingsville Police Department, along with the university community, is committed to stopping domestic violence in our community by encouraging its community members to be a courageous bystander with safe and positive options for bystander interventions to prevent harm or intervene.

**Stalking**

Stalking is traumatic. You may experience nightmares, lose sleep, get depressed or feel like you’re no longer in control of your life.

**Texas Code of Criminal Procedure**

Art. 6.09. STALKING PROTECTIVE ORDER. (a) At any proceeding related to an offense under Section 42.072, Penal Code, in which the defendant appears before the court, a person may request the court to render a protective order under Title 4, Family Code, for the protection of the person. The request is made by filing "An Application for a Protective Order" in the same manner as an application for a protective order under Title 4, Family Code.

(b) The court shall render a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section 85.001, Family Code, the court finds that probable cause exists to believe that an offense under Section 42.072, Penal Code, occurred and that the nature of the scheme or course of conduct engaged in by the defendant in the commission of the offense indicates that the defendant is likely to engage in the future in conduct prohibited by Section 42.072 (a)(1), (2), or (3), Penal Code.
(c) The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this article, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification.

Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
   (A) bodily injury or death for the other person;
   (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
   (C) that an offense will be committed against the other person's property;
(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
(3) would cause a reasonable person to:
   (A) fear bodily injury or death for himself or herself;
   (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
   (C) fear that an offense will be committed against the person's property; or
   (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
   (1) the laws of another state;
   (2) the laws of a federally recognized Indian tribe;
   (3) the laws of a territory of the United States; or
   (4) federal law.

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

(d) In this section:
   (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
   (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Stalking Behavior
Stalking behaviors can include:
- Showing up at your home or place of work unannounced or uninvited.
- Sending you unwanted text messages, letters, emails and voicemails.
- Leaving unwanted items, gifts or flowers.
- Constantly calling you and hanging up.
- Use social networking sites/technology to track you.
- Spreading rumors about you via the internet or word of mouth.
- Making unwanted phone calls to you.
- Calling your employer or professor.
- Waiting at places you hang out.
- Damaging your home, car or other property
Safe Practices if you are Experiencing Stalking Behavior

- If you have a protection order, make several copies, and carry a copy with you at all times.
- If someone is following you, never go home. Proceed to a local law enforcement location, or call local law enforcement for direction on where to go.
- Acquaint yourself with 24-hour stores and other public, highly populated areas in your neighborhood.
- Under no circumstances should you agree to meet with the perpetrator face to face to “work it out” or “talk.” Meeting a stalker in person can be very dangerous.
- Tell someone. Resources like University Police Department, Student Health and Wellness, Title IX Coordinator are here to support and assist you. Victims under the age of 18 should tell a parent or other trusted adult about any harassments or threats.
- Inform friends, family, neighbors, and other people you know that you are being stalked so that the stalker cannot get information about you from them.
- If you have a picture of your stalker, give one to people you know at the places you frequent.
- Send one, clear written warning. This warning should convey that the contact is unwanted, and tell the perpetrator to cease all communications of any kind. Do this only once. Then, no matter the response, under no circumstances have further contact with the stalker.
- Collect and document all evidence. Save all email, postings, or other communications in both electronic and hard-copy form. If possible, save all of the header information from emails and newsgroup postings (use the Help feature on whatever service you are using for instructions). Record the dates and times of any contact with the stalker. All evidence of stalking should be preserved to aid in obtaining a protection order against a perpetrator.
- Save any packages, letters, messages, or gifts from the stalker. They may be important if you decide to report to the police.
- Keep a log of incidents including the date, time, type of incident, what occurred, and the names of any witnesses. Even if you decide not to pursue prosecution, you may change your mind and it will be helpful to have documentation of every incident.
- Document how the stalking is affecting you and any steps you have taken to stop it (e.g., blocked number, unfriended on Facebook, asked the stalker to stop). A free Stalking Log is available at: http://www.ncdsv.org/images/WCSAP_StalkingIncidentLog_2007.pdf
- Ignore or reject calls from anonymous or unknown callers. Block unwanted callers. Consult your service provider for more information.
- Use voicemail to screen calls. Save all voicemail messages from the stalker, or record them to a tape recorder and save the digital recording or tapes.
- File a report with the University Police or local law enforcement. Save copies of police reports and record all contact with law enforcement officials and the prosecutor’s office. Add these notes to your Stalking Log.
- Change your contact information. You may want to consider changing your email address, Internet Service Provider (ISPs), and/or phone number, and consider using encryption software or privacy protection programs.
- File a complaint with both parties’ ISPs. Many ISPs offer tools that filter or block communications from specific individuals.
- To keep your address confidential, get a post office box and use it on all correspondence. Put this address on your checks. (If you are being sent something from Federal Express or another company that won’t mail to P.O. Boxes, change "P.O. Box" to "Apartment" when giving your address).
- Inform security at your place of employment that you are being stalked.

Law Enforcement Response to Stalking
The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs followed by an investigation to include obtaining preliminary statements, preserving evidence, and documentation with possible arrest. As with any crime, it is important to preserve evidence. Physical and evidentiary articles that substantiate the crime such as text messages, voicemails, videos, letters, photos, cards, unwanted items or gifts and emails should be saved. You
should also write down the times, places and dates all the incidents occurred. You should include the names and contact information of people who witnessed what happened and provide this information to the police. Protective orders are meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The Texas A&M University-Kingsville Police Department will provide assistance in the process of obtaining protective orders. Victims have the option of keeping their report of stalking in complete confidence, protecting their right to anonymity, when making a report through licensed professional counselors at the Texas A&M University-Kingsville Health and Wellness, 361-593-3991. Victims can also report incidents of stalking to the Title IX Coordinator at the Office of Compliance, 361-593-4761.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines Stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Assisting someone in the commission of stalking based on sex is also prohibited, and stalking is a form of sexual harassment and/or sex-based misconduct.

Only the victim can make this decision. It may be difficult to make complex decisions immediately after the assault or stalking incident. Talking with someone who can give immediate support and information, such as a sexual assault crisis counselor, a victim/witness advocate, or a family member or friend, may help you make a decision.

Sexual Assault, Dating Violence, Domestic Violence and Stalking Education and Prevention Programs

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

- 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; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law 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 definition of consent and the purposes for which that definition is used is found in the Student Handbook.
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a
risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

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

a. 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);

b. 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);

c. 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); and

d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);

e. 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);

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; presenting information and materials during new employee orientation; required online training for faculty, staff, and first semester undergraduate students.

**Programs to Prevent Sexual Violence**

All members of the campus community should be aware that sexual assaults, including date or acquaintance rape, are prohibited by state laws, system policies and university rules. Texas A&M University-Kingsville prohibits sexual violence, which includes the crimes of dating violence, domestic violence, sexual assault, and stalking. The university is committed to increasing the awareness of these types of offenses and working with faculty, staff and students to prevent sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent sexual assault (rape, acquaintance rape, and sexual assault), domestic violence, dating violence, and stalking before it occurs.

The University Police Department offers sexual assault education and information programs to university students and employees upon request. Literature on date rape education, risk reduction and university response measures is available through University Housing and Residence Life, Student Health and Wellness Services and the Title IX Coordinator.

Primary prevention and awareness programs are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

<table>
<thead>
<tr>
<th>Date</th>
<th>Audience</th>
<th>Topic(s) Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing</td>
<td>Sexual Assault Prevention for Undergraduates online training</td>
<td>Sexual assault prevention, consent, bystander intervention, and reporting/resources.</td>
</tr>
<tr>
<td>Status</td>
<td>Training Type</td>
<td>Description</td>
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<tr>
<td>Ongoing</td>
<td>Online Harassment and Discrimination Prevention training</td>
<td>Biennial training that covers reporting obligations for incidents of sexual misconduct and discrimination prevention.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Sexual Assault Prevention for Student Athletes Online training</td>
<td>Annual Training for all student athletes and student-employees in the athletics department. Covers sexual misconduct and hazing prevention. Information about bystander intervention and reporting/resource options.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Prescription Drug Abuse Prevention training</td>
<td>Online training that covers alcohol abuse prevention and bystander intervention.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>AlcoholEdu</td>
<td>Online training that covers alcohol abuse prevention, bystander intervention, and how alcohol impacts consent. Required for students enrolled in a student success course.</td>
</tr>
<tr>
<td>Ongoing After March 2020</td>
<td>New Student/International Orientation Training Video</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law.</td>
</tr>
<tr>
<td>1st Business day of the month and 2nd Monday</td>
<td>New Employees</td>
<td>Non-discrimination, including sexual misconduct policy and reporting requirements.</td>
</tr>
<tr>
<td>January 6, 2020</td>
<td>New Student Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law.</td>
</tr>
<tr>
<td>January 8, 2020</td>
<td>International Students Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law. Additional information on consent provided.</td>
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<tr>
<td>January 13, 2020</td>
<td>New Student Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Details</td>
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<tr>
<td>January 23, 2020</td>
<td>International Students Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law. Additional information on consent provided.</td>
</tr>
<tr>
<td>January 25, 2020</td>
<td>Presentation on Sexual Assault Prevention for Sigma Lambda Beta Conference</td>
<td>Overview of consent issues and reporting options.</td>
</tr>
<tr>
<td>February 12-13, 2020</td>
<td>Student Organization Advisors Training</td>
<td>Title IX Overview and reporting obligations.</td>
</tr>
<tr>
<td>February 18, 2020</td>
<td>REC Employee Training</td>
<td>Title IX Overview and reporting requirements.</td>
</tr>
<tr>
<td>March 4, 2020</td>
<td>Tropical Temptations</td>
<td>Consent Table</td>
</tr>
<tr>
<td>April 30, 2020</td>
<td>Javelina Camp Pack Leader Training</td>
<td>Overview of Title IX issues and Bystander Intervention with a review of reporting options.</td>
</tr>
<tr>
<td>May 21, 2020</td>
<td>System Title IX Overview</td>
<td>System training for adjudicators</td>
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<tr>
<td>August 5, 2020</td>
<td>System Title IX Training</td>
<td>System training for adjudicators</td>
</tr>
<tr>
<td>August 13-14, 2020</td>
<td>Adjudication Training</td>
<td>Training on the hearing and decision process for adjudicators.</td>
</tr>
<tr>
<td>August 18, 2020</td>
<td>Resident Advisor and Community Advisor Training</td>
<td>Title IX Overview: Law, sexual misconduct related definitions, employee rights and responsibilities, process &amp; procedure, and prevention strategies.</td>
</tr>
<tr>
<td>August 19, 2020</td>
<td>Adjudication Training</td>
<td>Training on the hearing and decision process for adjudicators.</td>
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</tbody>
</table>
Ongoing and Primary Prevention and Awareness Campaigns

Ongoing prevention and awareness events feature programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in the university’s most recent Annual Security Report.

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

PEP Talk (Peer Educator Program) and Student Health & Wellness department joined the Office of Compliance and other campus departments (Student Activities Office, Residence Life, and UPD) in conducting outreach education efforts about TITLE IX and the STEP UP Javelinas - Bystander Intervention Program. The 2019 programs and events that PEP Talk and/or Student Health & Wellness either coordinated or participated in are as follows:

Definitions of Activities/Programs and Materials Distributed:

- **Consent is Sexy Poster Presentation**— This poster board presentation focuses on the different types of communication phrases that individuals convey that led to mix messages.

- **STEP UP – Javelinas – Bystander Intervention Program** – Adopted by University of Arizona, The STEP UP Javelinas program focuses on educating students to be proactive in helping their peers. Javelina students learn five decision making steps to incorporate while responding to problems and/or issues.

- **Safe Sex Kits** contains male and female condoms; HIV/STD testing locations; and a sticker message that states “Got Consent? Ask before unwrapping”.

Office of Compliance Activities/Programs and Materials Distributed:

- **Sexual Assault Reporting Flyer** – This flyer contains definitions; reporting processes; and departments to contact for assistance.

- **Student Reporting Options Flyer**- This flyer contains information about reporting options for students

- **Title IX Poster**- This poster contains information about Title IX, bystander intervention and consent.

- **Can you tell how much they’ve had to drink poster** – This poster has students determine intoxication level of a person using the Wine Project. The purpose is to show it’s difficult to determine a person’s intoxication level by looks alone.

- **Sexual Assault Response Cards**- These wallet-sized cards contain numbers for assistance and resources, and safety tips.

- **Sexual Misconduct Resource Guide** – This guide contains information about reporting options and university rules and procedures for complaints of sexual misconduct. This guide is available to persons reporting an incident.
• **Investigation Flow-chart** – Condensed version of the investigation process from System Regulation 08.01.01, Civil Rights Compliance.

• **Appeals Process Flow-chart** – Condensed version of the appeal process from System Regulation 08.01.01, Civil Rights Compliance.

• **Sexual Harassment or Sex-based Misconduct Flow-chart** – Condensed version of the sexual harassment and/or sex-based misconduct analysis from System Regulation 08.01.01, Civil Rights Compliance.

• **Responsible Employee Reporting of Student Sexual Assault, Misconduct or Harassment Flyer** - This flyer contains information about reporting options and requirements for faculty and staff.

**Definitions of Activities/Programs and Materials Distributed:**

a. **Title IX - 9 Things Javelinas Should Know Poster** – This poster board presentation outlines the nine things TAMUK community needs to know regarding TITLE IX.

b. **Consent is Sexy Poster Presentation** – This poster board presentation focuses on the different types of communication phrases that individuals convey that led to mix messages.

c. **STEP UP – Javelinas – Bystander Intervention Program** – Adopted by University of Arizona, The STEP UP Javelinas program focuses on educating students to be proactive in helping their peers. Javelina students learn five decision making steps to incorporate while responding to problems and/or issues.

d. **Safe Sex Kits** contains male and female condoms; HIV/STD testing locations; and a sticker message that states “Got Consent? Ask before unwrapping”.

e. **Office of Compliance - Sexual Assault Reporting Flyer** – This flyer contains definitions; reporting processes; and departments to contact for assistance.

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**Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaint Process and Disciplinary Procedures**

**Sexual Assault, Dating Violence, Domestic Violence and Stalking Policy**

Texas A&M University - Kingsville is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any action involving sexual harassment, sex-based misconduct, violence, coercion, and intimidation will not be tolerated. Specifically, Texas A&M University - Kingsville strictly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. These acts have a real impact on the lives of victims. They not only violate a person’s feelings of trust and safety, but they can also substantially interfere with employment and/or a student’s education.

It is the policy of Texas A&M University - Kingsville that, upon learning that an act of sexual assault, dating violence, domestic violence or stalking has taken place, immediate action will be taken to address the situation. This includes working with state and local law enforcement to bring possible criminal charges and seeking disciplinary action through the university. Texas A&M University - Kingsville encourages the reporting of sexual assault, domestic violence, dating violence and stalking that is prompt and accurate. This allows the university community to quickly respond to allegations and offer
immediate support to the victim.

Victims and accused individuals are allowed the choice of an advisor or one individual’s presence in any meeting or institutional disciplinary proceeding. From January 2020-August 14, 2020, the role of any advisor was limited to being present and communicating only with their advisee; advisors may not examine witnesses or otherwise actively participate in the process. The advisor role is to provide guidance and support throughout the investigation and resolution process. Each party is allowed only one advisor who can be a friend, family member, advocate, lawyer, etc. As of August 14, 2020, the role of an advisor will be limited to being present and communicating only with their advisee during the investigation and pre-hearing proceedings. At the hearing the advisor will direct questions from their advisee, that have been allowed by the hearing chair, to the investigators, witnesses and opposing party. If the complainant and/or respondent do not have an advisor the university may appoint a trained advisor to be present during the hearing.

Texas A&M University - Kingsville is committed to protecting the privacy of victims, and will work closely with victims who wish to obtain confidential assistance regarding an incident of sexual assault, domestic violence, dating violence and stalking. The university cannot guarantee complete confidentiality, but it will do everything possible to maintain privacy, and will only share information as needed to address the issue. Licensed professional counselors at Student Health and Wellness are the only Texas A&M University- Kingsville employees who can guarantee confidentiality to a reporter or victim. If you request confidentiality or that the complaint not be pursued, the university may be limited in its ability to respond. Additionally, the university will maintain all student related records in accordance with the requirements of FERPA (the Family Educational Rights and Privacy Act of 1974), and will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

In circumstances where physical sexual acts are not alleged, an informal discussion with the accused or supportive measure may be permitted. This process must be approved by the Title IX Coordinator. In cases involving sexual violence, this process is not permitted, even on a voluntary basis. This process should not be confused with the informal resolution process that is available during a formal complaint process.

In circumstances where a formal complaint has been initiated, both parties may seek informal resolution to resolve a complaint. The following conditions apply to informal resolution:

a) Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. Texas A&M University-Kingsville, in consultation with Texas A&M University System Ethics and Compliance Offices (SECO), must agree to allow an informal resolution to move forward and must obtain the parties’ voluntary, written consent to the informal resolution process.

b) Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.

c) Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.

d) Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.

e) Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue. Texas A&M University-Kingsville must work in consultation with SECO in developing informal resolution programs and the conditions for their use.

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

When the person(s) accused of sexual assault, domestic violence, dating violence and stalking is not affiliated with the university, the response will vary depending on the level of control the university has over the respondent/accused.

It is the collective responsibility of all members of the Texas A&M University - Kingsville community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual assault, domestic violence, dating violence and stalking from occurring, the university engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the university community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Definitions

Definitions of Sexual Assault, Domestic Violence, Dating Violence and Stalking can be accessed in Texas A&M University System Regulation 08.01.01, Civil Rights Compliance, located at http://policies.tamus.edu/08-01-01.pdf. The following definitions are used by the University during the investigative and adjudicative process to determine if there has been a sexual misconduct student code of conduct violation. The date of the alleged incident is used to determine the applicable definition.

Below are definitions that were in use from January 2020-August 14, 2020:

Sexual assault – an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting program. [34 CFR 668.46(a)]

Domestic violence – a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. [34 CFR 668.46(a)]

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. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. [34 CFR 668.46(a)]

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]
Below are definitions in use after August 14, 2020:

Sexual harassment – a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual’s participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member’s education program or activity; or (3) sexual assault or dating violence, domestic violence, or stalking based on sex.

Sex-based misconduct – unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sex-based misconduct is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex.

Sexual assault – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as: Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Sexual assault is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sexual assault is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sexual assault is a form of sexual harassment or sex-based misconduct.

Domestic violence – a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. [34 U.S.C. 12291(a)(8)] Domestic violence is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of domestic violence is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Domestic violence is a form of sexual harassment or sex-based misconduct.

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. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)] Dating violence is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of dating violence is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Dating violence is a form of sexual harassment or sex-based misconduct.

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this
Complaint Reporting Process

In processing reports of sexual assault, domestic violence, dating violence and stalking that involves students Texas A&M University - Kingsville follows the Texas A&M University System Policy 08.01, Civil Rights Protections and Compliance and corresponding Regulation 08.01.01, Civil Rights Compliance, located at http://policies.tamus.edu/08-01-01.pdf. Regulation 08.01.01, Civil Rights Compliance was updated on January 2, 2020 and those policies and procedures remained in effect until August 14, 2020, when the July 7, 2020 regulation revisions went into effect. The processes provided within the Sexual Assault, Domestic Violence, Dating Violence and Stalking Compliant Process section and the Disciplinary Procedures section of this report have been updated to reflect these changes. You may also refer to the website for the Texas A&M University - Kingsville Office of Compliance for more information: http://www.tamuk.edu/compliance/index.html

Sexual harassment, sex-based misconduct, sexual assaults, domestic violence, dating violence and stalking should be reported to the Title IX Coordinator, located in the Office of Compliance, Lewis Hall 130. You can also reach the Title IX Coordinator by phone at (361) 593-4758 or through email at titleix@tamuk.edu. The Title IX Coordinator will work closely with other offices, as appropriate, to provide both parties access to resources and interim measures. Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to the Title IX Coordinator or they can report to their supervisor or a member official, administrator or other designee who is required to report to the Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the Title IX Coordinator or responsible employee. As of August 14, 2020, Texas A&M-Kingsville has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex when a report has been made to the Title IX Coordinator or any member official who has authority to institute corrective measures on behalf of the member. Those members include: the CEO, the Title IX Coordinator, Deputy Title IX Coordinators, The Office of Human Resources, Office of the Provost, and Office of the Dean of Students. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another member official, administrator, supervisor or the Title IX Coordinator. A link, https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html, to an anonymous electronic reporting option for students and employees is listed on the homepage of Texas A&M University-Kingsville at www.tamuk.edu. As a matter of Texas A&M University System policy, all faculty and staff who have knowledge of a Title IX related issue must report the issues to the Office of Compliance. A third party (including, but not limited to, anyone receiving services from the member, vendors and private business associates) should promptly report the incident(s) involving an employee or student to the University’s Title IX Coordinator.

SECO is designated to receive, review and investigate complaints against the chancellor, the president of the university, or an employee who reports directly to the president of the university or the chancellor. The chancellor or designee will serve as the designated administrator in complaints against the president of the university or an employee who reports directly to the president of the university. The chair of the Board of Regents or designee will serve as the designated administrator in complaints against the chancellor or an employee who reports directly to the chancellor.
An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint. All complaints of discrimination must be reported to SECO and OGC in writing upon receipt by the Office of Compliance. All complaints of discrimination must be reported to SECO and OGC in writing upon receipt by the Office of Compliance (As of August 14, 2020, the Office of Compliance will report the complaints within two business days). Notification to SECO and OGC must include the: (a) date(s) of the complaint and alleged incident(s); (b) nature and description of the alleged conduct; (c) name(s), category (employee, student, and/or third party) and title(s), if applicable, of the individual who was subjected to the alleged discriminatory conduct; and (4) name(s), category (employee, student, and/or third party) and title(s), if applicable of the respondent(s), if known.

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

**Involvement of Law Enforcement and Campus Authorities**

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on-campus law enforcement and/or local police), it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Title IX Coordinator, deputy coordinators, counselors from Student Health and Wellness, and/or University Housing and Residence Life staff will assist any victim with notifying law enforcement if the victim so desires. Reports may be made to the University Police Department by calling 361-593-2611, in person at 855 N. University Blvd, or online at [www.tamuk.edu/upd](http://www.tamuk.edu/upd). The Kingsville Police Department may also be reached directly by calling 361-592-4311, or in person at 1700 E. King Ave. The Kleberg County Sheriff’s Office may be reached directly by calling 361-595-8500, or in person at 1500 E. King Ave. Additional information about the Kingsville Police Department may be found online at: [www.kingsvillepd.us](http://www.kingsvillepd.us), and the Kleberg County Sheriff may be found online at [https://www.klebergcoso.org/](https://www.klebergcoso.org/)

The procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred, are listed above, the victim has the following options:

1. Notify proper law enforcement authorities, including on-campus and local police;
2. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
3. Decline to notify such authorities

Victims are also encouraged to seek medical attention, if needed. Victims may obtain forensic evidence from a sexual assault nurse examiner (SANE) with or without filing a formal complaint with the university or a criminal complaint with law enforcement. If a victim chooses not to file a complaint, the forensic evidence can be held while the victim considers his or her reporting options.

**Procedures the University Will Follow When an Incident of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims 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, student financial aid 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 changes to housing, academic schedule, orders of no contact, transportation and working situations, if reasonably available. The University will make such accommodations or
supportive measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. Students and employees should contact the Title IX Coordinator located in Lewis Hall, room 130, either in person, by email titleix@tamuk.edu, or by calling 361-593-4758.

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

<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
</table>
| Sexual Assault         | 1. Depending on when reported (immediate vs delayed report), institution will assist complainant with obtaining access to medical care  
                          2. Institution will assess immediate safety needs of complainant  
                          3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
                          4. Institution will provide complainant with referrals to on and off campus mental health providers  
                          5. Institution will assess need to implement interim or long-term supportive measures, if appropriate.  
                          6. Institution will provide the victim with a written explanation of the victim’s rights and options  
                          7. Institution will provide a “criminal trespass warning” (CTW) directive to accused party if deemed appropriate  
                          8. Institution will provide information on protective orders  
                          9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution  
                          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  
                          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 |

| Stalking                | 1. Institution will assess immediate safety needs of complainant  
                          2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
                          3. Institution will provide information on protective orders  
                          4. Institution will provide written information to complainant on how to preserve evidence  
                          5. Institution will assess need to implement interim or long-term supportive measures to protect the complainant, if appropriate  
                          6. Institution will provide the victim with a written explanation of the victim’s rights and options  
                          7. Institution will provide a “criminal trespass warning” (CTW) directive to accused party if deemed appropriate  
                          8. Institution will provide information on protective orders |
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<tr>
<td>9.</td>
<td>Institution will provide a copy of the policy applicable to stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
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<td>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</td>
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### Dating Violence

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### Domestic Violence

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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.

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.

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the University and in the community. The University will provide appropriate information to victims about options for, and available assistance with a variety of items, including but not limited to, changing an academic schedule, on-campus living arrangements, transportation, protective orders and working situations. The information will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and 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).

The University will make such accommodations if the victim requests them and if they are reasonably available. At the victim’s request, and to the extent of the victim’s cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, supportive measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes or accommodations to academic, living, transportation and/or working situations or to obtain other supportive measures, a victim should contact the Title IX Coordinator by calling 361-593-4758, by visiting Lewis Hall Room 130, or by emailing titleix@tamuk.edu.

Individuals reporting issues of sex-based misconduct/sexual harassment will meet with the Title IX coordinator and/or law enforcement (if a criminal report is being made, which is your choice, but is always encouraged). Regardless of whether a victim elects to make a complaint to law enforcement, the University will assist victims of sexual assault, dating violence, domestic violence, and/or stalking. When a student or employee reports to the institution that they have been a victim of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options. Such written information will include:

1. the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
2. information about how the institution will protect the confidentiality of victims and other necessary parties;
3. the institution will provide written notification to students and employees about victim services within the institution and in the community;
4. a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and supportive measures; and
5. an explanation of the procedures for institutional disciplinary action.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution
Texas A&M University- Kingsville complies with Texas law in recognizing protective orders obtained by any person from Texas or any other state. Persons who have obtained an order of protection from Texas or any other state should provide a copy to Campus Police and the Office of Compliance/Title IX Coordinator. A complainant may then meet with University Police to discuss a plan for campus police and the victim to work together to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in 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, a no contact order or restraining order for a victim from the applicable jurisdiction(s).

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Rights of Victims</th>
<th>Institution’s Responsibilities</th>
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<tbody>
<tr>
<td>No contact Orders (Issued by the institution; not criminally enforceable)</td>
<td>The right to request a no-contact order from the University. If this request is granted, or if the University determines that a no-contact order is in the best interest of the parties and/or campus community, the parties have the right to expect the university to promptly address any known actual or attempted violations of this order by other members of the TAMUK student community. The right to request the Office of Compliance /Title IX Coordinator (or their designee) to cancel or extend the no-contact order. The discretion to honor the request remains with the issuing office.</td>
<td>To issue no-contact orders as needed as a safeguard for the University community, regardless of the wishes of the parties involved. The Office of Compliance/Title IX Coordinator or the Dean of Students are the only offices which can issue no-contact orders for issues related to sexual assault, domestic violence, dating violence, and/or stalking. The University will review any request for a no-contact order to determine the scope and suitability of a no-contact order to address the specific circumstance. If a no-contact order is necessary, the University will inform each party of the no-contact order; explain the rights, responsibilities and behavioral expectations of the no-contact order; and advise individuals of the range of penalties that can be applied for violating the no-contact order. To enforce compliance with the terms of a no-contact order, individuals must promptly report any known actual or attempted violations of the no-contact order to the office that issued the no-contact order.</td>
</tr>
</tbody>
</table>
**Judicial Orders of Protection**

(Criminally enforceable)

According to Texas Crime Victims Compensation, victim’s rights include:

- Receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- Have their safety considered by the magistrate when setting bail;
- Receive information, on request, of relevant court proceedings, including appellate proceedings, of cancellations and rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public;
- Be informed, when requested, by a peace officer about the defendant’s right to bail and criminal investigation procedures, and from the prosecutor’s office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;
- Provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;
- Information about the Texas Crime Victims’ Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;
- Information, on request, about parole procedures; notification of parole proceedings and of the inmate’s release; and the opportunity to participate in the

The Office of Compliance/Title IX Coordinator or the Dean of Students Office will relocate you from your on-campus living arrangement if at any time you feel that you are in fear for your safety. For off-campus living arrangements, the Title IX Coordinator will assist you with contacting an advocate who can assist with breaking a lease without any penalties.

The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist a victim in making necessary modifications to your class schedule and be a liaison between you and your professors

Dean of Students Office will assist in making notice to faculty members regarding absences from class

The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist you in making contact in order to file charges with the University Police Department and/or local law enforcement
parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;

A separate or secure waiting area at all public court proceedings; prompt return of any property that is no longer needed as evidence;

Have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work; On request, counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;

Be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole

| Similar lawful orders issued by a criminal, civil, or tribal court, including restraining orders, etc. (Criminally enforceable) | The “Full Faith and Credit” provision within the Violence Against Women Act allows protective orders consistent with federal law to be enforced in any state or tribe (i.e. if a person receives a protective order in any state, that order should be enforceable in other states) | The Office of Compliance/Title IX Coordinator or the Dean of Students Office will make necessary modifications to your class schedule and be a liaison between you and your professors

Dean of Students Office will assist in making notice to faculty members regarding absences from class

The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist you in |
The victim is required to apply directly for a protective order by making the request to the district attorney in the jurisdiction in which the crime occurred. Protection from abuse orders that occurred in Kingsville or in Kleberg County may be through:

- **For misdemeanors:** Kleberg County Attorney’s Office (Phone: 361-595-8583, 700 E. Kleberg Ave., in the County Courthouse).
- **For felonies:** Kleberg County District Attorney’s Office (Phone: 361-595-8544, 700 E. Kleberg Ave., in the County Courthouse)

## CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN KLEBERG COUNTY

<table>
<thead>
<tr>
<th>Type of Order:</th>
<th>Who Can File For One:</th>
<th>Court:</th>
<th>Based On:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peace Bond</td>
<td>An individual (who is not a household or family member) to post a bond conditioned that the individual will not commit a specific act of harm for a period of one year.</td>
<td>Justice of the Peace Court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred.</td>
<td>Proof that there is a just reason to believe that the offense was intended to be committed or that the threat was seriously made. Based on an affidavit, the judge may issue a Peace Bond or may request a hearing on the matter. Not criminally enforceable.</td>
</tr>
</tbody>
</table>
| Ex parte Family Violence Protective Orders | A victim of:  
A. Sexual Assault or aggravated sexual assault  
B. Domestic / family violence  
C. Stalking  
D. Dating violence | District or County Court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred. | Is an immediate court order of protection meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim or subjecting them to further abuse or family violence until a full court hearing for a final protective order is held. Is criminally enforceable and valid until it expires or a final protective order is in place. |
| Final Protective Order | A victim of:  
1. Domestic/family violence  
2. Stalking  
3. Dating Violence  
4. Sexual assault or aggravated sexual assault | District or county court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred | A final protective order is a court order meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim and their children from further abuse and violence. This occurs during a final court hearing. Is criminally enforceable and valid for up to two years |
|---|---|---|---|
| Magistrate’s Order of Emergency Protection (EPO) | 1. A victim of:  
   a. Domestic/family violence  
   b. Stalking  
   c. Dating Violence  
   d. Sexual assault or aggravated sexual assault  
2. Victim’s guardian  
3. A peace Officer  
4. The state’s attorney | Must be issued by the magistrate when the arrested person is taken in front of the magistrate for the initial appearance. | Discretionary order: An EPO may be issued after an arrest for an offense involving family violence, sexual assault, aggravated sexual assault or stalking. Mandatory order: Must be issued after an arrest for an offense involving family violence, if serious bodily injury to the victim occurred, a deadly weapon was used or exhibited during the commission of the crime. Is valid for a minimum of 31 days through 91 days. |

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.

Victims will be provided written notification about available resources including counseling, physical and mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the institution and in the community. A student who has been the victim of sexual misconduct may request interim measures, such as an academic accommodation or change in residence after a report of sexual misconduct. When reasonable and appropriate, the University will provide accommodations to involved parties upon request. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, access academic support such as tutoring services, transportation and change residence hall assignments. Employees may also be
entitled to interim measures.

**On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Texas A&M University-Kingsville will provide written notification to the reporting student(s) and/or employee(s) about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<table>
<thead>
<tr>
<th><strong>ON CAMPUS</strong></th>
<th><strong>Type of Services Available</strong></th>
<th><strong>Service Provider</strong></th>
<th><strong>Contact Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>Student Counseling Services</td>
<td>Student Health and Wellness</td>
<td>361-593-3991; 1210 N. Retama St.</td>
</tr>
<tr>
<td></td>
<td>Employee Assistance Program</td>
<td>Work/Life Solutions by GuidanceResources</td>
<td>1-866-301-9623; <a href="http://www.guidanceresources.com">www.guidanceresources.com</a> Web Id:TAMUS;</td>
</tr>
<tr>
<td>Health</td>
<td>Student Health Clinic</td>
<td>Student Health and Wellness</td>
<td>361-593-3991</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Student Counseling Services</td>
<td>Student Health and Wellness</td>
<td>361-593-3991; 1210 N. Retama St.</td>
</tr>
<tr>
<td></td>
<td>Employee Assistance Program</td>
<td>Work/Life Solutions by GuidanceResources</td>
<td>1-866-301-9623; <a href="http://www.guidanceresources.com">www.guidanceresources.com</a> Web Id:TAMUS</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Not available</td>
<td></td>
<td></td>
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<tr>
<td>Legal Assistance</td>
<td>Not available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>General resource assistance and referrals</td>
<td>International Student and Scholar Services</td>
<td>361-593-3317; <a href="mailto:oisss@tamuk.edu">oisss@tamuk.edu</a></td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>Financial aid applications and processing; financial aid appeals; information on scholarships</td>
<td>Office of Student Financial Aid</td>
<td>1-800-687-6000; 361-593-3911; <a href="mailto:financial.aid@tamuk.edu">financial.aid@tamuk.edu</a></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th><strong>OFF CAMPUS</strong></th>
<th><strong>Type of Services Available</strong></th>
<th><strong>Service Provider</strong></th>
<th><strong>Contact Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>Advocacy and support services</td>
<td>Purple Door</td>
<td>205 E. King Ave.; 1-800-580-4878; 361-248-3406; <a href="http://www.purpledoortx.org">www.purpledoortx.org</a></td>
</tr>
<tr>
<td></td>
<td>Behavioral Health Services</td>
<td>Coastal Plains (MHMR)</td>
<td>1621 East Corral; 1-800-841-6467; <a href="http://www.coastalplainsctr.org">www.coastalplainsctr.org</a></td>
</tr>
<tr>
<td>Private therapy providers</td>
<td></td>
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<td></td>
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<tr>
<td>Health</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General health/hospital services, including emergency room</td>
<td>Christus Spohn Kleberg Hospital</td>
<td>1311 General East Cavazos Blvd; 361-595-1661; <a href="http://www.christushelath.org">www.christushelath.org</a></td>
<td></td>
</tr>
<tr>
<td>Private local physicians General health/hospital services, including emergency room and Sexual Assault Nurse Examiner</td>
<td>Driscoll Children’s Hospital</td>
<td>3533 S Alameda St., Corpus Christi; 361-694-5000; <a href="http://www.driscollchildrens.org">www.driscollchildrens.org</a></td>
<td></td>
</tr>
<tr>
<td>General health/hospital services, including emergency room and Sexual Assault Nurse Examiner</td>
<td>Doctor’s Regional Hospital</td>
<td>3315 S Alameda St, Corpus Christi; 361-761-1000; <a href="http://www.ccmedicalcenter.com">www.ccmedicalcenter.com</a></td>
<td></td>
</tr>
<tr>
<td>Low to no cost health care services</td>
<td>Men and Women’s Clinic</td>
<td>1022 S 14TH St; 361-595-1875; <a href="http://www.wamhs.org">www.wamhs.org</a></td>
<td></td>
</tr>
<tr>
<td>Mental Health</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Mental Health Alcohol and Drug Abuse Youth and Family Services, etc.</td>
<td>Coastal Plains (MHMR)</td>
<td>1621 East Corral; 1-800-841-6467; <a href="http://www.coastalplainsctr.org">www.coastalplainsctr.org</a></td>
<td></td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime Victims Compensation Fund</td>
<td>Purple Door</td>
<td>205 E. King Ave.; 1-800-580-4878; 361-248-3406; <a href="http://www.purpledoortx.org">www.purpledoortx.org</a>;</td>
<td></td>
</tr>
<tr>
<td>Housing relocation</td>
<td></td>
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<tr>
<td>Court advocacy</td>
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<td></td>
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<tr>
<td>Legal Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protective Orders</td>
<td>Kleberg County</td>
<td>361-595-8585</td>
<td></td>
</tr>
<tr>
<td>Low income applicants and divorce</td>
<td>Kleberg County Indigent Care</td>
<td>361-595-8569</td>
<td></td>
</tr>
<tr>
<td>Anonymous hotline</td>
<td>National Domestic Violence Hotline</td>
<td>361-881-8888; 1-800-580-HURT</td>
<td></td>
</tr>
<tr>
<td>General legal concerns</td>
<td>Texas Rio Grande Legal Aid</td>
<td>3825 Agnes St., Corpus Christi; 361-880-5400</td>
<td></td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>General immigration concerns</td>
<td>Texas Rio Grande Legal Aid</td>
<td>3825 Agnes St., Corpus Christi; 361-880-5400</td>
</tr>
<tr>
<td></td>
<td>Private immigration attorney</td>
<td></td>
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</tr>
</tbody>
</table>

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

Rape, Abuse and Incest National Network [www.rainn.org](http://www.rainn.org)
Confidentiality

Victims may request that directory information on file with the University be withheld by request to the Registrar’s Office.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and the University will only share with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and supportive measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain, as confidential, any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures. Additional interim measures that may be taken to protect an individual pending the outcome of an investigation/hearing may include contact restrictions, interim suspension of the accused (not to exceed 10 days) before August 14, 2020, or change in course schedule, residence assignment of the accused, and/or other restrictions. As of August 14, 2020, a respondent may be subject to removal from the Texas A&M University-Kingsville’s education program or activity on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with the Texas A&M University-Kingsville’s behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. Texas A&M University-Kingsville shall designate the assignment of a hearing authority for this purpose.

The filing of an illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation complaint will not stop, delay or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a reporter who is not performing at acceptable levels or standards or who has violated system policies, regulations or member rules.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Texas Public Information Act
The University is a state agency, subject to the requirements of the Texas Public Information Act. As such, the University cannot guarantee complete confidentiality to any individual involved in a situation that leads to investigation. However, the University makes every effort to protect the identity of those involved, to the extent permitted by law.

Investigations
The individual(s) or office(s) designated by the University to receive complaints, appeals and/or reports of illegal discrimination, sexual harassment, and/or related retaliation will review each one to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is sufficient, the individual or office will forward the complaint, appeal or report to an appointed investigatory authority within five business days of receipt. If the information is insufficient, that individual or office, in consultation with the Texas A&M
University System Office of General Counsel (OGC) and System Ethics and Compliance Office (SECO), may conduct an inquiry into the circumstances of the complaint/report/appeal and if the information is insufficient, the designated office, in consultation with OGC, may conduct an initial assessment into the circumstances of the complaint and (1) dismiss it as baseless; (2) close it for insufficient information to investigate or lack of jurisdiction (see 4.2.9); (3) refer it to another office which has responsibility for such complaints; or (4) with the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution. Cases involving allegations based on sex require the submission of a formal complaint before they may be referred to informal resolution. The designated office will notify the complainant of such action in writing.

The designated office will provide written notification to the complainant(s) and the respondent(s) of: (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim supportive measures, if any; (5) admonishments regarding cooperation and prohibiting retaliation; and (6) any informal resolution process that may be available. An unredacted version of the complaint will be given to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy. Both parties will have access to the final draft report for a ten (10) business day review prior to the finalization of the investigative report. Both parties will also have access to the final investigative report for ten (10) business days prior to a pre-hearing meeting.

The following provisions apply as of August 14, 2020:

Complaints will be processed under Title IX if all of the following apply: i. The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the university’s Title IX Coordinator or any university official who has authority to institute corrective measures on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The University must designate in its rule which employees have the authority to institute corrective measures; ii. A formal complaint is filed by the complainant or signed by the Title IX Coordinator (see Definitions); iii. The alleged behavior/conduct must have occurred against a person while in the United States; iv. At the time the formal complaint was filed, the complainant was participating or attempting to participate in a university education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; v. The alleged conduct meets the definition of sexual harassment as set forth in System Regulation 08.01.01, Civil Rights Compliance (see Definitions).

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the university and not on the parties, provided that the university cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party’s voluntary, written consent to do so for the grievance process.

In all investigations and in any hearing, a presumption will exist that a respondent is not responsible for the allegations until a determination is made at the conclusion of an adjudicatory process.

Mandatory dismissals - If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved, did not occur in the university’s education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such dismissal does not preclude action under another provision of the university’s conduct standards, nor does it preclude the university proceeding with a civil rights process under System Regulation 08.01.01, Civil Rights Compliance as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes are administered as outlined in Section 4.2.9 of the regulation.
Discretionary dismissals – The university may also dismiss a formal complaint if the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw it, if the respondent is no longer enrolled or employed by the university, or if specific circumstances prevent the university from collecting evidence sufficient to reach a determination (for example, when the complainant has ceased participating in the process; in certain fact specific cases when the passage of time precludes the collection of sufficient evidence; when complainant’s identity is not known; and when the exact same allegations have already been investigated and adjudicated); such dismissal does not preclude action under another provision of the university’s conduct standards, nor does it preclude the university from proceeding with a civil rights process under System Regulation 08.01.01, Civil Rights Compliance as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes are administered as outlined in Section 4.2.9 of the regulation.

Upon a dismissal required or permitted pursuant the provisions above, the university must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties must be given the opportunity to appeal a dismissal to the university designated appellate authority. Texas A&M University-Kingsville has appointed the Chief Ethics and Compliance Officer, or designee, as the appellate authority.

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex that are subject to mandatory or discretionary dismissal from the Title IX process may be subject to investigation and adjudication as sex-based misconduct at the discretion of the Title IX Coordinator, in consultation with OGC and SECO. All cases involving sex-based allegations are to be investigated and adjudicated under the procedures outlined in 4.2.9 of System Regulation 08.01.01, Civil Rights Compliance, noting that the process is to determine whether or not the allegations are substantiated and, if substantiated, created a hostile environment.

The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

The university will provide a notice of allegations in cases involving sex-based violations which include sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice must also inform the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that were not included in the original notice, the university must provide notice of the additional allegations to the parties whose identities are known. The university must provide to each party whose participation in the investigation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, and other meetings, with sufficient time for the party to prepare to participate.

The university must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence; provide the parties with the same opportunities to have others with them during the grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice; and not limit the choice or presence of the advisor in any meeting or grievance proceeding. However, the member may establish restrictions regarding the extent to which the advisor may participate in the
proceedings, as long as the restrictions apply equally to both parties. Advisors who fail to adhere to established rules may be dismissed from the process at the discretion of the member.

At any point in the process, the respondent (Faculty or staff) may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action.

The University will offer the individual subjected to the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation, the respondent and other affected individuals interim protections or remedies, such as physical separation, contact limitations, alternative work or other arrangements, academic adjustments, and/or counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and member rules and procedures.

Both the individual subjected to the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation and the respondent must receive equitable treatment in all facets of the complaint investigation and resolution process, including but not limited to the right to an advisor (if any), the right to present evidence and witnesses, the right to review a copy of the final draft of the investigative report and exhibits, the right to review a copy of the final investigative report with exhibits prior to the pre-hearing conference, and the right to be informed of the outcome of the investigation.

Timeline for Investigative Process From August 2020 to August 14, 2020:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the designated administrator. Circumstances may warrant extensions to the time frames in this section. The investigative authority should send an extension request, if needed, to the office or individual who appointed them. Both the complainant(s) and respondent(s) should be notified of any extensions in writing.

Investigation reports should include a statement of the allegation(s), a listing of individuals interviewed including the dates of the interviews, all inculpatory and exculpatory evidence collected in the investigation, and a listing of relevant documents attached to the report as exhibits. Investigators must conclude whether or not the behavior alleged in the complaint took place, but will not determine whether or not the behavior establishes a violation of system or member regulations or rules. Reports should not contain speculation, opinions, findings, decisions, or recommendations for sanctions, although universities using the investigator model for students are permitted to include sanction recommendations. Investigators may provide assessments of the credibility of the parties and any witnesses.

For employee and third-party cases, investigation reports may conclude that each allegation is substantiated, unsubstantiated, or if there is insufficient evidence to substantiate. In student conduct cases, the investigation report shall be used as directed in the university’s student conduct rules. For a complaint against an employee or third party, the designated administrator will review the investigation report and provide a draft decision to OGC for review within five business days after receiving the investigative authority’s report. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The designated administrator will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. In cases where allegations are substantiated, the final decision will also be provided to the respondent’s supervisor. Circumstances may warrant extensions to the time frames in this section. The designated administrator should send an
extension request, if needed, to the office or individuals who appointed them. Both the complainant(s) and the respondent(s) should be notified of the extension in writing. Limited appeal opportunities exist in all cases, as described in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance. When the respondent(s) is an employee, both the complainant(s) and the respondent(s) may review the copy of the investigation report and exhibits, with admonishments regarding privacy, after the decision is rendered. The report will be redacted in accordance with state and/or federal law.

Texas A&M University – Kingsville uses a conduct panel model for cases where the respondent is a student and is exempt from obtaining OGC review of the decision prior to the issuance. However, OGC review may be requested, if needed.

When a student respondent(s) is charged with violating a conduct rule(s), both the complainant(s) and the respondent(s) will be provided, to the fullest extent permitted by law, an unredacted copy of the investigation report (without exhibits) prior to a decision being rendered by the designated administrator. If requested, access to exhibits, which may be redacted, may be provided. If a student respondent withdraws or graduates from a member university pending a complaint, the process will continue, with the member university not issuing a transcript on behalf of the student until the conclusion of the process. Texas A&M University – Kingsville, upon request by another postsecondary educational institution, must provide to the requesting institution any determination that a student violated the member university’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

The University investigative and disciplinary processes will include a prompt, fair and impartial investigation and final resolution process which is conducted in a manner that is consistent with the institution’s policy and transparent to the accuser(s) and the accused.

Timeline for Investigative Process After August 14, 2020:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.
A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decisionmaker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reaching during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution.

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

**Standard of Evidence**

In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.
Sanctions

Remedies, which may be disciplinary or punitive in nature and may burden the respondent, must be designed to restore or preserve the complainant’s equal access to the university's education program or activity. Sanctions may have educational, restorative and rehabilitative components for employees and/or students. In addition, employee sanctions may have punitive components. Sanctions that may be implemented if there is a finding of responsibility for a sexual assault, domestic violence, dating violence or stalking offense:

- **Warning**: A notice in writing to the student/organization that the student/organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
- **Probation**: A written reprimand for violation of specified regulations. Probation is for a designated period of type and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
- **Loss or restriction of Privileges or Activities**: Withdrawal of the use of services or privileges as a student or a member of the community, or the loss of a privilege to participate in an activity or event for a designated period of time.
- **Restitution**: Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Educational Sanctions**: A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
- **No Contact Order**: Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, ‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact is until such time as the order is lifted by the office that put the order in place.
- **Residence Hall Suspension**: Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- **Residence Hall Expulsion**: Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- **University Suspension**: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.
- **University Expulsion**: Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
- **Employment dismissal**

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion. (As of August 14, 2020, dating and domestic violence replaced the words sex-based violence.)
Texas A&M University-Kingsville must establish a minimum sanction guidelines for other sexual violence, sex-based misconduct and sexual harassment student conduct violations. Once available, these guidelines must be disseminated widely to the university community and utilized in the training of adjudicators and appellate officers.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person who are allowed to return to the university after a suspension of one year or more will be ineligible to hold an office in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors. (As of August 14, 2020, “sex-based violence and/or nonconsensual sexual penetration of another person” was replaced with “sexual harassment, sexual assault, and dating violence, domestic violence, stalking based on sex, and/or other sex-based misconduct.”)

For other sexual violence, sex-based misconduct and sexual harassment student conduct rule violations, the university will establish a process to determine the student’s eligibility to represent the university in extracurricular activities, both on and off campus. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student’s participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

When an employee is found to have sexually harassed (as defined by System Regulation 08.01.01, Civil Rights Compliance) another member of the university or agency or community, the sanction will be termination of employment.

Texas A&M University-Kingsville may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking.

For sex discrimination complaints, both the complainant(s) and the respondent(s) will be informed in writing of any and all sanctions, except when to do so would violate state or federal law (e.g., Family Educational Rights and Privacy Act).

**Disciplinary Procedures and Training**

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 parties to the investigation and promotes accountability.

The student and employee procedures outlined below provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of any advisor is limited to being present and communicating only with their advisee; advisors may not examine witnesses or otherwise actively participate in the process.

5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and

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

Institutional Disciplinary Action in Sexual Harassment, Sex-based Misconduct, and Misconduct

When investigating employee conduct complaints related to sexual harassment, sex-based misconduct and misconduct, the university will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking. A counselor, police or victim should report allegations of sexual harassment, sex-based misconduct and misconduct to the Office of Compliance, 361-593-4758 or Human Resources, 361-593-3705.

All complaints alleging domestic violence as well as dating violence, sexual assault and stalking will be reviewed and investigated using System Regulation 08.01.01, Civil Rights Compliance. The process of the regulation is explained below.

How to File a Disciplinary Complaint Under this Policy

All employees are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination is experienced by, observed by or made known to an employee, the employee is responsible for reporting that information to the Office of Compliance in person at Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu. An employee’s failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.

Only certain employees may keep complaints of discrimination confidential, such as licensed health care personnel and counselors at Student Health and Wellness who have completed a training program approved by the Attorney General of Texas, when acting in this capacity as part of their official employment. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it. Employees should inform student reporter(s) that confidential guidance can be obtained Monday – Friday from 8 a.m. to 5 p.m. at Student Health and Wellness in person at 1210 N. Retama St. or by phone at 361-593-3991. Employee reporter(s) may access confidential guidance at any time at Work/Life Solutions by GuidanceResources by phone at 1-866-301-9623 or on the website at http://www.guidanceresources.com (WEB ID: TAMUS). To the extent possible, the university will protect the privacy of all parties to the report.

Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to their supervisor or a university official, administrator or Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) involving employees promptly to the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.
An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor or the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An anonymous electronic reporting option for students and employees is available at the bottom of the Texas A&M University-Kingsville homepage where it says “Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline” and can be accessed at this link: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html.

An employee who becomes aware of sexual misconduct during the course of their employment cannot use the anonymous reporting option to satisfy responsible employee reporting obligations. Responsible employees must report known information to the Title IX Coordinator at the Office of Compliance, Lewis Hall, room 130.

An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint.

1. **How the University Determines Whether This Policy will be Used**
   The Office of Compliance will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. System Regulation 08.01.01, Civil Rights Compliance states:
   
   (a) If the information is insufficient, the Office of Compliance, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and
      (1) dismiss it as baseless;
      (2) close it for insufficient information to investigate; or
      (3) refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing.

   (b) If the information is sufficient, the Title IX Coordinator will forward the complaint to an appointed investigative authority within five business days of the determination to proceed with the investigation.

   (c) The designated office will provide written notification to the complainant(s) and the respondent(s) of:
        (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance;
        (2) the appointed investigative authority;
        (3) the appointed designated administrator;
        (4) interim protections imposed, if any; and
        (5) admonishments regarding cooperation and prohibiting retaliation.

   (d) A redacted version of the complaint will be given to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.

2. **Steps in the Disciplinary Process**
   The investigative authority will review each complaint, interview the complainant(s) and respondent(s) separately, interview witnesses (if applicable), review relevant documentation and/or evidence, and provide a draft report of their investigation to the Office of General Council (OGC) for review within 30 business days. Relevant documentation and/or evidence may include emails, voicemail, messages on social media, text messages, videos, pictures, etc. Complainant(s) with relevant documentation and/or evidence are encouraged to preserve the information for the investigative authority.
The Office of General Council (OGC) for the Texas A&M University System will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will then have five business days to finalize the report and submit it directly to the designated administrator.

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

**For alleged incidents that occurred before August 14, 2020, the following process applies:**

For a complaint against an employee or third party, the designated administrator will review the investigation report and provide a draft decision to OGC for review within five business days after receiving the investigative authority’s report. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The designated administrator will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. In cases where the allegations are substantiated, the final decision will also be provided to the respondent’s supervisor.

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

The complainant and/or the respondent may appeal the decision and sanctions in a sex discrimination case involving domestic violence as well as dating violence, sexual assault and stalking if there was a procedural error, that materially impacted the investigation, if there is new, material evidence that was not available during the investigation or if a party believes the resulting sanctions are disproportionate to the severity of the incident.

Appeals of sanctions against an employee must be filed with the Chief Ethics and Compliance Officer within three business days of notification of the sanction, and will be processed in accordance with System Policy 12.01, Academic Freedom, Responsibility and Tenure; System Policy 32.01, Employee Complaint and Appeal Procedures; System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members; System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees; and/or other System policies/regulations or university rules/procedures as appropriate (After August 14, 2020, appeals may be filed within five business days).

If the respondent is an employee or third party, the appellate authority will provide a draft decision to OGC for review within five business days after receiving the appeal(s). OGC will coordinate with SECO and provide its review of the draft decision within five business days. The appellate authority will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. If the complaint on appeal is substantiated, the respondent’s supervisor will also be informed.

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

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical.
Employees appealing sanctions issued pursuant to System Regulation 08.01.01, Civil Rights Compliance will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

For alleged incidents that occurred after August 14, 2021, the following process applies:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.

A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decisionmaker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also
not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reached during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution

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

3. Decision-Making Process
Upon receipt of the report, the designated administrator will review the report, including exhibits, and render a finding in writing to the complainant(s), respondent(s), and investigative authority. The designated administrator may conclude (1) there was sufficient evidence to substantiate the allegation, (2) there was sufficient evidence to unsubstantiate the allegation, or (3) there was insufficient evidence to substantiate the allegation. As of August 14, 2020, the designated administrator will consist of a three-person hearing panel guided by a hearing facilitator, and a decision will be render a finding after a hearing per System Regulation 08.01.01, Civil Rights Compliance.

4. Standard of Evidence
In all investigations and subsequent decisions involving allegations of domestic violence as well as dating violence, sexual assault and stalking, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

5. Possible Sanctions
When an employee is found to have committed acts of domestic violence as well as dating violence, sexual assault, or stalking (as defined by System Regulation 08.01.01, Civil Rights Compliance) against another member of the university or agency community, the sanction will be termination of employment.

6. Range of Supportive measures Available to a Victim Alleging Misconduct
Students reporting allegations of domestic violence as well as dating violence, sexual assault and stalking may receive supportive measures. Supportive measures will be provided, as appropriate, based on the circumstances of the allegation. Supportive measures may be provided at any point in the process and may include:

- Paid administrative leave
- Orders of No Contact
- Change in housing
- Schedule changes
- Safety plans including scheduling access to shared university amenities
- Assistance with accessing forensic evidence by a Sexual Assault Nurse Examiner (SANE)
- Assistance with accessing free counseling with the Work/Life Solutions EAP Services
- Assistance with accessing free counseling at Student Health and Wellness, for student reporters
- Assistance with reporting to the University Police Department
- Assistance with accessing resources available off campus
- Safety Escorts available through the University Police Department
- Requesting increased patrol of the University Police Department in a certain area

All employees must, and students should, cooperate fully with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance. Employees failing to cooperate with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance may be disciplined, up to and including dismissal. No employee may retaliate against a person for filing a complaint or participating in an investigation under System Regulation 08.01.01, Civil Rights Compliance. Employees found to have retaliated, or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including dismissal. Prohibited conduct includes, but is not limited to:

- attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;
- removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the investigation; or
- providing false or misleading information to the Title IX Coordinator, other designated official appoint to review complaints, or the investigative authority who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

Universities may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of domestic violence as well as dating violence, sexual assault and/or stalking.

Texas A&M University-Kingsville’s Non Discrimination Statement details our commitment to equal employment and educational opportunity. In conformance with federal and state law and university policy the institution is guided by the principle that there shall be no difference in the treatment of individuals because of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, veteran status or genetic information. Equal opportunity and access to programs shall be available to all members of the university community, both students and employed personnel at every level, and to all units, facilities, and services of the university.

In the employment of all personnel, the university recognizes that, as a public agency, it has a further commitment: it is obligated to support federal and state policies which seek to achieve equal opportunity in employment for members of underrepresented groups, women, individuals with disabilities, and Vietnam era and disabled veterans. As used in this
document, underrepresented groups will include African-American, Hispanic, Asian, Hawaiian/Pacific Islander, and American Indian/Alaskan Native. Two important concepts are embodied in equal employment opportunity:

1. Nondiscrimination
2. Affirmative Action

Affirmative action requires more than employment neutrality. It requires Texas A&M University-Kingsville to make efforts to recruit, employ, retain, and promote qualified women, members of underrepresented groups, individuals with disabilities, and Vietnam era and disabled veterans. The affirmative action concept requires positive action to insure against perpetuation of benign neutrality in employment practices.

**Appeal of Results of Sex-based Misconduct / Sexual Harassment and/or Related Retaliation Reviews**

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student as a complainant, the appeal must be made in writing to the Chief Ethics and Compliance Officer, 361-593-4758 or a designee within three business days after notification of the initial decision (After August 14, 2020, appeals may be filed within five business days). Appeal requests will be reviewed for merit and if filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant is required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Dean of Students (361-593-3606).

With respect to allegations of sex discrimination, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or respondent(s), but only on the following bases, as applicable:

a) a procedural error or omission that significantly impacted the outcome;

b) new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome;

or

c) the appropriateness or severity of the sanctions.

As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

An employee disciplined pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal that action in accordance with System Policy 12.01, Academic Freedom, Responsibility and Tenure; System Policy 32.01, Employee Compliant and Appeal Procedures; System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees; and/or other system policies and regulations as appropriate.

Employees appealing sanctions issued pursuant to System Regulation 08.01.01, Civil Rights Compliance will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

**Procedures for Student Conduct Cases Involving Sexual Misconduct**

Student conduct proceedings related to sexual misconduct will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking.
The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. A counselor, police or victim should report allegations of sexual misconduct to the Office of Compliance, 361-593-4758.

All complaints alleging domestic violence as well as dating violence, sexual assault and stalking will be reviewed and investigated using System Regulation 08.01.01, Civil Rights Compliance. The process of the policy is explained below.

**How to File a Disciplinary Complaint Under this Policy**

All employees are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination is experienced by, observed by or made known to an employee, the employee is responsible for reporting that information to the Office of Compliance in person at Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu. An employee’s failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.

Only certain employees may keep complaints of discrimination confidential, such as licensed health care personnel and counselors at Student Health and Wellness who have completed a training program approved by the Attorney General of Texas, when acting in this capacity as part of their official employment. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it. Employees should inform student reporter(s) that confidential guidance can be obtained Monday – Friday from 8 a.m. to 5 p.m. at Student Health and Wellness in person at 1210 N. Retama St. or by phone at 361-593-3991. Employee reporter(s) may access confidential guidance at any time at Work/Life Solutions by GuidanceResources by phone at 1-866-301-9623 or on the website at [http://www.guidanceresources.com](http://www.guidanceresources.com) (WEB ID: TAMUS). To the extent possible, the university will protect the privacy of all parties to the report.

Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to their supervisor or a university official, administrator or Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) involving employees promptly to the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor or the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An anonymous electronic reporting option for students and employees is available at the bottom of the Texas A&M University-Kingsville homepage where it says “Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline” and can be accessed at this link: [https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html](https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html).

An employee who becomes aware of sexual misconduct during the course of their employment cannot use the anonymous reporting option to satisfy responsible employee reporting obligations. Responsible employees must report known information to the Title IX Coordinator at the Office of Compliance, Lewis Hall, room 130.

An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint.

As of August 14, 2021, the university does not have actual notice of an incident of sexual harassment or sex-based misconduct until a university official with the authority to institute corrective measures has been notified. Individuals with the authority to institute corrective measures at the university include: the CEO, the Title IX Coordinator, Deputy Title IX Coordinators, The Office of Human Resources, Office of the Provost, and Office of the Dean of Students. An
employee with authority to institute “corrective measures” means an employee with authority to redress harassment for complaints involving only Title IX and sex-based misconduct.

1. **How the University Determines Whether This Policy will be Used**

The Title IX Coordinator or other designated official will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. System Regulation 08.01.01, *Civil Rights Compliance* states:

(a) If the information is insufficient, the Office of Compliance, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and
   (1) dismiss it as baseless;
   (2) close it for insufficient information to investigate; or
   (3) refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing.

(b) If the information is sufficient, the Title IX Coordinator or other designated official will forward the complaint to an appointed investigative authority within five business days of the determination to proceed with the investigation.

(c) The Title IX Coordinator or other designated official will provide written notification to the complainant(s) and the respondent(s) of:
   (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, *Civil Rights Compliance*;
   (2) the appointed investigative authority;
   (3) the appointed designated administrator;
   (4) interim protections imposed, if any; and
   (5) admonishments regarding cooperation and prohibiting retaliation.

For student respondent(s), When a student respondent(s) is charged with violating a conduct rule(s), both the complainant(s) and the respondent(s) will be provided, to the fullest extent permitted by law, an unredacted copy of the investigation report (without exhibits) prior to a decision being rendered by the designated administrator. If requested, access to exhibits, which may be redacted, may be provided. As of August 14, 2020, the parties will have 10 business days to review a copy of the final draft before it is submitted to the hearing facilitator and 10 business days to review the final investigative report prior to a pre-hearing conference with the hearing facilitator.

2. **Steps in the Disciplinary Process**

The investigative authority will review each complaint, interview the complainant(s) and respondent(s) separately, interview witnesses (if applicable), review relevant documentation and/or evidence, and provide a draft report of their investigation to OGC for review within 30 business days. Relevant documentation and/or evidence may include emails, voicemail, messages on social media, text messages, videos, pictures, etc. Complainant(s) with relevant documentation and/or evidence are encouraged to preserve the information for the investigative authority.

The Office of General Council (OGC) for the Texas A&M University System will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will then have five business days to finalize the report and submit it directly to the designated administrator.
The designated administrator will review the report and render a finding in writing to the parties within five business days. If the designated administrator renders a finding that there is sufficient evidence of a violation of System Regulation 08.01.01, Civil Rights Compliance the report will be provided to the Sexual Misconduct Hearing Board. The hearing will take place no earlier than three business days from the rendered decision. Once the hearing has concluded, the Sexual Misconduct Hearing Board will have five business days to render a written decision including any applicable sanctions unless circumstances require additional time.

For alleged incidents that occurred after August 14, 2021, the following process applies:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.

A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decisionmaker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to
prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reaching during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution.

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

With respect to allegations of sexual misconduct and/or related retaliation, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), a. Appeals of disciplinary action as a result of a sexual misconduct or related retaliation complaint must be in writing and made on the basis of one or more of the following grounds:

1) A procedural error or omission occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error or omission and how it impacted the outcome.

2) New evidence, unknown or unavailable during the investigation has come to light, that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation.
3) The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.

4) As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation. The reason(s) supporting this must be stated in writing upon the appeal.

In sex discrimination cases where the respondent is a student, appeals of the decision must be made in writing within three business days after notification of the initial decision and directed to the Senior Student Affairs Officer (Acting Director of Student Affairs) or a designee, in accordance with the TAMUK Student Code of Conduct (After August 14, 2020, appeals may be filed within five business days). The Senior Student Affairs Officer may handle the appeal or designate an appeals officer at his or her discretion to another administrator who has received adequate and relevant training about sexual misconduct. Appeal requests will be reviewed for merit and if filed in a timely manner.

On appeal, the burden of proof rests with the appellant to show that an error has occurred during the hearing process. In order to avoid the appearance of a conflict of interest, appeals of these bases must be directed to an authority who had no previous involvement and/or participation in the investigation and/or decision.

The procedures governing the hearing of appeals include the following:

1) All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

2) The Senior Student Affairs Officer/Appeals Officer shall have 5 business days after receiving the appeal(s) to review the case and provide a draft decision to OGC for review. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The Senior Student Affairs Officer /Appeals Officer will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigators.

3) Circumstances may warrant extensions to the time frames. The Senior Student Affairs Officer /Appeals Officer should send extension requests, if needed, to the office or individual(s) who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.

4) The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The Senior Student Affairs Officer / Appeals Officer may at his/her discretion meet with the parties to determine a decision.

5) Upon review of the appeal, the person or body conducting the appeal may uphold, modify, send back the case to the original hearing body for further consideration or completely reverse the original decision as appropriate. A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code.

6) The Senior Student Affairs Officer /Appeals Officer will render a written decision on the appeal to all parties which shall include the rationale forming the basis for the decision. The decision is final and may not be further appealed.

7) If the Senior Student Affairs Officer /Appeals Officer determines that new evidence should be considered, it will return (remand) the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.

8) If the Senior Student Affairs Officer /Appeals Officer determine that a material procedural (or substantive) error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. The results of a reconvened hearing cannot be appealed. In cases where
the error cannot be cured by the original hearing officers (as in cases of bias), the appeals officer or body may order a new hearing on the complaint with a new body of hearing officers. The results of a new hearing can be appealed once based upon the grounds for appeals stated above.

9) If the Senior Student Affairs Officer /Appeals Officer determines that the sanctions imposed are substantially disproportionate to the severity of the violation, the matter will be returned to the hearing body. The hearing body will review the case, and may then increase, decrease or otherwise modify the sanctions. This decision is final.

10) Circumstances may warrant an extension of the time frame in this section. Both the complainant(s) and respondent(s) will be notified in writing simultaneously of any extensions or decisions made.

11) Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with Rule 08.01.01.K1, Civil Rights Compliance and/or code of conduct for student grievances.

3. Decision-Making Process

Upon receipt of the report, the designated administrator will review the report, including exhibits, and render a finding in writing to the complainant(s), respondent(s), and investigative authority. The designated administrator may conclude (1) there was sufficient evidence to substantiate the allegation, (2) there was sufficient evidence to unsubstantiate the allegation, or (3) there was insufficient evidence to substantiate the allegation.

In cases where the designated administrator makes a finding of sufficient evidence to substantiate the allegation, the complaint will be referred to a hearing. If the complaint is referred to a hearing, the Dean of Students Office will select three individuals from a pool of trained adjudicators to hear the case as members of the Sexual Misconduct Hearing Board. The Dean of Students will also appoint one of the three members to serve as the chairperson. The hearing will be conducted in conformance with the Sexual Misconduct Hearing Procedures. It is the responsibility of the Sexual Misconduct Hearing Board to provide for a prompt and fair consideration and resolution of the case through a formal hearing process. The proceedings are not judicial trials. Prior to August 14, 2020, the respondent and complainant may choose an advisor, to accompany, but not represent, him or her during a hearing.

As of August 14, 2020, the parties to a complaint may direct their advisors to question the investigative authority, opposing party and witnesses during cross-examination. If the investigative authority, witnesses, or opposing party fail to submit answer a question during cross-examination, all prior statements may not be considered during deliberations by the hearing panel. If a party does not have an advisor, the university may appoint a trained advisor to be present for cross-examination during the hearing.

During the hearing, the investigative authorities will present the information from their investigative report on behalf of the university. Both the respondent and the complainant will be given the opportunity to support or rebut information presented before the hearing board.

After the testimony phase of the hearing is concluded, the members of the Sexual Misconduct Hearing Board will go into closed session to deliberate on the charges. Determination of responsibility will be made on the basis of a preponderance of the evidence standard. Decisions from the Sexual Misconduct Hearing Board are made by majority vote. If the respondent is found not responsible then the hearing board concludes the process. If the respondent is found responsible for one or more violations of the Student Code of Conduct, the hearing board will determine sanctions for the student after being informed of the student’s conduct status with the University.
Prior to August 14, 2020, the Sexual Misconduct Hearing Board will have five (5) days to render a written decision including any applicable sanctions unless circumstances require additional time. For sexual misconduct hearings, a written statement of the findings, including rationale, the formal action to be taken by the University and a description of the appeals process will be sent to the respondent and the complainant simultaneously (meaning without substantial delay between the notifications to each) by the Dean of Students Office. The Sexual Misconduct Hearing Board is expected to consult with the Texas A&M University System Counsel and/or the System Ethics and Compliance Office, through the Dean of Students, to assure that its procedures are legally sound and fair to all parties.

As of August 14, 2020, the Sexual Misconduct Hearing Board will submit a draft decision two (2) business days after the hearing to SECO and OGC. SECO and OGC will then have three (3) business days to provide the hearing facilitator with their review of the draft decision. The hearing facilitator, in consultation with the Sexual Misconduct Hearing Board, will finalize the decision and provide it to the parties within three (3) business days.

4. Standard of Evidence
In all investigations and subsequent decisions involving allegations of domestic violence as well as dating violence, sexual assault and stalking, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

5. Possible Sanctions
Sanctions may have educational, restorative and rehabilitative components for students. Examples of sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling, “no contact” order, probation, suspension, and student expulsion from an educational institution. For students, expulsion is a disciplinary action taken to teach them that their actions and conduct have consequences, which includes ineligibility to continue as a member of the educational community.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion. (As of August 14, 2020, dating and domestic violence replaced the words sex-based violence.)

Students found responsible for other acts involving domestic violence as well as dating violence, sexual assault and stalking may receive sanctions which can include:

1) Disciplinary warning
2) Disciplinary probation
3) Disciplinary suspension
4) Disciplinary expulsion
5) Required counseling
6) Required training
7) Other required activities which requires student reflection.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person who are allowed to return to a member university after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors. (As of August 14, 2020, “sex-based violence and/or nonconsensual sexual penetration of another person” was replaced with “sexual harassment,
sexual assault, and dating violence, domestic violence, stalking based on sex, and/or other sex-based misconduct.”"

For other sexual violence acts involving domestic violence as well as dating violence, sexual assault and stalking, the student’s eligibility to represent the university in extracurricular activities, both on and off campus will be evaluated by a designated panel. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student’s participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

6. Range of Supportive measures Available to a Victim Alleging Misconduct

Students reporting allegations of domestic violence as well as dating violence, sexual assault and stalking may receive supportive measures. Supportive measures will be provided, as appropriate, based on the circumstances of the allegation. Supportive measures may be provided at any point in the process and may include:

1) Orders of No Contact
2) Change in housing
3) Schedule changes
4) Safety plans including scheduling access to shared university amenities
5) Assistance with accessing forensic evidence by a Sexual Assault Nurse Examiner (SANE)
6) Assistance with accessing free counseling at Student Health and Wellness
7) Assistance with reporting to the University Police Department
8) Assistance with accessing resources available off campus
9) Safety Escorts available through the University Police Department
10) Requesting increased patrol of the University Police Department in a certain area

Student complainant(s) or Respondent(s) of allegations involving domestic violence as well as dating violence, sexual assault, and stalking may also request accommodations during the hearing process. Prior to August 14, 2020, Students may be provided separate waiting areas during a hearing and a privacy screen during a hearing to separate parties. As of August 14, 2020, parties may attend the hearing virtually, but must remain visible during the hearing.

All employees must, and students should, cooperate fully with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance. No student may retaliate against a person for filing a complaint or participating in an investigation under System Regulation 08.01.01, Civil Rights Compliance. Students found to have retaliated, or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including expulsion. Prohibited conduct includes, but is not limited to:

(a) attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;
(b) removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the investigation; or
(c) providing false or misleading information to the Title IX Coordinator, other designated official appoint to review complaints, or the investigative authority who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

Universities may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process.
Regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of domestic violence as well as dating violence, sexual assault and/or stalking.

**Inquiry and Investigation**

When the university is made aware of a potential violation, an inquiry or investigation will be initiated to determine what occurred and then take appropriate steps to resolve the situation. All employees must, and students should, cooperate fully with those performing an investigation pursuant to University System Regulation 08.01.01, Civil Rights Compliance. Employees failing to cooperate with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance may be disciplined, up to and including dismissal. No employee or student may retaliate against a person for filing a complaint or participating in an investigation under Regulation 08.01.01, Civil Rights Compliance. Employees or students found to have retaliated or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including dismissal or expulsion. Prohibited conduct includes, but is not limited to:

a. attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;

b. removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the investigation; or

c. providing false or misleading information to member officials who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

**Initial Review by Title IX Coordinator or Deputy Coordinator**

The Title IX Coordinator or Deputy Coordinator will conduct an initial review of information in a sexual misconduct report or complaint to determine if there is sufficient information to proceed with an investigation, or if additional information is needed.

a. If the information is sufficient, the Title IX Coordinator will forward the complaint/report to an appointed investigative authority within 5 business days of receipt.

b. If the information is insufficient, the Title IX Coordinator or Deputy Coordinator, in consultation with the System Ethics and Compliance Office, may conduct an inquiry into the circumstances of the complaint or report and:

   1. Dismiss the complaint as baseless;

   2. Close the complaint for insufficient information to investigate;

   3. Refer the complaint to the office(s) which has responsibility for such complaints.

The Office of Compliance will notify the complainant of such action in writing.

**Due Process Rights of Both Parties for Sexual Misconduct and/or Related Retaliation**

A student or student organization alleged to have engaged in misconduct shall have the right of due process as delineated in the Student Code of Conduct. Additional provisions are in place for cases involving immediate interim suspension of a student for exigent circumstances and adjudication of Sexual Misconduct Policy violations which are detailed in the Student Handbook: [http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf](http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf). (For incidents that occurred after August 14, 2020, students may not be placed on immediate interim suspension, and additional provisions are in place for temporary removal on an emergency basis.)

Both the reporting party and the respondent are entitled to due process and fair and equitable procedures in all facets of the complaint, investigation and adjudication process and shall be:

- Provided access to support services from the university at their request.
- Informed of the investigation and adjudication procedures.
- Allowed to choose to participate or decline to participate in the process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available.
• Allowed to discuss any conflicts of interest (real or perceived) arising from prior interactions by those handling the Title IX grievance procedures.
• Allowed to have an advisor present during the investigation and adjudication proceedings. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case. As of August 14, 2020, the advisor will assist their advisee with questions during the hearing.
• Given the opportunity to present witnesses and submit other evidence on their behalf to the investigators.
• As of August 14, 2020, provided ten business days to review the draft investigation report before the report is submitted to the hearing facilitator.
• As of August 14, 2020, provided ten business days to review the final report before a pre-hearing conference with the hearing facilitator.
• Notified in writing of the results/outcome of the complaint and subsequent action.

Investigation Procedures

1. When a decision is made to forward an investigation to an investigative authority for allegations of sex-based misconduct/sexual harassment and/or related retaliation, the Title IX Coordinator or Deputy Coordinator will appoint two (2) investigating authorities to review the complaint/report unless circumstances warrant otherwise.
2. In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence, i.e., more likely than not.
3. The investigative authority will review the complaint, interview the complainant, respondent and witnesses (if applicable), review relevant documentation, consult with subject matter experts as appropriate, and review other available evidence or information. The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. The investigative authority may also consult with appropriate management personnel, including but not limited to, the Dean of Students, the Title IX Coordinator, System Office of General Counsel, and/or the System Ethics and Compliance Office for advice and guidance, as applicable. The investigative authority will provide a draft report on the merits of the allegations to the Office of General Counsel (OGC) for legal sufficiency review within 30 business days of receipt of the complaint.
4. The investigative authority’s investigation report may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence. In some instances, after investigation, offensive conduct might not be sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s work or educational performance, or creates an intimidating or hostile work or educational environment. Nevertheless, the investigators may still determine that the offensive conduct did occur and note that in the report for review under the Student Conduct Process to determine if there was a violation of university rules or policies, including the Student Code of Conduct or other published rules of the university. As of August 14, 2020, the investigative report will no longer include a section that concludes if each allegation is substantiated, unsubstantiated, or there is insufficient evidence to substantiate.
5. Prior to August 14, 2020, OGC will coordinate with SECO and provide its review to the investigative authority within 10 business days. The investigative authority will have five (5) business days to finalize the final draft report and submit it to the designated administrator. As of August 14, 2020, the investigative authority will provide the parties with a ten (10) business day review. The parties will be able to submit comments to the investigative authority at the end of the review period.
6. As of August 14, 2020, the investigative authority will have five (5) business days to make any changes, if needed, and submit the final report to OGC and SECO for review.
7. As of August 14, 2020, OGC and SECO will then have five (5) business days to submit their review to the investigative authority within five (5) business days, unless waived.
8. As of August 14, 2020, The investigative authority will then have five (5) business days to submit the final report to the hearing facilitator, unless OGC and SECO waived their review.
9. Circumstances may warrant extensions to the time frames in this section. The investigative authority should send an extension request, if needed, to the office or individual who appointed them. Both the complainant(s) and respondent(s) should be notified in writing.
10. The complainant and respondent will be notified simultaneously of the conclusion of the investigation and the availability of the investigative report for review.
11. The Dean of Students or designee serves as the hearing facilitator for cases where the student is a respondent. Prior to August 14, 2020, upon receiving the investigation report, The Dean of Students has five (5) business days to notify the parties of his/her decision to refer the case to the hearing panel or not. After August 14, 2020, the Dean of Students will provide the final report to the parties for a ten (10) business day review before scheduling a pre-hearing conference.
12. As of August 14, 2020, after the pre-hearing conference, if the parties did not resolve the complaint through an administrative conference, a hearing will be scheduled no earlier than five (5) business days after the pre-hearing conference.
13. As of August 14, 2020, the hearing facilitator will provide the decision from the Sexual Misconduct Hearing Board to the parties within eight (8) business days.
14. Circumstances may warrant an extension of the time frame in this section. Both the respondent and the complainant will be notified of extensions and the outcome of the investigation simultaneously.

Sex-based Misconduct / Sexual Harassment and Related Retaliation Hearing Procedures
If it is determined to refer the case to a hearing panel, the Dean of Students will oversee the process. The Dean of Students Office will compile the information from the investigative authority, as well as inform all of the parties of the date, time and location for the hearing.
   a. The Dean of Students Office will provide written notification of the hearing to the participants at least five (5) business days prior to the hearing.
   b. Determinations during the hearing, will be made using the preponderance of the evidence standard, which asks whether it is “more likely than not” that the alleged sexual misconduct occurred.
   c. The complainant and/or respondent are allowed to choose to participate or decline to participate in the hearing review process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available. (Additionally, after August 14, 2020, if the parties don’t submit to cross-examination at the hearing, the hearing panel cannot consider any prior statements by that party made during the investigation.)
   d. Each party may have an advisor of their choice present at the hearing. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case. (After August 14, 2020, the advisor will conduct cross-examination for their advisee.)
   e. The formal hearing will be held as scheduled even in the absence of the complainant or respondent, unless such absence is for good and sufficient cause. Note: this hearing is not a criminal proceeding. Related criminal charges are handled separately.
   f. The University Sexual Misconduct Hearing Board will convene the hearing to conduct a review of the investigation results arising from sex-based misconduct/sexual harassment and/or related retaliation cases.
      1) The purpose of the hearing will be to review the investigative authority’s written report, to work to resolve any issues with the report, provide an opportunity for the complainant or respondent to answer questions and offer rebuttal or support of the completed report, to clarify any questions the board may have about the incident and report, and to deliberate on the outcome and sanctions (if a student is found responsible).
      2) Any evidence submitted during the hearing review in rebuttal to or in support of the investigation report must be material and relevant to the issue under consideration as determined by the chair of the hearing board, and may be accepted or rejected by the hearing board.
      3) Parties to the hearing may not personally question or cross-examine each other during the hearing. As of August 14, 2020, the party’s advisor will conduct cross-examination for their advisee.
g. After the review phase of the hearing is concluded, members of the hearing board will deliberate on the charges in closed session. Determination of responsibility will be made on the basis of a preponderance of the evidence. As a result of the hearing, the Sexual Misconduct Hearing Board may take one of the following actions:

1) The respondent may be found not responsible for a violation of the sex-based misconduct/sexual harassment and any other applicable charge(s). If the respondent is not found responsible, then the deliberations conclude. While no sanctions are imposed, the Designated Administrator may determine if specific interim measures should continue in place and notify all parties.

2) The student may be found responsible for a violation of the sex-based misconduct/sexual harassment or any other applicable charge(s). If the respondent is found responsible for one or more violations of the Student Code of Conduct, the hearing board will discuss sanctions for the student after being informed of the student’s conduct status with the University.

3) Sanctions may have educational, restorative, rehabilitative, and/or punitive components. These include but are not limited to a written warning, reprimand, required training and/or counseling, restrictions, probation for a definite or indefinite period, suspension for a definite or indefinite period, employee termination, and/or expulsion from the institution.

h. Parties will be notified simultaneously, in writing, of the results of the institutions disciplinary procedures; appeal procedures; any change(s) as a result of the appeal process; and/or when the result becomes final.

**Appeal of Results of Sex-based Misconduct / Sexual Harassment and/or Related Retaliation Hearing Reviews**

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student, the appeal must be made in writing to the Director of Student Affairs or a designee within three business days after notification of the initial decision (After August 14, 2020, appeals may be filed within five business days). Appeal requests will be reviewed for merit and that the appeal was filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant and respondent are required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Dean of Students (361-593-3606).

With respect to allegations of sex discrimination, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or respondent(s), but only on the following bases, as applicable:

1) a procedural error or omission that significantly impacted the outcome;
2) new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
3) the appropriateness or severity of the sanctions.

As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with the member rule and/or code of conduct for student grievances.

**Status of Students During An Appeal**
Pending final action on a disciplinary charge or appeal, the student’s status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:
1) when the university has imposed immediate interim suspension action;
2) when a “disciplinary hold” is placed on the student’s academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
3) when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or
4) to assist with maintaining order on campus in incidents involving serious cases of class /facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

Once a student or organization has been finally assessed a disciplinary sanction and the appeals process is complete, no more severe major sanctions may be assessed against the student or organization by any higher university authority for the infraction in question except in instances where the student or organization does not comply with the initial sanctions that have been imposed.

**Disciplinary Sanctions**

When found responsible for a violation of the Student Code of Conduct, sanctions may be imposed upon any student or organization. The student or organization may be levied a sanction or combination of sanctions. As part of the notification of disciplinary action undertaken, the student or student organization will be notified in writing of the sanctions imposed, their duration, stipulations and deadlines for completion.

Students may be placed on probation with appropriate disciplinary sanctions, suspended or expelled, for committing violent or criminal acts on campus or at campus-related events. In compliance with federal and state laws and regulations, victims of violent crimes, including sexual assaults, will be informed whenever information regarding disciplinary action taken by the university is included in a student file. Both parties are notified simultaneously in writing of the disciplinary outcome and may appeal the outcome.

The sanctions identified below are not inclusive and may be levied in any combination.

1. **Warning:** A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
2. **Probation:** a written reprimand for violation of specified regulations. Probation is for a designated period of type and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
3. **Loss or Restriction of Privileges or Activities:** The withdrawal of the use of services or privileges as a student or member of the community, or the loss of the privilege to participate in an activity or event for a designated period of time.
4. **Fines:** Previously established and published fines may be imposed.
5. **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. **Discretionary Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
7. **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media,
‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact lasts until such time as the office issuing the order has communicated to both parties that the order is lifted.

8. **Residence Hall Suspension:** Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.

9. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.

10. **University Suspension:** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.

11. **Immediate Interim Suspension:** – Separation from the university without first receiving notice or a hearing for an initial period up to 10 calendar days. This sanction may be imposed by the President or designee if he/she determines the student poses a continuing danger to persons or property, or the student’s behavior is an ongoing threat of disrupting the academic process. The University will aspire to provide notice and an informational hearing no later than three class days after the day of the interim suspension. If the president or designee believes it is in the best interest of the campus community that the student should not return, the university shall initiate its formal hearing procedures for long-term suspensions or expulsions prior to the expiration of the interim suspension. The student is not entitled to a refund of tuition and/or fees for the term in which the student is on interim suspension (As of August 14, 2020, students may not be removed from the university unless there it is on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with a member’s behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. Members shall designate the assignment of a hearing authority for this purpose.)

12. **University Expulsion:** Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.

13. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

14. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

**Student Disciplinary Records**

All outcomes of disciplinary proceedings administered under the Code of Conduct become part of the student’s educational record. Student disciplinary records are normally maintained for seven years from the date of the final decision in the Dean of Students Office. Student disciplinary records may be retained for as long as deemed administratively valuable or permanently if the student was suspended or blocked from enrollment. Expulsion records are kept permanently. Additionally, disciplinary records in cases involving gender-based or sex-based misconduct/sexual harassment shall be retained for as long as deemed administratively valuable or permanently.
Sex Offender Registration

Registered Sexual Offender Information: The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. In accordance with this act, the University Police Department is providing a link to the Texas Department of Public Safety site for registered sex offenders which can be found at the following Department of Public Safety link: https://records.txdps.state.tx.us/SexOffender/. This site allows individuals to search for registered sex offenders by physical address, registrant name, or institution name.

Other states may provide a free search for sex offenders. You may find the information at http://criminalcheck.com/ or at https://www.familywatchdog.us/Default.asp

Crime Statistics Overview

Reporting Requirements
The United States Department of Education, in its Higher Education Amendments of 1999, published final rules and regulations providing clarification for crime reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act. An institution must report statistics concerning the occurrence on campus, on related non-campus property and on public property of the following crimes:

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sex offenses, including rape, fondling, incest and statutory rape
- Aggravated assault
- Burglary
- Arson
- Motor-vehicle theft
- Robbery
- Statistics concerning the criminal offenses of murder, forcible rape and aggravated assault which manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, disability, national origin or sexual orientation, gender identity as prescribed by the Hate Crimes Statistics Act.
- Hate crime statistics concerning the above crimes which manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity, disability, national origin or sexual orientation as prescribed by the Hate Crimes Statistics Act, and
- Domestic violence, dating violence and stalking incidents that were reported to campus security authorities or local police agencies.

Additionally, statistics concerning the number of arrests and disciplinary referrals for the following crimes must be provided:

- Liquor-law violations
- Drug-related violations
- Weapon possession violations
**Hierarchy Rule**: A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted. There are exceptions to the Hierarchy Rule when counting arson, sexual assault, dating violence, domestic violence, stalking, and hate crimes within the criminal offenses categories.
The following information comes from a variety of sources, including the Department of Education’s Handbook for Campus Safety and Security Reporting (2011); Uniform Crime Reporting Handbook; Sex Offenses definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program; and definitions of domestic violence, dating violence, and stalking adapted from the amendments made to the Violence Against Women Reauthorization Act of 2013; and Texas statutes. The following definitions are used when preparing the annual disclosure of crime statistics.

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

**Arrest:** Persons processed by arrest, citation or summons.

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

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

**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; and where the existence of such a relationship shall be determined based on the 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but dating violence does not include acts covered under the definition of domestic violence.

Student Code of Conduct: Dating Violence – An act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm. (Texas Family Code 71.0021)(Texas A&M University System policy 08.01.01)

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse 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.

Student Code of Conduct: Domestic Violence – An act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or the threat of which reasonably causes fear of such harm.
Drug Law Violations: Violation of state and local 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 drugs or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The incident must be reported as a hate crime if evidence indicates bias in any of the Clery reportable crime categories (outlined above) or in one of the following crimes: larceny-theft; simple assault; intimidation; destruction, damage, or vandalism of property; or any other crime involving bodily injury.

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

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

3. **Sexual Orientation**: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

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

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

6. **Ethnicity**: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

7. **National Origin**: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness, Public Intoxication and driving under the influence are not included in this definition).

Location of Crime:

- **On campus**: Anywhere on the university campus, includes all properties owned by the university and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes; or reasonably contiguous to the area and owned by the university but controlled by another person, is frequently used by students and supports the institutional purpose.

- **Residence Facilities**: University owned or operated residential facilities (extracted from on campus statistics).
• **Non-campus Property**: Building or property owned or controlled by institution in direct support of or in relations to the institution’s educational purposes; is frequently used by students and is not within the same reasonably contiguous geographic area of the university, or is owned or controlled by a student organization that is officially recognized by the university.

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

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

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

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

**Non-campus building 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.

**Referred for Disciplinary Action**: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**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, or by putting the victim in fear.

**Sex Offenses**: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. The term “Sexual Assault” encompasses an offense that meets the definition of the following:

- **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 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**: Non-forcible 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.

**Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) Fear for the person’s safety or the safety of others, or B) 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.
B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

Examples of stalking behaviors include, but are not limited to, nonconsensual communication, including face-to-face contact, telephone calls, voice messages, email, texts, written letters; unwanted gifts; threatening or obscene gestures; pursuing or following; surveillance or other observation; trespassing; vandalism; and nonconsensual touching.

**Unfounded crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

**Weapon Law Violations:** Violations 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.
## Crime Statistics Tables

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities</th>
<th>Non-Campus Property</th>
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<tr>
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<td>2020</td>
<td>1</td>
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</tr>
</tbody>
</table>

2018: One unfounded crime  
2019: No unfounded crimes  
2020: No unfounded crimes

### Hate Crimes

Texas A&M University-Kingsville had no hate crimes reported in 2018, 2019 or 2020.
### Violence Against Women Act Crimes

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
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### Weapons, Drug and Alcohol Arrests and Disciplinary Referrals

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<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
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<td>Weapons- Disciplinary Referrals</td>
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<td>2020</td>
<td>5</td>
<td>5</td>
<td>0</td>
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</tr>
</tbody>
</table>
Locations of Crimes Reported by City of Kingsville Police Department:

The City of Kingsville Police Department responded to the Texas A&M University Kingsville request for crimes that occurred on streets that are adjacent to university campus or places the university owns or controls property. The statistics obtained from the City of Kingsville Police Department are included in the tables above.

The City of Kingsville Police Department was asked to provide Clery reportable crimes in the following streets and roadways adjacent to the Kingsville campus:

- 800 - 1300 blocks North Armstrong Street
- 800 – 1200 blocks of West Santa Gertrudis Avenue
- 800 – 1100 blocks of West Richard Avenue
- 700 – 1900 West Corral Avenue (FM 1898)
- 800 – 1400 N. Santa Rosa Drive
- 600 N. Retama Street
- 700 W. Avenue A
- 700 W. Nettie Avenue
- 700 W. Ella Avenue
- 2200 S. Brahma Boulevard
- 200 E. Kleberg Avenue/100 S. 7th Street
Kingsville Fire Department
The Kingsville Fire Department (361-592-6440/6445) provides services to Texas A&M University-Kingsville and area residents for the protection of life and property from fire and natural disasters. They maintain a standard of training which encompasses both a prompt response to emergencies and the safety of citizens. Firefighters promote community safety through public education and fire safety programs.

Emergency Response and Evacuation Procedures
Evacuation drills are coordinated by the Office of Enterprise Risk Management, Environmental Health and Safety Office and University Housing and Residential Life each fall, spring and summer semesters for all residential facilities at the Texas A&M University-Kingsville. The emergency evacuation procedures for each residential unit (University Village, Mesquite Village - West, Lewis Hall, Bishop Hall, Martin Hall and Lynch Hall) are tested at least twice each semester, once in each of the summer session for total of 6 drills per housing residential unit. University Housing and Residential Life conducts announced and unannounced drills. Students become familiar with 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. Students are also instructed on fire alarm pull stations and how to activate them in case of a fire or other emergency situation.

University Housing and Residence Life does not inform residents in advance about the designated long-term evacuations because those decisions are affected by the 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 all cases, UPD, Risk Management, Environmental Health and Safety, University Housing and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of the drills is to prepare building occupants for an organized evacuation in cases of an emergency. Evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. All occupants are instructed that in the cases where fire alarms are activated they must evacuate the building immediately. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of the fire alarm system components. Any deficient equipment is noted so that appropriate repairs can be performed. Students receive emergency information and procedures during their hall meetings. Additionally, students are provided promotional materials titled “Have an Exit Strategy” which are developed by the Texas State Fire Marshal’s Office. The university continues to inspect, test and replace fire detection equipment in residential halls as necessary.
Residence Hall Fire Safety Policy

All residence hall students must comply with directives related to building evacuations.

Fire extinguishers and exit signs are strategically located in each hall. These are for the protection of all residents and are expensive to replace. Persons abusing, removing, or tampering with any fire safety equipment, such as fire alarms, fire extinguishers exit lights, etc., are subject to removal from the residence hall, even on a first offense, and to other appropriate disciplinary action. All residents will be expected to participate when the hall staff conducts fire drills. As part of the fire safety program, the residence hall staff will conduct monthly health and safety inspections.

Reporting a Fire

University students and staff reporting a fire on campus should call the Texas A&M University-Kingsville Police Department (361-593-2611) or 911.

If the fire event is no longer a danger they should contact:
Texas A&M University-Kingsville Police Department, (361-593-2611)
Office of Enterprise Risk Management (361-593-2237),
Office of Environmental Health and Safety (361-593-4131), or,
Executive Director of University Housing and Residential Life (361-593-2139)
Texas A&M University-Kingsville Fire Marshal, (361-593-3183)

If the fire event concerned a campus residential unit, students or staff may also activate a fire alarm pull station, located throughout the residential halls, to begin immediate evacuation of the building and notify UPD of the fire.

Emergency Fire Procedures for Students and Employees

FIR(E2) Procedure

If you are involved in an emergency fire situation on the campus of Texas A&M University-Kingsville, implement the FIR(E2) procedure.

Find: If you see or smell smoke, investigate. You should try to determine the extent of the fire, the type of fire and the location of the fire.
Initiate: Alert the people in the vicinity to the danger as quickly as possible. Pull the fire alarm station and ask other people to assist in evacuation of the building. NEVER try to control a fire before other people in the building and UPD have been notified.
Report: Instruct someone to call UPD at extension 2611 to report the emergency. If you are alone – call UPD prior to any attempt at extinguishing the fire.
Extinguish or... Attempt to extinguish the fire ONLY if it is small enough to be contained AND you know how to use the extinguisher. Place yourself between the fire and an exit when using an extinguisher to prevent from being trapped.
Evacuate: If the fire cannot be extinguished – EVACUATE! Use the stairways to exit the building. Do not use elevators. As you exit the building, close as many doors as possible. Closed doors act as fire barriers.
Once outside, move to a safe meeting place away from the firefighters. Cooperate with the Building Emergency Manager(s) and other university emergency response staff to conduct roll of building occupants. The fire department should be notified if anyone is left in the building. Stay outside the building until the fire department and/or university officials have indicated that the building is safe to re-enter. UPD personnel will give the signal when it is safe for persons to re-enter the building.

- When you hear the fire alarm – LEAVE the area immediately, closing all doors behind you.
- Follow the main evacuation route, but be prepared to use an alternate evacuation route.
- If you must evacuate through smoke, get down and crawl. Heat and deadly smoke rise and cleaner air will be 12” to 24” above the floor.
- If you must open doors while evacuating, test the doors before opening. Use the back of your hand to touch the door, the door knob and the door frame. If they are cool, brace yourself against the door and slowly open the door; if smoke and heat are present, close the door and use an alternate evacuation route.
- Use stairways – NEVER use an elevator. In a fire, elevator shafts may fill with smoke, or may have power failure – leaving you trapped!
- Once outside, move to your designated assembly areas away from the firefighters. So the fire department if anyone is left in the building. Stay outside the building until the fire department has indicated that the building is safe to re-enter.

If you are Trapped

Stay Calm – you can take steps to protect yourself:

- If possible, go to a room with an outside window and a phone. Call UPD at extension: 2611 and give your exact location. If there is no phone – wave an object out the window (a sheet or jacket), to signal for help. Be ready to shut the window if smoke enters the room.
- Keep all doors between you and the fire closed. Cover all vents and seal cracks around the doors to keep out smoke.
- Be patient, trained rescue people will arrive to assist you.

For more fire safety information

Visit [http://www.tamuk.edu/compliance/risk/ehs/firesafety.html](http://www.tamuk.edu/compliance/risk/ehs/firesafety.html) or call the Environmental Health & Safety Office at 361-593-2646.

Fire Safety System and Training

Fire Safety System

Texas A&M University- Kingsville residence halls are protected by sprinkler, fire alarm and smoke detection systems which are monitored 24 hours a day, seven days a week by the University Police Department.

The University Fire Marshal conducts Life & Safety inspections of all the residence halls beginning in October. During this process each room is inspected for any fire hazards (extension cords, piggy back power surge, unauthorized cooking appliances, candles, etc.)
### Residential Halls – Fire Detection and Suppression Systems

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Sprinkler System</th>
<th>Fire Alarm System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Device</th>
<th>Evacuation Plans *</th>
<th>Number of Drills Per Year</th>
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</thead>
<tbody>
<tr>
<td>Bishop Hall 1210 W. Santa Gertrudis</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Lynch Hall 1110 W. Santa Gertrudis</td>
<td>No</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Martin Hall 1255 W. Engineering Avenue</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Turner Hall 1210 W. Santa Gertrudis</td>
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<td>Yes</td>
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<tr>
<td>Lucio Hall 1015 N. Retama</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Mesquite Village-West 1212 W. Avenue B</td>
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<td>Yes</td>
<td>Yes</td>
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</table>

* Evacuation plans are posted on the back of each residence hall room door.

### Plans for future improvement

Based on a comprehensive review of the fire alarm and suppression systems in the residence halls, the following is a list of future improvements (barring any unforeseen circumstances such as budgetary restrictions):

- In 2019 the University implemented a replacement process of the fire alarm systems for Lucio Hall. The anticipated completion date is 2021.
- A phased deferred maintenance/replacement plan has been approved for residential facilities. The anticipated completion date is 2024.

### Fire Safety Training

Faculty, staff and students should be aware of the location of fire safety equipment and building evacuation routes. For on-campus residents, fire evacuation plans and instruction are posted in-hall (posted in each residential unit) copies may be obtained through University Housing/Residence Life.

Resident Advisors have fire safety training each year. Fire safety information is discussed at the first floor meeting of the semester and each wing elects a Fire Marshall to assist the Resident Advisors during drills and evacuations. The University has also designated Building Emergency Managers (BEMs) to assist with emergencies including building evacuations in their respective areas. The BEMs receive annual emergency response training through the Office of Environmental Health & Safety.

Fire drills are also conducted each semester to ensure students understand emergency building evacuation procedures. Students must evacuate the building whenever an alarm sounds. Students who ignore evacuation instruction may be subject to conduct proceedings. Fire drills are also conducted each semester to ensure students understand emergency building evacuation procedures. Students must evacuate the building whenever an alarm sounds. Students who ignore evacuation instruction may be subject to conduct proceedings. The University Housing and Residence Life department schedules 4 or more fire drills for each housing unit, per academic year, usually 2 each semester (1 announced & 1 unannounced).

*Due to Coronavirus Pandemic, not all drills were conducted for calendar year 2020.
<table>
<thead>
<tr>
<th>Exercise/Location</th>
<th>Date</th>
<th>Time</th>
<th>Type</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Bishop Hall</td>
<td>2/17/2020</td>
<td>6:15 PM</td>
<td>Announced</td>
<td>Fire Drill &amp; Evacuation</td>
</tr>
<tr>
<td>Lucio Hall</td>
<td>2/17/2020</td>
<td>7:00 PM</td>
<td>Announced</td>
<td>Fire Drill &amp; Evacuation</td>
</tr>
<tr>
<td>Lynch Hall</td>
<td>2/17/2020</td>
<td>6:00 PM</td>
<td>Announced</td>
<td>Fire Drill &amp; Evacuation</td>
</tr>
<tr>
<td>Martin Hall</td>
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<td>Announced</td>
<td>Fire Drill &amp; Evacuation</td>
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<td>Announced</td>
<td>Fire Drill &amp; Evacation</td>
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<tr>
<td>Turner Hall</td>
<td>2/17/2020</td>
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<td>Announced</td>
<td>Fire Drill &amp; Evacation</td>
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<tr>
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<tr>
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<td>Fire Drill &amp; Evacation</td>
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<td>Fire Drill &amp; Evacation</td>
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<tr>
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<tr>
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<tr>
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<td>6:00 PM</td>
<td>Unannounced</td>
<td>Fire Drill &amp; Evacation</td>
</tr>
</tbody>
</table>

Tampering with emergency equipment such as fire extinguishers, fire alarms, or emergency exit signs is prohibited by state law and the University Code of Conduct.

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**Residence Hall Guidelines**

**Residence Hall Fire Safety at Texas A&M University- Kingsville**

There are a number of polices which address matters of health and safety in on-campus housing facilities.

Appliances allowed in the residence halls, provided they are in good condition and are UL approved, include:
• Coffee pots
• Hair dryers
• Stereos
• Televisions
• Radios

• Computers
• Small refrigerator (maximum is 2 cubic feet)
• Microwaves are permitted in the kitchenette area of Lucio Hall but not in the student’s room

For health and safety reasons, the following Items are prohibited in the halls:
• Microwave/toaster ovens (exception—Microwaves are allowed in the kitchenette areas of Lucio Hall)
• Hot pots
• Air conditioning units/space heaters
• Hot plates
• Extension cords
• Propane stoves

• Hamburger cookers
• Steno stoves
• Candles and incense
• Oven broilers
• Open flame or electrical stoves/grills
• Hot oil popcorn poppers
• Halogen lamps

Residents of on-campus housing are expected to not:
• Overload electrical circuits
• Leave hairdryers or irons plugged in when not in use
• Touch fire sprinkler heads
• Use fireworks

• Hang flammable materials near your bed
• Ignore a fire drill
• Tamper with safety fixtures and devices (i.e. stairs, railings, emergency lighting and equipment, electrical controls, smoke alarms, etc.)

The Residence Life staff will conduct monthly health and safety inspections. Possession of prohibited items or the misuse of restricted Items will result in the item(s) being confiscated by hall staff until the resident is able to properly remove the Item(s) from the premises. Additionally, students are subject to conduct action.

Candles/Incense/Cooking
The possession or burning of candles, incense and other highly flammable items is prohibited. Open flames are not permitted in the residence halls. Fire safety regulations do not permit cooking in student rooms or the use or possession of microwave ovens, broiler ovens, hot plates, or other related appliances with exposed heating elements. Prohibited items are subject to confiscation.

Smoking
In order to ensure a safe, healthy and pleasant work, educational and living environment, Texas A&M University-Kingsville maintains rules and guidelines that limit smoking on all university owned or leased property.

Areas in which smoking is prohibited (except as noted in this role): Smoking is prohibited in all "No Smoking" areas and in all university-owned buildings, athletic stadium seating areas, retail service areas and all vehicles owned or leased by Texas A&M University-Kingsville.

Areas and circumstances in which smoking is permitted:
• On university property, smoking is permitted in open-air areas outside of buildings at a distance of at least 20 feet from any entrance door or window so that second hand smoke will not interfere with the occupants of the buildings or individuals entering and exiting the buildings. In athletic stadiums, smoking is permitted downwind and at least 20 feet away from the seating and vending areas
• University student artists or actors who participate in authorized performances will be allowed to smoke as part of an artistic production provided that appropriate disposal receptacles and smoke filtration units are available and the audience is informed prior to the performance.
If approved by the Provost and Vice-President for Academic Affairs, smoking is permitted by participants in academic research projects involving smoking provided that it is conducted in a designated area and informational signs are posted indicating the presence of tobacco smoke. The Principal Investigator must have a smoke filtration unit operating during the smoking event.

Compliance and fire safety: This rule relies on thoughtfulness, consideration and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the Texas A&M University-Kingsville community to observe the provisions and comply with the spirit and intent of this rule. It is expected that smokers will utilize proper receptacles to contain the ignited tobacco and will properly discard all smoking materials in a manner as to prevent fire hazards.

Fire Log, Definitions and Fire Statistics

Police Daily Crime Log and Fire Log
The University Police Department provides a daily fire log for all reported fires that occur in on-campus housing facilities for the previous 60-day period. Fire logs are chronological lists of fires occurring in Texas A&M University-Kingsville residence halls during a calendar year. The logs list the date, time, incident number, general location, nature of incident, cause, number of deaths, number of injuries requiring treatment, and dollar loss. These logs are available to any member of the public upon request are updated in accordance with federal regulations, within 2 business days of reported incidents. Any portion of the log older than 60 days will be made available within two days of a request for public inspection.

An electronic version of the combined Daily Crime and Fire Logs are posted on University Police’s website: http://www.tamuk.edu/upd/clery-reporting.html and are available within two business days of receiving a report, and is also made available, in hard-copy format, to walk-in customers from the University Police Department’s Office located at 855 N. University Blvd. The UPD Office is open to the public 365 days a year.

Definitions

- **Fire**: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Cause of Fire**: The factor or factors that give rise to a fire. The casual factors may be but is not limited to the result of intentional or unintentional action, mechanical failure or act of nature.
- **Fire related Injury**: Any instance in which a person is injured as a result of a fire, including any injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.
- **Fire Related Death**: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue or escaping from dangers of fire, or death that occurs within 1 year of injuries sustained as a result of the fire.

Fire Statistics 2020

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bishop Hall</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Caution: listed in accord with the National Fire Incident Reporting System
Nature of Incident: listed in accord with the National Fire Incident Reporting System

Fire Statistics 2019
There was one reported fire (arson) in university residence halls in 2019.

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bishop Hall 1210 W. Santa Gertrudis</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mesquite Village West 1212 W. Ave B</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Lynch Hall 1110 W. Santa Gertrudis</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Martin Hall 1255 W. Engineering Ave</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Turner Hall 1210 W. Santa Gertrudis</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lucio Hall 1015 N. Retama</td>
<td>1st Floor</td>
<td>Paper Burned</td>
<td>Intentional</td>
<td>0</td>
<td>0</td>
<td>$5</td>
</tr>
</tbody>
</table>

Fire Statistics 2018
There were no reported fires in university residence halls in 2018.

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
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<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bishop Hall 1210 W. Santa Gertrudis</td>
<td>N/A</td>
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<td>N/A</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mesquite Village West 1212 W. Ave B</td>
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<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Building</td>
<td>Address</td>
<td>Phone 1</td>
<td>Phone 2</td>
<td>Phone 3</td>
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<td>Martin Hall</td>
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<td>N/A</td>
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<tr>
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<td>1015 N. Retama</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
2020 Annual Security Report
Texas A&M University – Kingsville Citrus Center
(For the 2021-2020 academic year, containing statistics for 2020, 2019 and 2018)

Compiled in compliance with the
Jeanne Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act

Citrus Center, Weslaco, Texas
Published September 30, 2021

Texas A&M University-Kingsville

Citrus Center
Weslaco, Texas
Welcome

The Texas A&M University-Kingsville’s 2020 Annual Security Report and Annual Fire Safety Report, is published annually before October 1, 2021. The report for the 2020 – 2021 Academic year, which includes 2018, 2019, 2020 crime and fire statistics, is designed to provide important information about safety on our campus and contains information on the resources and services available to the Texas A&M University-Kingsville community. It also contains statistics about crimes reported on or around the Citrus Center campus, as well as fire safety information and statistics.

Safety and security are everyone’s responsibility; it takes a team effort to ensure that the university community remains safe and crime free. The team is comprised of law enforcement professionals; university departments; staff from the Dean of Students office; Building Emergency Managers; staff from Enterprise Risk Management; administrative staff from all divisions of the university, and, of course, you. You are the most important member of our team. It is important to stress that our campus is safe. However, you are encouraged to be aware of your personal safety and security and to be responsible in your actions while on campus. We count on you to safeguard your valuables by securing them in locked vehicles (away from prying eyes), locked securely in your apartments or offices, and not leaving portable electronic items unattended (not even for a second.)

The Citrus Center is supported by Texas A&M University- Kingsville which has many programs and procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly. Please take a moment and familiarize yourself with the information in this report.

Your safety is very important to us. If you notice any suspicious, dangerous or illegal activities on campus, please notify the City of Weslaco Police Department at 956-968-8591 as soon as possible for investigation and resolution. A campus map is included in this report for your convenience.

The University Police Department offers personal safety awareness presentations upon request. The presentations include alcohol awareness issues and laws, active shooter awareness with the Civilian Response To Active Shooter Event (CRASE) program, Campus Security Authority training, Residential Advisor orientation training, new employee orientation, Building Emergency Manager training, Rape Aggression Defense (RAD) Systems training, and many others.

We hope your time at the Citrus Center is enjoyable and productive. If you would like more information about this report or campus safety and security in general, please contact the Texas A&M University – Kingsville Police Department at 361-593-2611 or the Dean of Students Office at 361-593-3606. We value your comments and ideas to make our university a safe place to learn, work, live and visit.

Sincerely,

Kirsten Company
Assistant Vice President of Student Affairs/Dean of Students

Felipe Garza
Director of Public Safety/Chief of Police

140
Preparation of the Annual Security and Annual Fire Safety Report

The Annual Security Report (ASR) and Annual Fire Safety Report (AFSR) is required by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Clery Act). The report includes, but is not limited to: campus safety and security policy statements and disclosures; statistics for Clery Act crimes for Texas A&M University-Kingsville’s Citrus Center property, adjacent property, and non-university property owned or controlled by the university for the previous three years; and fire statistics for on-campus student housing facilities for the previous three years. To prepare the Annual Security Report and the Annual Fire Safety Report, the university, through the University Police Department, collects, classifies, and counts crime reports and crime statistics. Crime statistics are collected throughout the year from UPD and members of the university designated as Campus Security Authorities (CSA). Crime statistics are also requested from local law enforcement agencies in jurisdictions where the university owns or controls property.

The Texas A&M University-Kingsville University Police Department (UPD) is responsible for preparing and distributing this report by October 1 each year. UPD works with many other departments and agencies, such as the Office of the Dean of Students, Citrus Center staff, Office of Compliance and the City of Weslaco Police Department to compile the information. UPD encourages members of the campus community to use this report as a guide for safe practices on and off campus. It is available on the Web at [http://www.tamuk.edu/dean/cleryreport.html](http://www.tamuk.edu/dean/cleryreport.html). A PDF version of the report can be located directly at [http://www.tamuk.edu/dean/dean_files/cleryreport.pdf](http://www.tamuk.edu/dean/dean_files/cleryreport.pdf)

Distribution of the Annual Security Report and the Annual Fire Safety Report

The Annual Security Report and Annual Fire Safety Report is distributed as follows:

1. Current Students and Employees: The Director of Public Safety/Chief of Police and the Assistant Vice President of Student Affairs/Dean of Students, and/or their designees, will distribute information about the availability of the Annual Security Report and Annual Fire Safety Report to all current students and employees of their respective campuses. The information about how to access the report will be distributed to each individual directly by campus electronic mail. A copy may also be obtained by contacting the Citrus Center Office; or in Kingsville, the Dean of Students Office, Room 306 in the Memorial Student Union on the Kingsville Campus, or the Texas A&M University-Kingsville Police Department, Lewis Hall, 855 N. University Blvd. Enrolled students at the main campus, TSTC Harlingen Campus MIT-C (Multi-Institutional Teaching Center), Citrus Center (Weslaco), South Texas College Mid-Valley Campus (Weslaco), and on-line, will receive the notice directly from Texas A&M University-Kingsville.

2. Prospective Students and Employees:
   a. Notice of the Annual Security Report and Annual Fire Safety Report’s availability, including a description of the report’s contents, and the opportunity to request a copy of the report will be provided to Prospective Students and Employees by email. Prospective students will be defined as individuals who have indicated interest in the university by providing their contact information during a campus tour, campus event, high school career event, or through submission of official application for admission. Prospective students will receive email correspondence indicating the notice of the ASR and AFSR availability, description of the report contents, a link to the report, and how to request a copy of the report. Prospective employees may obtain the report from the Human Resources Employment website. They will also be notified individually of the availability of the Clery report when the prospective employee creates a username and password to gain access into JavJobs, the university employment websites. A link to the full report will be included in the email notification. The full printed report will be provided upon request to all Prospective Students and Prospective Employees.
b. Faculty, staff and students at the MIT-C and Mid Valley Campus (Weslaco) receive notices through the campus email system. Prospective students and employees receive notice as outlined in (a) above.

Availability of the Annual Security Report and Annual Fire Safety Report

The report is available on the Texas A&M University-Kingsville website at [http://www.tamuk.edu/dean/cleryreport.html](http://www.tamuk.edu/dean/cleryreport.html). Copies of the report also may be obtained at the University Police Department located at room 128 in Lewis Hall or by calling 361-593-2611. Copies may also be obtained from the Student Affairs, College Hall, room 206; Office of the Dean of Students, Memorial Student Union, room 306. All prospective employees may obtain a copy from the office of Human Resources in College Hall, room 210 or by calling 361-593-3705. Printed copies also are available in the Citrus Center Office.

Information regarding the availability of the report, website location and where to access printed copies is announced during new faculty and staff orientation, new student orientation and other campus presentations, and published in the current student handbook and university catalog.

Updates to the Annual Security Report

Any changes after the original September 30, 2020, date of publications will be listed here. A campus notification will be sent regarding the changes to this document.
MAP

Texas A&M University-Kingsville Citrus Center

312 N. International Blvd., Weslaco, TX 78599

https://www.google.com/maps/place/312+N+International+Blvd,+Weslaco,+TX+78599/@26.1662182,-97.9607004,17z/data=!3m1!4b1!4m2!3m1!1s0x866578279adbb5a1:0x6dc4938a34c6ea44
Texas A&M University-Kingsville Police

Our Mission
Our mission is to provide the University community with a safe and secure learning and working environment by providing the highest quality police services, which include prompt response, availability of officers and informational and instructional services.

Emergencies: Dial 9-1-1
Non-Emergency Assistance: Dial 361-593-2611

Located at 855 N. University Blvd., Lewis Hall, Kingsville, Texas. Texas A&M University – Kingsville Police Department is open 24 hours a day, 365 days a year. The department consists of professional campus police and telecommunication officers dedicated to providing excellent customer service to the community. Officers patrol the Kingsville campus on foot, by bicycle, Segways, golf cart and in vehicles. Officers and a supervisor are on duty 24 hours a day. The Dispatch Center is staffed with trained and certified dispatchers who answer calls for service, dispatch officers and other emergency services to incidents, and monitor intrusion detection and fire alarms. The department also employs students who carry out a variety of roles, including parking enforcement and assisting officers in providing campus escorts. University Police Department staff are available to consult with members of the Citrus Center Campus should the need arise.

Enforcement Authority/Other Police Agencies
The Texas A&M University-Kingsville Police Department does not respond to calls for service on the Weslaco Campus.

The City of Weslaco Police Department is the primary respondent for Citrus Center/Weslaco campus emergencies and reports of criminal activity on campus. City of Weslaco officers are fully certified by the State of Texas with full arrest powers. Any officer so commissioned is vested with all powers, privileges, and immunities of peace officers while the officer is in his or her primary jurisdiction or outside the officer’s primary jurisdiction. Commissioned campus peace officers employed by any university of the system shall normally confine their duties as peace officers to activities within the boundaries of the property owned, leased or otherwise controlled by the respective system university but, nonetheless, shall have primary jurisdiction in any county in which the property is located. Local law enforcement, including but not limited to, those in the Weslaco and Hidalgo County have the authority to enforce University policies, and those policies enforcing violations of the law.

Texas A&M University-Kingsville cooperates with federal, state and local police agencies (City of Weslaco Police Department, Hidalgo County Sheriff’s Department, Hidalgo County Constables Offices – Precincts 1 and 3, Texas Department of Public Safety, Texas Rangers, Department of Homeland Security and the Federal Bureau of Investigation), resulting in the University’s awareness of criminal activity perpetrated beyond the campus. Texas A&M University-Kingsville does currently have a written Inter-local Agreement with Hidalgo County Constables Office Precinct 1 and 3.

The Texas A&M University-Kingsville Police Department compiles and distributes the Annual Security Report and Annual Fire Safety Report. Statistical information in the report is gathered from various sources such as, but not limited to, local law enforcement agencies, Dean of Students, Office of Environmental Health and Safety, Office of Compliance, campus officials, Texas State Technical College in Harlingen, Texas, South Texas College Mid Valley Campus, and Weslaco Campus Citrus Center. We encourage members of the campus community to use this report as a guide for safe practices.
on and off campus. It is available on the Web at: http://www.tamuk.edu/dean/cleryreport.html. Annual notification of the Annual Security Report and Annual Fire Safety Report is made to all students, faculty and staff using Texas A&M University–Kingsville campus email that describes the report and provides its Web address. Prospective students and employees are also notified by email and provided with the web address where they may access the information on the annual security report.

City of Weslaco Police Department will respond as quickly and safely as possible to any request for assistance at the Citrus Center. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. For offenses occurring outside of the Citrus Center, we encourage prompt reporting to the proper local law enforcement agency.

Reports of criminal activity will be fully investigated, and appropriate referrals made to the appropriate courts, the Dean of Students Office or Human Resources Office as necessary. Community members are encouraged to report crime concerns to local law enforcement.

### Safe Campus Environment

The university makes every effort to create a campus environment that fosters personal safety and property security for students, faculty, staff, and visitors. Members of the university community are urged to immediately advise the City of Weslaco Police Department, 956-968-8591, of any criminal action or suspicious behavior. Criminal Trespass Warnings can be issued to suspicious persons and those who violate laws. Anyone returning to a Texas A&M University – Kingsville premises in violation of the Criminal Trespass Warning is subject to arrest.

Texas A&M University-Kingsville will adhere to a “zero-tolerance” of violation of the law and of violence in the workplace. We will investigate complaints of threats of intimidation and take disciplinary action when employees demonstrate any behavior which, in management’s opinion, constitutes a potentially violent situation. This policy extends to persons connected with university business, including vendors or others who interact with university employees.

A climate of fear or intimidation will not be tolerated at Texas A&M University-Kingsville, including the Citrus Center. Threatening behaviors, acts of aggression and violence will result in appropriate action by the university, up to and including dismissal. Student, faculty and staff misconduct will be handled in accordance with the student code of conduct, Texas A&M University System policy or Human Resources policy and/or applicable state or federal laws. Call local law enforcement or contact the Citrus Center Office to report incidents.

Texas A&M University-Kingsville will not tolerate hate violence and is dedicated to ensuring all persons are protected regardless of their race, national origin, religion, sex, sexual orientation, age or disability or political/religious beliefs. In furtherance of this mission, all ‘hate’ crimes and incidents will be thoroughly documented, investigated and assigned to the courts for prosecution. Students, staff and faculty are encouraged to promptly report these types of incidents to City of Weslaco Police Department (956-968-8591), the Dean of Students or 361-593-3606 or the Office of Compliance or 361-593-4758.

Chief Ethics and Compliance Officer: 361-593-4758, Provides information and assistance with sexual assault, domestic violence, dating violence and stalking, facilitation of employee's complaints alleging illegal discrimination and related retaliation, coordination of an employee's request for reasonable accommodations pursuant to the Americans with Disabilities Act (ADA), facilitation of employee or student complaints alleging
discrimination on the basis of disability and oversight of the university's Title IX program to report an incident of sexual misconduct to obtain resources for a pregnant or parenting student) and education.

Title IX Coordinator: 361-593-4761, The University Title IX Coordinator’s core responsibilities include overseeing the University’s response to Sexual Misconduct. The University Title IX Coordinator must be informed of all reports raising Title IX issues, regardless of where the report was initially filed. Students may file Title IX violations (sex discrimination, harassment, assault, misconduct, or violence).

The following on-campus resources and services are available to provide assistance and/or counseling. Speaking to these resources does not constitute a report to the university for the purposes of initiating an administrative or criminal investigation of crime. Identifying information will not be shared with anyone without consent from the victim/survivor unless there is an imminent threat of harm to self or others. Students at the Citrus Center are able to utilize these services on the Kingsville campus.

Counseling Services: 361-593-3991, Student Health and Wellness provides free and confidential assessments and counseling for academic, career, and personal issues to all enrolled Texas A&M University - Kingsville students. All counseling sessions are confidential to the full limits provided by the law; no information can be released within or outside the university without the client’s consent. There is no set limit or requirement to the number of sessions that one may attend.

Student Health Services: All information obtained at the Student Counseling Center is strictly confidential and is protected by professional ethics and law. Counseling records are not released to any other person or agency within or outside of Texas A&M University-Kingsville without the patient’s written consent, except as permitted or required by law.

The City of Weslaco Police Department, Hidalgo County Sheriff’s Department and Hidalgo County Constables Offices, Precincts 1 and 3 are the primary responding law enforcement agencies to on-campus properties, off-campus properties, private off-campus housing and other student functions or activities located within the City of Weslaco or Hidalgo County. The Texas A&M University-Kingsville Police Department has requested to be notified of occurrences reported at these locations. Crime reports and statistics generated at these locations are maintained by the appropriate agencies and are contained in this report where available. The university relies on its close working relationships with these local law enforcement agencies to receive information about incidents on campus. Additionally, Texas A&M maintain close working relationships with state and federal agencies including, but not limited to, Texas Department of Public Safety, Texas Attorney General’s Office, US Department of Homeland Security, and US Federal Bureau of Investigation. The City of Weslaco, the Hidalgo County Sheriff’s Office and/or Hidalgo County Constables Offices, Precincts 1 and 3 will actively investigate any crime information it receives concerning or involving a member of the Citrus Center community. When the Texas A&M University-Kingsville Police Department is notified of a situation in which a Citrus Center community member is the victim of a crime, the department may issue a Timely Warning Notice to the Citrus Center community, detailing the incident and providing tips so that other community members may avoid similar incidents.

The university does not currently have any officially recognized student organizations with off-campus residences on either the Kingsville or the Citrus Center campuses.
Campus Buildings and Grounds
During normal business hours the administrative and academic facilities at TAMUK Citrus Center are open and accessible to students, staff, faculty and visitors of the university. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. The building on the Texas A&M University-Kingsville Citrus Center campus remains open only through the completion of the last scheduled event daily. The Citrus Center administration building has a card swipe access. Additionally, the main entrance access and exit points are controlled by card swipe access after-hours. The Director assumes the role of building maintenance and relies on local contractors for repairs. Only employees with authorization have access after buildings are locked. The Coordinator of Technology Services controls doors and access times.

The maintenance employee maintains the university buildings and grounds with concern for security and safety. Campus facilities and grounds are inspected on a regular basis to ensure that broken windows, locks and repairs are made in an expeditious manner.

SSC Physical Plant, contracted by Texas A&M University- Kingsville, conduct monthly inspections at the Citrus Center and works together with Citrus Center building staff to identify and repair maintenance issues (ex. locks, electrical, plumbing, etc.) We encourage community members to promptly report any locking mechanism deficiency to the Physical Plant at 361-593-3312 or the Assistant to the Director at the Citrus Center at 956-447-3362.

SSC Physical Plant maintenance staff is available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment. Call the Assistant to the Director of the Citrus Center at 956-447-3362 to report unsafe facility conditions. Environmental Health and Safety personnel will place safety notices in the hazardous waste area.

Security Considerations in the Maintenance of Campus Facilities
The Physical Plant maintains the university buildings and grounds with concern for security and safety. Campus facilities and grounds are inspected on a regular basis to ensure that broken windows, locks and repairs are made in an expeditious manner. The University Police Department also receives information from the campus community regarding unsafe facility condition (including steps and handrails), damaged roadways, overgrowth of shrubbery and other areas in need of repair. This information is forwarded to the Physical Plant in a timely manner. We encourage community members to promptly report any maintenance concerns to the Physical Plant at 361-593-3312 or the University Police Department at 361-593-2611. The Physical Plant personnel will place safety notices in construction zones and other hazardous areas.

Campus Lighting Checks
Texas A&M University-Kingsville is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. The Director of the Facility will periodically conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. When maintenance issues are observed, the Director will contact the Physical Plant, usually within 24 hours or the next business day, to correct the problem. We encourage community members to report any deficiencies in lighting or maintenance issues to the Physical Plant, 361-593-3312, or the Assistant to the Director at 956-447-3362. Any community member who has a concern about physical security may also contact the University Police Department at 361-593-2611.

Anyone aware of a hazardous situation in any building or on the campus grounds should notify Physical Plant (361-593-3312) or Assistant to the Director (956-447-3362) so repairs can be made promptly.
Apartments
Access to the apartments is restricted to residents, their guests, university personnel and authorized visitors. Keys are issued only to occupants who are residents in a particular apartment. Apartment residents may enter their building using their issued keys.

The Weslaco Police Department, Hidalgo County Sheriff’s Office or the Hidalgo County Constables Offices, Precincts 1 and 3, respond to calls for service in the apartments, as well as conducting patrols, as needed.

Reporting Crimes

Reporting Crimes or Other Emergencies
Campus members observing criminal activities and other emergencies occurring on Texas A&M University-Kingsville Citrus Center Weslaco campus should contact law enforcement immediately by calling the Weslaco City Police Department at 956-968-8591 or dialing 9-1-1 from any campus telephone.

In Kingsville:
University Police Department: 361-593-2611
City of Kingsville Police Department: 361-592-4311
Kleberg County Sheriff’s Department: 361-595-8500
Kingsville Crime Stoppers: 361-593-INFO (4636)

Other Crime Reporting Options on the Texas A&M University-Kingsville Campus:
Dean of Students Office: 361-593-3606
Office of Compliance: 361-593-4758
Title IX Coordinator: 361-593-4761
Office of Human Resources: 361-593-3705

To report a non-emergency security or public safety-related matter, call the City of Weslaco Police Department at 956-968-8591 or report in person at 901 Airport Drive, Weslaco, Texas 78599. Dispatchers are available 24 hours a day to answer calls.

For a non-emergency call for locations located in the Rio Grande Valley, please contact the appropriate law enforcement or fire agencies at the numbers below:

- Cameron County Sheriff’s Office 956-554-6700
- Harlingen Police Department 956-427-8787
- Harlingen Fire Department 956-216-5700
- Weslaco City Police 956-968-8591
- Weslaco City Fire Station 956-968-7581
- Weslaco Crime Stoppers 956-968-TIPS(8477)
- Hidalgo County Sheriff’s Office 956-383-8114
- South Texas College Police 956-872-2589
- Texas State Technical College Police 254-867-3690
- Hidalgo County Constables Office, Pct. 1 956-447-3775
- Hidalgo County Constables Office, Pct. 2 956-581-6800
Crimes reported will be listed in the appropriate categories in the Clery Annual Security Report. All reported crimes will be taken seriously, even if reported in an anonymous or confidential manner.

For on-campus or non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency or Campus Security Authority (CSA), prompt reporting will ensure the issuing of a Timely Warning reports and the annual statistical disclosure. The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students. The City of Weslaco Police (956-968-8591) and Hidalgo County Constables Offices, Precincts 1 and 3, investigate any crime information they receive concerning or involving a member of the campus community. If the University is notified of a situation in which a campus community member is the victim of a crime, the Texas A&M University-Kingsville police department may issue a Timely Warning, detailing the incident and providing tips so that other community members may avoid similar incidents. Information regarding misconduct will be forwarded to the appropriate office for possible disciplinary action.

Alternatives to Immediately Filing a Police Report
While Texas A&M University-Kingsville Citrus Center encourages the campus community to promptly report any criminal event or suspicious person or circumstance to the appropriate law enforcement agency there will be times when the victim of a crime elects to or is unable (physically/mentally) to make such a report. In those situations, they may elect to:

- Report the crime to Weslaco Police Department or Hidalgo Sheriff’s Department at a later date.
- Make a complaint to the Dean of Students Office in Kingsville. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police. Texas A&M University-Kingsville UPD has a website that may be used to report crimes anonymously: [http://www.tamuk.edu/upd/crime-report.html](http://www.tamuk.edu/upd/crime-report.html)
- Make a report using the JavGuard (Rave Guardian) app on a smartphone
- Contact a referral agency for help, such as Student Health and Wellness, or the Title IX Coordinator in the Office of Compliance, both located on the Kingsville campus. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.

Reporting Crimes
Texas A&M University-Kingsville Citrus Center encourages the immediate or prompt reporting of any incident that compromises the safety, health or rights of Citrus Center community members, including when the victim elects to, or is unable to, make such a report. All students, employees, and visitors should promptly report criminal incidents, accidents, other emergencies (i.e., fire, ambulance, etc.), and suspicious person(s) or activities to the appropriate law enforcement or fire service department or 911. The City of Weslaco Police Department receives and answers all 911 calls in the city’s geographical area. Persons who are deaf or hard of hearing should call 911 from a TTY/TDD telephone to reach the appropriate first responder agency.

Individuals also may report incidents in person at the City of Weslaco Police Department’s, located at 901 Airport Drive, Weslaco, Texas 78599. After receiving information concerning a crime or an emergency, the Texas A&M University-Kingsville University Police Department (UPD) may issue a Timely Warning notifications to alert the Citrus Center campus community about crimes that pose a serious or continuing threat to safety, or issuing emergency notification and evacuation procedures to alert the campus community about significant emergencies or dangerous situations. Reporting all incidents to Citrus Center staff and/or Texas A&M University-Kingsville UPD also allows for accurate reporting of crime statistics in public disclosures such as the Annual Security Report, the Annual Fire Safety Report and the Daily Crime and Fire Log. Members of the community are helpful when they immediately report crimes or emergencies to the Weslaco Police Department, the Hidalgo County Sheriff’s Office, the Texas A&M University-Kingsville University Police Department for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.
Campus community members, faculty, staff and students are strongly encouraged to immediately report criminal activity, other emergencies, suspicious activity to the local law enforcement agency promptly. Reports will be thoroughly investigated and results will be forwarded to the appropriate prosecutorial entity, the Dean of Students Office, the Human Resources office, Office of Compliance or Title IX as appropriate.

The campus community can also take advantage of the university’s Rave Guardian app, which is called JavGuard, to communicate directly with University police or 911 operators, send text or photographic information to the University police about crimes, numerous incidents or request police assistance, or set a timer to notify people you trust to check on you when you are alone or in an unfamiliar place. JavGuard is available for use in the Rio Grande Valley.

When on the Texas A&M University-Kingsville campus, if an incident is reported to the University Police Department, officers will take the following actions as necessary:

- Dispatch police, fire and/or medical assistance as needed to the scene of the incident or if a non-emergency ask the victim to report the incident at the UPD office.
- Investigate or assist allied agencies with the situation.
- Take appropriate actions to identify, apprehend and submit for prosecution to the courts, the responsible person(s)
- Notify or request assistance from other law enforcement agencies and/or other allied agencies as appropriate
- Document occurrences or take appropriate action and/or notify appropriate agency/departments.
- UPD incident reports involving misconduct by students, faculty or staff may be forwarded to the Dean of Students Office or the Human Resources office for review and potential disciplinary action. UPD investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation also will be forwarded to the Dean of Students office or Human Resources Office.

Confidential Crime Reporting

The university encourages anyone who is the victim or witness to any crime to promptly report the incident City of Weslaco Police Department at 956-968-8591 or appropriate law enforcement agency. If you are a victim of a crime and do not want to pursue action within university channels or the criminal justice system, or if you are a witness to a crime and do not want to reveal your identity, you may make a report of the incident to the appropriate law enforcement agency. However, because police reports are public records, under state law, UPD cannot hold all reports of crime in confidence.

The purpose of a confidential report is to maintain the reporting individual’s confidentiality, while helping the university protect the safety of the campus community. A student’s privacy concerns are weighed against the needs of the university to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, Texas A&M University Kingsville reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community.

All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide “Timely Warning” as well as inclusion in the annual crime statistics. Providing this information also helps the university maintain accurate records regarding the number of incidents involving students, employees and visitors; determine a pattern of crime with regard to location, method or assailant; and, alert the campus community to potential dangers when appropriate. Reports filed in this manner are included in the Texas A&M University-Kingsville Citrus Center annual crime statistics, and when they involve allegations of sexual harassment and/or sex-based misconduct (including sexual violence) they are made available to the University’s Title IX Coordinator. Reports will not include personally identifying information as defined in Section 40002(a) of the Violence Against Women Act (VAWA) of 1994.

Voluntary, confidential and/or anonymous reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Campus Security Authorities at the Citrus Center or Texas A&M University-Kingsville. Anonymous reports of crimes may also be made to the City of Weslaco Crime Stoppers line at 956-968-TIPS (8477). The
only entity on the Texas A&M University-Kingsville campus that can guarantee confidentiality is a licensed professional
counselor at the Student Counseling Center located in Student Health and Wellness located in Kingsville. No individuals
designated for confidential reporting are available at the Citrus Center.

**Campus Security Authorities**

The Director of the Weslaco Citrus Center, the Assistant to the Director, and the Farm Superintendent are the
designated Campus Security Authorities (CSA’s). CSA’s are identified as individuals that have significant responsibility for
students or campus activities. CSA’s have a legal obligation to notify appropriate law enforcement authorities or the
Texas A&M University-Kingsville UPD of any Clery Act crimes that were conveyed to them in good faith, meaning that
there is reasonable basis for believing that the information is not rumor or hearsay. CSAs must report immediately any
Clery Act crime that comes to their attention. At the request of the victim(s), identifying information may be excluded
from the report (e.g., names, initials, contact information, etc.). CSAs can submit Clery Act crimes to UPD in a number of
ways, including:

or
- Notifying the Texas A&M University-Kingsville Police Department at 361-593-2611

Upon receipt of a Clery Act crime report, UPD and the Dean of Students Office reviews the reports and determines the
appropriate action to be taken.

Please refer to the Campus Directory for contact telephone numbers or call (361) 593-2111 to reach the campus
operator. CSA’s for the main Texas A&M University-Kingsville campus are the:

- Assistant Vice President of Student Affairs/Dean of Students;
- Acting Director of Student Affairs/Associate Dean of Students;
- Director of Student Activities, Leadership & Special Projects Coordinator, International & Multicultural Event
  Coordinator, Campus Activities Coordinator, Greek Life Coordinator, Javelina Camp staff;
- Faculty/staff advisors for Texas A&M University-Kingsville recognized student organizations;
- Director of Student Health and Wellness (SHW) Department, Medical Providers in SHW; Staff nurses;
  Coordinator of Disability Resource Center;
- Student Success Peer mentors;
- Executive Director of Housing and Residence Life, Director of Housing, Associate Director of Residential
  Education, Assistant Directors of Residence Life, Area Coordinators, Head Residents, Community Advisors and
  Resident Advisors;
- Executive Director of Intercollegiate Athletics and Campus Recreation, Assistant and Associate Athletic Directors;
  head coaches, assistant coaches and graduate assistant coaches (Men’s -football, basketball, baseball, cross-
  country, track and field; Women’s – basketball, cross-country, golf, softball, tennis, track and field, volleyball
  beach volleyball, and cheer teams, (including part-time employees and volunteers, any “coach” function);
- Senior Associate Athletic Director/Head Athletic Trainer, Strength and Conditioning coaches, and assistant
  trainers;
- Campus Recreation Director, Campus Recreation professional staff members and Campus Recreation student
  staff;
- Executive Director of International Studies and Programs, International Studies and Programs professional staff,
  and faculty and/or staff members involved with Study Abroad programs;
- Professor and instructors of Military Science;
• Summer Camp coordinators and staff;
• Chief Ethics and Compliance Officer;
• Title IX Coordinator and Deputy Title IX Coordinators;
• Assistant Dean Rio Grande Valley Engineering Initiative;
• Director, Citrus Center (Weslaco, Texas), Assistant to the Director, and Farm Superintendent;
• Faculty member responsible for Engineering Kleberg/7th Street, Kingsville, Texas;
• Temporary assignments for faculty/staff requiring CSA duties (e.g., faculty and staff accompanying student travel)
• Contract and event security, such as for sporting events or large, registered parties/events
• Individuals who provided safety escorts around campus (including other students)

The university encourages professional counselors, at their discretion, to inform those they counsel to report crimes in a voluntary, confidential manner for the purposes of collecting crime statistics. Student Health and Wellness Services staff informs their clients of the procedures to report crime to the University Police Department on a voluntary and/or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Certain individuals are encouraged to report crime statistics to UPD, but according to federal law, they are not designated as CSAs and are not required to report crime statistics. This reporting exemption extends only to the following:

**Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. An example is professional mental health counselors, functioning in that capacity, in the university’s Student Health and Wellness Center.

**Pastoral Counselor:** A person associated with a religious order or denomination who is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. Texas A&M University-Kingsville does not employ any pastoral counselors who meet this exemption.

Crimes not occurring on the main Texas A&M University-Kingsville campus should be immediately reported to the appropriate law enforcement agency or to the individuals occupying the positions below:

**Texas A&M University–Kingsville students attending South Texas College – Mid Valley Campus,** 400 N. Border Avenue, Weslaco, Texas 78596, Main Phone (956)266-9235
Director of Operations: (956)266-9235

**Texas A&M University–Kingsville Students attending classes at Texas State Technical College (TSTC), also known as the MITC Center,** 1902 North Loop 499, Harlingen, Texas 78550, Phone: 1-800-852-8784
Director, University Center, located at 2424 Boxwood, Harlingen, Texas 78550: (956) 364-4535

**Texas A&M University–Kingsville students attending classes at Texas A&M University-Kingsville Citrus Center,** 312 N. International Blvd., Weslaco, Texas 78596, Main Phone: 956-447-3360
Director: (956) 447-3361
Assistant to the Director: (956) 447-3362
Farm Superintendent: (956) 447-3366
Crime Victim Resources and Information

Campus and Community Resources for Victims of Crime
In addition to campus based resources there are community-based organizations that provide services to victims of crime, such as:

Campus Resources:
- Texas A&M- Kingsville University Police Department: 361-593-2611
- Texas A&M- Kingsville Title IX Coordinator: 361-593-4758
- Texas A&M- Kingsville Student Health and Wellness Department: 361-593-3991
- Texas A&M- Kingsville Office of Human Resources: 361-593-3705
- Texas A&M- Kingsville Dean of Students Office: 361-593-3606
- Work/Life Solutions by GuidanceResources (Employee Assistance Program): 1-866-301-9623

Local Kingsville Law Enforcement Resources:
- Kingsville Police Department: 361-592-4311
- Kleberg County Sheriff’s Office: 361-595-8500

Local Legal Assistance:
- Kleberg County Attorney’s Office (Protective Orders): 361-595-8585
- Kleberg County District Attorney’s Office (Crime Victims Compensation): 361-595-8544
- Kleberg County Indigent Care (Legal services for low income applicants) (Divorce): 361-595-8569 or 1-800-840-3379
- Hidalgo County District Attorney (Crime Victims Compensation) 956-292-7600
- Texas Rio Grande Legal Aid (Weslaco) 956-447-4800

Local/Regional/National Social Service Organizations:
- Abuse of Elderly or Disabled Adults: 1-800-252-5400
- Department of Family and Protective Services: 361-516-0943
- Family Violence and Sexual Assault Prevention Center of South Texas: 1-800-580-4878
- Mujeres Unidas-Women Together, McAllen, Texas 956-630-4878
- Kleberg County Substance Abuse: 361-595-8574
- National Domestic Violence Hotline: 1-800-799-7233
- Victim’s Assistance Coordinator (Protective Orders), County Attorney Office: 361-595-8583
- Texas Department of Mental Health and Mental Retardation (MHMR) Coastal Plains: 361-516-1067, 361-592-6481, 361-777-3991, or Hotline: 1- 800-841-6467
- Women’s Shelter of South Texas: 361-516-0288 or HOTLINE: 800-580-4878 (HURT).

Crime Victim Information

Reporting with Intent to Press Criminal Charges
When a victim decides to report the crime to police and to file criminal charges, they need to be aware of the steps involved:
- initial law enforcement officer’s interview
- medical examination (if needed)
• investigator’s interview
• prosecutor’s interview
• court procedures

This may all seem overwhelming. An understanding of the benefits of reporting encourages many victims to choose to press criminal charges, resulting in the convictions of more defendants. Contact the appropriate law enforcement agency

Option Not to Report
Not all victims want to report crimes to a law enforcement agency. This is an individual decision. Without an official report, however, the law enforcement agency will not know that a sexual assault has occurred. Law enforcement agencies can only help the community when they are aware of crimes being committed. If the assailant was a stranger, the prospect of identifying the suspect greatly decreases over time, and crucial physical evidence will be lost as well. Even if you choose not to report, it is important for your own well-being that you receive medical attention immediately after the assault. Contact Student Health and Wellness 361-593-3991 or Title IX Coordinator at 361-593-4758.

Your Rights as a Crime Victim
Texas Code of Criminal Procedure, Crime Victim’ Rights, Article 56.02, provides that a victim, guardian of a victim, are entitled to the following rights:
(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
(3) the right, if requested, to be informed:
   (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
   (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

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

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

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

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

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

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

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

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

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

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

Compensation for Victims of Crime

The State of Texas, Code of Criminal Procedure, Article 56.31, recognizes that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens, or become dependent on public assistance. There is a need for the compensation of victims of crime and those who suffer personal injury or death in the prevention of crime or in the apprehension of criminals. The intent of the law is that the compensation of innocent victims of violent crime encourage greater public cooperation in the successful apprehension and prosecution of criminals.

If you are the victim of a crime in Texas; physically/emotionally injured during the crime; injured trying to stop a crime; injured trying to catch a person who committed a crime; or are the surviving spouse, parent, grandparent, sibling, or child of a victim who was killed, then you may be awarded benefits up to a maximum award of $15,000 for certain unreimbursed losses, such as wages, medical expenses, mental health counseling expenses, funeral/burial expenses up to $3,500, moving expenses up to $1,000, crime scene clean-up expenses, pregnancy expenses resulting from sexual assault, and other reasonable/necessary expenses incurred as a result of the crime (e.g., prescriptions). In order to be eligible to apply you must:

- Report the crime to a law enforcement agency within a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution of the crime.
- File the application within three years of the date of the crime.
Be a United States resident with the crime occurring in Texas or a Texas resident who becomes a victim in a state or country without a compensation program; United States citizenship not required, claim within 1 year from the date of the crime (or show good cause for not doing so).

A victim of child sexual assault has 10 years past the date of their 18th birthday to file a claim. For more information or an application, contact the Hidalgo County District Attorney at 956-292-7600; the Crime Victims’ Compensation Program in the Office of the Attorney General by calling 1-800-983-9933 or visit their website at https://texasattorneygeneral.gov/cvs/crime-victims-compensation

No Contact and Protective Orders

No-Contact Orders (issued by the University)

No-Contact Orders issued by the University are designed so that students involved in a campus conduct process do not have any communication with each other to help minimize further altercations between those involved. Students who have no-contact orders are not to contact each other using ANY means. This includes, but is not limited to: comments, words, or gestures in person, through postal mail, email, social networking sites, or through others (friends, acquaintances, family members, etc.) acting on the student’s behalf. An order of no contact will remain in place until both parties agree, in writing, to cancel the order, pending final approval by the Office of the Dean of Students.

Code of Criminal Procedure- Protective Order

Code of Criminal Procedure, Art. 6.08. PROTECTIVE ORDER PROHIBITING OFFENSE CAUSED BY BIAS OR PREJUDICE. (a) At any proceeding in which the defendant appears in constitutional county court, statutory county court, or district court that is related to an offense under Title 5, (Crimes Against Persons) Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, in which it is alleged that the defendant committed the offense because of bias or prejudice as described by Article Family Violence, a person may request the court to render a protective order under Title 4, Family Code, for the protection of the person. (b) The court shall render a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section Family Violence, Family Code, the court finds that probable cause exists to believe that an offense under Title 5, (Crimes Against Persons) Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, occurred, that the defendant committed the offense because of bias or prejudice, and that the nature of the scheme or course of conduct engaged in by the defendant in the commission of the offense indicates that the defendant is likely to engage in the future in conduct prohibited by Title 5, Penal Code, or Arson, Criminal Mischief or Graffiti, Penal Code, and committed because of bias or prejudice. (c) The procedure for the enforcement of a protective order under Title 4, (Protective Orders and Family Violence) Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this article, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification, except that: (1) the printed statement on the warning must refer to the prosecution of subsequent offenses committed because of bias or prejudice; (2) the court shall require a constable to serve a protective order issued under this article; and (3) the clerk of the court shall forward a copy of a protective order issued under this article to the Department of Public Safety with a designation indicating that the order was issued to prevent offenses committed because of bias or prejudice. (d) For an original or modified protective order rendered under this article, on receipt of the order from the clerk of the court, a law enforcement agency shall immediately, but not later than the 10th day after the date the order is received, enter the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

Protective Orders (issued by the Courts) "Protective order" an injunction or other order, issued by a tribunal under the domestic violence or family violence laws or another law of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassing, contacting or communicating with, or being in physical proximity to another individual. Protective orders are court orders meant to protect victims who have experienced or are reasonably
in fear of physical violence, sexual assault or stalking by another individual. If a court finds from the information contained in an application for a protective order that there is a clear and present danger of family violence, the court, without further notice to the individual alleged to have committed family violence and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the family or household of the applicant.

In a protective order, the court may prohibit the person found to have committed family violence from: (1) committing family violence; (2) communicating: (A) directly with a person protected by an order or a member of the family or household of a person protected by an order, in a threatening or harassing manner; (B) a threat through any person to a person protected by an order or a member of the family or household of a person protected by an order; and (C) if the court finds good cause, in any manner with a person protected by an order or a member of the family or household of a person protected by an order, except through the party’s attorney or a person appointed by the court; (3) going to or near the residence or place of employment or business of a person protected by an order or a member of the family or household of a person protected by an order, (4) going to or near the residence, child-care facility, or school a child protected under the order normally attends or in which the child normally resides; (5) engaging in conduct directed specifically toward a person who is a person protected by an order or a member of the family or household of a person protected by an order, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; (6) possessing a firearm, unless the person is a peace officer, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and (7) harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order. In an order, the court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. (d) In a protective order, the court shall suspend a license to carry a concealed handgun that is held by a person found to have committed family violence.

If you are a student or employee victim, please inform the Texas A&M University-Kingsville Police of any protection orders. Show these to the police officer, magistrate, prosecutor, or judge if he/she violates the order. Officers shall enforce protective orders from Texas and other states or possessions of the United States.

The Texas A&M University-Kingsville Police Department will explain and provide assistance in the process of obtaining protective orders. The University Police Department officers will provide victims of domestic violence with a “NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE” which states: “It is a crime for any person to cause you any physical injury or harm even if that person is a member or former member of your family or household. You may report family violence to a law enforcement officer by calling the following telephone numbers: 361-593-2611 Texas A&M University-Kingsville police department; Weslaco City Police 956-968-8591; or, Hidalgo County Sheriff’s Office 956-383-8114. Local law enforcement will provide similar information if the responding agency is not the Texas A&M University Kingsville’s University Police Department. “If you, your child, or any other household resident has been injured or if you feel you are going to be in danger after a law enforcement officer investigating family violence leaves your residence or at a later time, you have the right to: “Ask the local prosecutor to file a criminal complaint against the person committing family violence; and apply to a court for an order to protect you. You may want to consult with a legal aid office, a prosecuting attorney, or a private attorney.” A court can enter an order that: “(1) prohibits the abuser from committing further acts of violence; (2) prevents the abuser from threatening, harassing, or contacting you at home; (3) directs the abuser to leave your household; and (4) establishes temporary custody of the children or any property.” A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY BE A FELONY.

If you feel that you qualify for or you would like to obtain a protective order which aims to protect the health or safety of any person regardless of a decision to arrest. Emergency Protective Orders are issued by a Justice of the Peace. In a protective order, the court may prohibit the person found to have committed family violence from: (1) committing family violence; (2) communicating: (A) directly with a person protected by an order or a member of the family or household of a person protected by an order, in a threatening or harassing manner; (B) a threat through any person to a
person protected by an order or a member of the family or household of a person protected by an order; and (C) if the court finds good cause, in any manner with a person protected by an order or a member of the family or household of a person protected by an order, except through the party's attorney or a person appointed by the court; (3) going to or near the residence or place of employment or business of a person protected by an order or a member of the family or household of a person protected by an order; (4) going to or near the residence, child-care facility, or school a child protected under the order normally attends or in which the child normally resides; (5) engaging in conduct directed specifically toward a person who is a person protected by an order or a member of the family or household of a person protected by an order, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; (6) possessing a firearm, unless the person is a peace officer, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and (7) harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order. (c) In an order, the court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. (d) In a protective order, the court shall suspend a license to carry a concealed handgun that is held by a person found to have committed family violence.

The victim may also apply for an arrest warrant. If a warrant is issued, the alleged perpetrator will be arrested. An arrest warrant charges someone with committing a crime.

**Daily Crime Log and Fire Log**

The TAMUK Citrus Center provides a daily crime log for all campus property and a fire log for all reported fires that occur in on-campus housing facilities for the previous 60-day period. These logs include the date and time the crime occurred, general location and disposition of the complaint, if known. These logs are available to any member of the public upon request, are updated in accordance with federal regulations within 2 business days of reported incidents, and are available from the Assistant to the Director’s office. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. Business days are defined as Monday through Friday, excluding any day when the institution is closed.

An electronic version of the combined Daily Crime and Fire Logs are posted on Citrus Center website: [http://www.tamuk.edu/upd/clery-reporting.html](http://www.tamuk.edu/upd/clery-reporting.html) and are available within two business days of receiving a report, and is also made available, in hard-copy format, from the Office of the Assistant to the Director of the Citrus Center.

**Timely Warnings**

In the event a situation arises, either on or off campus, that in the judgment of the Director of Public Safety/Chief of Police, University Police Department, or his designee, constitutes an ongoing or continuing threat, a campus-wide “Timely Warning” will be issued using the university email system. The university will issue an alert to provide students, faculty and staff as reasonably and timely as possible, notification of a crime that may represent a serious or on-going threat to the campus community, that will aid in the prevention of similar occurrences and to heighten safety awareness. The Timely Warning message will withhold the names of the victims, because victim’s names are confidential.
and be issued in a manner that is timely and with the goals of aiding in the prevention of future similar crimes and heightening safety awareness.

The Director of Public Safety/Chief of Police, or his designee, will notify the Chief of Staff, who serves as the chair of the Emergency Management Team (EMT), of a situation that needs reporting. They make the decision whether to issue a Timely Warning on a case-by-case basis in light of all the facts surrounding the incident. Timely Warnings are issued as soon as possible after UPD is notified; however, the release of the warning is subject to the availability of accurate facts concerning the incident. Criteria to be evaluated may include:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

Timely warnings include information that promote safety and would aid in the prevention of similar crimes, including, but not limited to:

- Brief description of the crime(s) that occurred
- Date and time when the crime(s) occurred
- Location of the crime(s)
- Possible connections between incidents (if applicable)
- Description of suspect(s) and/or any available information to aid in the apprehension of the offender(s) (if applicable)
- Recommended actions
- Precautions for the campus community to protect itself
- Description of crime reporting options at the university

Timely Warnings are issued to the campus community in a manner that is timely and that-withholds as confidential the names and other identifying information of victims through university email.

Timely Warning Notices are written and distributed by the University Police Department.

Timely Warning Notices will be issued to the campus community via email blast to all TAMUK assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails sent through the University’s TAMUK Tier 1 and/or Tier 2 Emergency Communication System.

Crimes subject to Timely Warning notifications are for Clery reportable crimes, and may be sent for the following crime categories:

- Criminal homicide (murder and non-negligent manslaughter);
- Sex offenses (rape, fondling, incest, and statutory rape) are 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 information known by the University Police Department, or designee). In cases involving sexual assault, they are often reported 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.
- Robbery
- 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 TAMUK community.
- Burglary
- Motor vehicle theft
- Major incidents of Arson
• Other Clery Crimes deemed as necessary

On the Kingsville campus, anyone with information warranting a Timely Warning should immediately report the circumstances to the University Police, by phone (361-593-2611) or in person at their office at Lewis Hall, Room 128, 855 N. University Blvd.

On the Citrus Center (Weslaco), Mid Valley Campus (Weslaco), TSTC- MIT-C (Harlingen) and Texas A&M University San Antonio, anyone with information warranting a Timely Warning should immediately report the circumstances to law enforcement or Campus Security Authority, as noted in the CSA and Law Enforcement sections of this document.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor

## Missing Student Procedures

### Missing Student Notification

In the event that a member of the campus community has reason to believe that a Texas A&M University-Kingsville student, residing on-campus, is missing, he or she shall immediately notify the appropriate law enforcement agency if the student is residing off campus. Citrus Center staff will assist in contacting the appropriate law enforcement agency. Regardless of whether the student has identified a contact person, is above the age of 18, or is in an emancipated minor, Citrus Center staff will inform the local law enforcement agency that has jurisdiction in the area where the student is presumed missing unless the local law enforcement agency was the entity that made the determination that the student is missing. Contact will be made within 24 hours.

If the investigation determines that the student has been missing over 24 hours then within the next 24 hours, the university will:

- a. Notify the individual identified as the student’s confidential missing person contact form;
- b. If under 18 years of age and not emancipated, the university will notify the custodial parent or guardian and any other designated contact person within 24 hours; and;
- c. Notify surrounding law enforcement agencies, unless the local law enforcement agency was the entity that made the determination that the student is missing.

### Contacting Emergency or Confidential Contact and/or Family Members

Individuals identified as emergency or confidential contacts by a missing student, and/or the parent(s) if the student is under 18 years of age, will be contacted by UPD, the Assistant to the Director of the Citrus Center, or the DOS Office within 24 hours of the initial missing person report to the UPD.

In situations in which the student has failed to designate a confidential contact for missing student notification, UPD will use University records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by TAMUK 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 A&M University-Kingsville University Police Department ) or the local law enforcement agency in
which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

If the student is under the age of 18 and is not an emancipated individual, UPD will notify the student’s parent of guardian and any other designated contact person within 24 hours.

**Missing Person Contact Registration**
The university requests that all new residents provide, on a voluntary basis, emergency contact information to be used in the event that the student should be reported missing while at the institution. Residents identify a contact to the Citrus Center Director or Assistant to the Director or to the Executive Assistant I, during housing check-in. This information is confidential, and will only be disclosed to authorized campus officials and law enforcement in the furtherance of their missing person investigation. Students who wish to identify a confidential contact may do so by submitting the information on a form provided by the Executive Assistant I in the office located at 312 International Boulevard, Weslaco, Texas. This information may be updated later by the student as needed.

**Reporting a Missing Student**
Any concerned person should notify the appropriate law enforcement agency, or a campus security authority (CSA) of a belief that a student has been missing for 24 hours. CSA’s include, but are not limited to:

- Director of the Citrus Center- 956-447-3360
- Assistant to the Director, Executive Assistant I - 956-447-3360
- Farm Superintendent- 956-447-3360

A missing person is an individual whose whereabouts are unknown; they have disappeared for no known reason and there is reasonable concern for their well-being and safety. If a student or employee is believed to be missing and there is reasonable concern for his or her well-being and safety, call the police immediately.

A student enrolled at the university at either a full- or part-time status, who is perceived by the reporting person to be overdue in reaching home, campus, or another specific location, and there is an identifiable concern for the well-being of the student, may be reported as a missing student.

Any university employee receiving a complaint of a missing student must immediately notify UPD and provide further information related to the reported missing student. Be prepared to provide the following information:

- The missing person’s full name and nicknames or aliases
- Full description to include sex, race, date of birth (age), height, weight, eye color, and hair color
- Photograph
- Medications
- Vehicle information
- Unusual or visible physical attributes such as birthmarks, tattoos, scars, or piercings
- Date and time of last contact
- Last known whereabouts
- What they were last seen wearing
- Who they were last seen with
- Fingerprints, recent photos, dental records, and all other significant and relevant information, if available

**Weapons Policy**
Campus Weapons Policy
Texas A&M University-Kingsville strives to provide a safe and secure environment for its students, staff and faculty. Texas A&M University-Kingsville prohibits the possession or storage of any weapons, fireworks or explosives on university premises or at any university-sponsored activity, except in the following cases: law enforcement personnel engaged in the official performance of their assigned duties; approved university experiments and/or projects; transporting of firearms to and from a place of storage; Texas A&M University - Kingsville ROTC; and other approved academic use. The term “weapons” may be defined as any object or substance designed to inflict a wound, cause injury or incapacitate.

Weapons as defined in Texas Penal Code, Chapter 46, include, but are not limited to:
- Handguns, revolvers, pistols, etc.
- Chemical weapons and/or explosives (including bullets or fireworks)
- Illegal knives, bows and arrows; slingshots
- Martial arts weapons

Toy weapons that look like real weapons (e.g., BB guns, pellet guns, stun guns) are similarly prohibited on campus. University officials encourage anyone who has or owns any weapon to contact the University Police Department to arrange for storage of such items. The University police department will secure all weapons providing a receipt for items stored, each item will be checked for status and before the item is returned, a criminal history check will be conducted. All requests, exceptions and interpretation of this policy will be managed by the University’s Director of Public Safety/Chief of Police. (361-593-2611)

Carrying Concealed Handguns on Campus
Texas A&M University Kingsville Rule 34.06.02.K1, is established pursuant to Texas Government Code 411-2031.

Procedures and Responsibilities
1. The President of Texas A&M University-Kingsville (TAMUK) established this rule after consulting with Texas A&M University-Kingsville students, staff and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This rule has been reviewed and approved by the system board of regents, as required by law.
2. A handgun license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder’s person while the license holder is on the TAMUK campus or in a TAMUK vehicle, unless prohibited by state or federal law, or this rule. The open carrying of a handgun on campus is prohibited. Licensed peace officers are authorized by law to carry firearms at all times.
3. TAMUK enforces state law regulating firearms on campus. This enforcement occurs in two ways. First, university police or other applicable law enforcement agencies will investigate and take appropriate action, including referral for criminal prosecution when violations occur. Second, Texas A&M University-Kingsville will consider any violation of state law regulating firearms to be a violation of Texas A&M University-Kingsville rules. Accordingly, such a violation is subject to disciplinary action under rules applicable to students, faculty, and staff.
   a. This section applies to residence halls or other residential facilities located on campuses that are owned by Texas A&M University-Kingsville.
   b. Any resident student that is a Concealed Handgun License Holder who wishes to store their handgun in their residence hall room:
      i. must provide a safe that is intended and made for the storage of handguns. Inspection and
installation of a safe must go through the Department of University Housing & Residence Life or

ii. Concealed Handgun License Holders may apply for a safe through the Department of University Housing and Residence Life which will oversee installation.

5. Rules Applicable to Carrying a Concealed Handgun on Campus

6. State Law Prohibitions
   a. A license holder is responsible for complying with the applicable state law prohibitions.
   b. Federal Law Prohibitions
   c. A license holder is responsible for complying with the applicable federal law prohibitions.
   d. Other Prohibited Campus Premises

7. A license holder is also prohibited from carrying a concealed handgun in the following campus premises, as approved by the Texas A&M University President:
   a. TAMUK Citrus Center in Weslaco: Research labs 214-229 and open central lab;
   b. Two Chemical Storage buildings located East of greenhouses and North of main building;
   c. Auto repair shop;
   d. Post-harvest shed & workshop;
   e. Diagnostic Labs 1st floor 110 and 112
   f. At all premises where concealed carry is prohibited, TAMUK must give effective notice under Section 30.06, Penal Code

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Alcohol, Illegal Drugs and Substance Abuse

University’s Alcohol and Drug Policy

The university recognizes alcohol/drug dependency as an illness and a major health problem. Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse also can contribute to a host of other physical and mental health problems such as complications in pregnancy, violent behavior, HIV infection and other sexually transmitted diseases, psychological depression, hallucinations and death. Information, assessment and referral services for alcohol or drug-related problems are available on campus. Services for students are available at Student Health and Wellness Services. Services for employees are available through the university’s Human Resources Office.

University disciplinary charges may be pursued against faculty, staff and students alleged to have violated university regulations and/or local, state and federal laws concerning alcohol and/or controlled substances. Violations of any local, state or federal law pertaining to alcohol and/or controlled substances that occur off campus and are not associated with a university-connected activity may result in disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and the orderly operation of the university. University disciplinary proceedings will be in accordance with procedures outlined in the Student Code of Conduct and university policy (faculty and staff). Voluntary admission to a substance abuse treatment program prior to the issuance of charges may be looked upon favorably in disciplinary cases. Disciplinary action in cases involving serious alcohol and/or drug-related violations will result in termination, suspension, dismissal or expulsion from the university, depending on the nature and seriousness of the case. Participation in a substance abuse education or treatment program may be required in addition to other sanctions. Any disciplinary action imposed by the university may precede and be in addition to any penalty imposed by an off-campus authority.

In the Fall of 2016 Texas A&M University-Kingsville began offering an online educational program called Alcohol EDU. Alcohol EDU was offered to all students. beginning in the Fall of 2017, Alcohol EDU must be taken by all new first-time in college students and transfer students.
Biennial Review Process
Texas A&M University-Kingsville educates students, faculty, and staff on the use and misuse of alcohol and other drugs, polices, and sanctions via a comprehensive institution-wide program and events sponsored by university departments and a regional and national award winning Peer Educator Program. These include the Dean of Students Office, University Housing & Residence Life, Athletics, Student Health and Wellness, Student Activities, Memorial Student Union, University Police Department, Campus Recreation and Fitness, Human Resources, and PEP Talk (Peer Educator Program).

In compliance with the Drug-Free Schools and Campuses Regulations [EDGAR Part 86] of the Drug Free Schools and Communications Act (DFSCA), in July 2016, a Biennial Review committee met to assess the effectiveness of Texas A&M University-Kingsville’s Alcohol and Other Drug (AOD) program and policies within the academic years of September 1, 2016 – August 31, 2017 and September 1, 2017 – August 31, 2018. This executive summary outlines the procedures used in completing this assignment, findings, and recommendations.

The Biennial Report can be found at the following site: https://www.tamuk.edu/shw/biennial-review.html

Alcohol
In compliance with the Drug Free Schools and Campuses Regulations (34CFR, Part 86) of the Drug Free Schools and Communications Act (DFSCA), and the Higher Education Act (Section 120A), A&M-Kingsville recognizes that the abuse of alcohol and other drugs is a threat to the mission of this institution and to the members of this university community.

Texas A&M University-Kingsville Citrus Center prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. The use of alcoholic beverages by members of Texas A&M University-Kingsville community is at all times subject to the alcoholic beverage laws of the State of Texas. Individuals must be at least 21 years old to purchase, possess or consume alcoholic beverages. Violators are subject to university discipline, criminal prosecution and removal from university housing.

The Texas A&M University-Kingsville Police Department, Weslaco Police Department and the Hidalgo County Constables offices (Precinct 1 and 3) have primary responsibility for the enforcement of state underage drinking laws including possession, use, and sale of alcoholic beverages in the identified Clery geographical areas related to Texas A&M University-Kingsville’s Citrus Center, as well enforcement of federal and state drug laws including the possession, use, and sale of illegal drugs.

On-campus use of alcohol is limited to certain approved events and locations covered by the guidelines of Texas A&M University-Kingsville’s official policy on alcohol and other drugs.

The Texas Alcoholic and Beverage Code and University policy prohibit the use of alcohol by a minor, someone under 21 years of age. Violations include, but are not limited to:

- Purchase of Alcohol by a Minor: A minor purchases an alcoholic beverage.
- Attempt to Purchase Alcohol by a Minor: A minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.
- Consumption of Alcohol by a Minor: A minor consumes an alcoholic beverage.
- Possession of Alcohol by a Minor: A minor possesses an alcoholic beverage.
- Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor: A person purchases an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence.
• Misrepresentation of Age by a Minor: A minor falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.

Punishment for Alcohol-Related Offenses by Minor
Punishment for persons found guilty of alcohol related offenses may include:
• A fine of not less than $250 or more than $2,000;
• Confinement in jail for a term not to exceed 180 days; or
• Both the fine and confinement.

In addition to any fine and any order issued, the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:
• Not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or
• Not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and
• The court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:
  • 30 days, if the minor has not been previously convicted of an offense to which this section applies;
  • 60 days, if the minor has been previously convicted once of an offense to which this section applies; or
  • 180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

Community service ordered under this section must be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

Carson Starkey Amnesty Policy
The safety and health of university students is a primary concern at Texas A&M University-Kingsville. As such, any student can seek assistance from local law enforcement for themselves or others who are intoxicated or drug-impaired. Texas statutes provide that a person may not be cited for illegal possession or consumption of alcoholic beverages if the individual:
• Requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person;
• Was the first person to make a request for medical assistance; and
• If the minor requested emergency medical assistance for the possible alcohol overdose of another person:
  o Remained on the scene until the medical assistance arrived; and
  o Cooperated with medical assistance and law enforcement personnel.

A complete description of these regulations is contained in the University’s Alcohol Policy and Drug Policy. This policy can be located in the student handbook or at the Dean of Students website: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf

Drugs
Texas A&M University-Kingsville strives to assist students in achieving their potential as human beings and in becoming self-directed in all activities. Because growth and development are shaped by a student’s experience, the university seeks to develop an environment where students can learn how to live fulfilling and productive lives. Substance abuse disrupts this environment and threatens not only the lives and well-being of our students, faculty and staff but also
their potential for contribution to society. It is important for all members of the university community to take responsibility for preventing substance abuse from negatively affecting the community’s learning environment and the academic, physical and emotional well-being of its membership. In recognition of the problems of substance abuse, members of the university community have developed a university-wide drug policy. These policies deal with education, prevention, intervention and treatment activities as well as disciplinary sanctions for those found in violation of the policy. The university has established comprehensive substance abuse prevention programs to help eliminate the threat that substance abuse poses. Through education, the university is committed to helping individuals achieve their personal and academic goals.

**Legal Aspects and Consequences Concerning Controlled Substances and Illegal Drugs**

All members of the university community are expected to abide by local, state and federal laws pertaining to controlled substances and illegal drugs. More specifically, the Texas A&M University-Kingsville policy prohibits “manufacturing, possessing, having under control, selling, transmitting, using or being party thereto any illegal drug, controlled substance or drug paraphernalia on university premises or at university-sponsored activities.” The term “controlled substances,” when used in this policy, shall refer to those drugs and substances whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substance Act (Texas Civil Statutes, Article 4476-15), as well as substances that possess a chemical structure similar to that of a controlled substance (e.g., “designer drugs”).

**Education, Prevention and Referral for Treatment**

Texas A&M University-Kingsville is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Health and Wellness provides a broad-based educational program to assist in the prevention of substance abuse. The university realizes the importance of treatment services in assisting faculty, staff and students to overcome substance abuse problems. Assessment and intervention services are available through Student Health and Wellness. If further treatment is necessary, the student may be referred to outside counselors and programs.

**Controlled Substance Laws and Sanctions**

The following summary is provided for your information. Controlled substances are classified under the Controlled Substances Act into “schedules” that indicate their relative medicinal use and probability of abuse and dependence (addiction), for more information see the Texas Health and Safety Code, Chapter 481, Controlled Substance Act.

**Controlled Substance Schedules**

Schedule I: substance that has a high potential for abuse; and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. Some examples are heroin, marijuana, LSD, PCP, and crack cocaine.

Schedule II: substance that has a high potential for abuse; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to severe psychological or physical dependence. These drugs include certain narcotic, stimulant, and depressant drugs. Some examples are morphine, cocaine, oxycodone (Percodan®), methylphenidate (Ritalin®), and dextroamphetamine (Dexedrine®).

Schedule III: substance has a potential for abuse less than that of the substances listed in Schedules I and II; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. These contain smaller amounts of certain narcotic and non-narcotic drugs, anti-anxiety drugs, tranquilizers, sedatives, stimulants, and non-narcotic analgesics. Some examples are acetaminophen with codeine (Tylenol® No.3), paregoric, diazepam (Valium®), alprazolam (Xanax®), propoxyphene (Darvon®), and pentazocine (Talwin®).

Schedule IV: substance has a lower potential for abuse than that of the substances listed in Schedule III; the substance has currently accepted medical use in treatment in the United States; and abuse of the substance may lead to a more
limited physical or psychological dependence than that of the substances listed in Schedule III.

Schedule V: substance has a lower potential for abuse than that of the substances listed in Schedule IV; has currently accepted medical use in treatment in the United States; and may lead to a more limited physical or psychological dependence liability than that of the substances listed in Schedule IV.

**Penalties**
Three factors determine offense level for drug possession, the main factors are; (1) the type of drug; (2) the amount; and (3) surrounding aggravating circumstances (such as drug-free zone or possession with intent to deliver.)

**Marijuana**
- Usable amount less than 2 ounces, class B misdemeanor;
- Between 2 and 4 ounces, class A misdemeanor;
- 4 ounces to 5 pounds, state jail felony;
- 5 pounds to 50 pounds 3rd degree felony.

**Penalty groups 1 and 2**
- Less than 1 gram, state jail felony;
- Between 1 to 4 grams, 3rd degree felony;
- Between 4 to 200 grams, 2nd degree felony.

**Penalty groups 3 and 4**
- Less than 28 grams, 3rd degree felony;
- 28 to 200 grams, 2nd degree felony;
- 400 grams or more, 1st degree felony.

**Health Risks of Drug Alcohol Misuse and/or Abuse**
The list below only a partial list of the health risks caused by the misuse or abuse of alcohol or drugs:

Excessive alcohol use poses immediate health risks as well as long-term physical consequences. Consuming too much alcohol—even on a single occasion—can result in injury, violence, risky sexual behaviors, miscarriage and stillbirth among pregnant women, and alcohol poisoning. Long-term, excessive use can lead to the development of chronic diseases, neurological impairments, and social problems. In addition, people risk significant health problems when they use illicit drugs or prescription drugs for recreational purposes.

Stimulants (e.g., cocaine, speed) raise blood pressure, increase the heart rate, and cause rapid breathing. Frequent and long-term stimulant use may cause paranoia, anxiety, hallucinations, insomnia, and depression. Hallucinogens (e.g., LSD, “shrooms”) can result in memory impairment and flashbacks, and have been known to lead to injuries and deaths if the user gets violent or out of control due to a “trip.” Sedatives (e.g., heroin, GHB) can cause memory loss, vertigo, reduced heart rate, seizures, insomnia, anxiety, tremors, and respiratory failure.

**Description of Drug and Alcohol Abuse Education Programs**
Texas A&M University-Kingsville is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Health and Wellness provides a broad-based educational program to assist in the prevention of substance abuse. The university realizes the importance of treatment services in assisting faculty, staff and students to overcome substance abuse problems. Assessment and intervention services are available through Student Health and Wellness. If further treatment is necessary, the student may be referred to outside counselors and programs. The programs are available for all students, faculty and staff to attend, regardless of location of study or assignment/employment.
In compliance with the Drug Free Schools and Communities Act, Texas A&M University-Kingsville publishes information regarding the University’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Texas A&M University-Kingsville students and employees. A complete description of these topics, as provided in the University’s annual notification to students and employees, is available online at: https://www.tamuk.edu/shw/biennial-review.html

SUBSTANCE ABUSE PREVENTION PROGRAMS

Student Health & Wellness (SHW) and the Peer Educator Program (PEP Talk) are committed in coordinating programs, workshops, and events that educate students as well as the campus community on how to make healthier choices about alcohol and drug usage. The following is a list of events/workshops sponsored and/or attended in 2018:

Emergency Notification, Response and Evacuation Procedures

Emergency Reporting
Notify City of Weslaco police department (956-968-8591) or 9-1-1 in case of emergency. All members of the campus community are notified on an annual basis that they are required to notify the Citrus Center staff or local emergency services of any situation that involves a significant emergency or danger that may pose an immediate or ongoing threat to the health and safety of the campus community.

Campus Emergency Notifications
In the event of a significant emergency or dangerous situation involving the immediate threat to the health or safety of persons on the campus, the university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency Notification (Tier II)
When time is of the essence, information may be released to the university community through the Tier II mass notification system. Tier II is capable of sending alerts via telephone call, email messages and text messages to registered users. Students are able to include several telephone numbers and email addresses allowing notification to parents and/or spouses as well. Because Tier II uses data provided by the students, it is imperative that contact
information remain up-to-date at all times. In emergency situations, the campus also is equipped with an indoor speaker system that can broadcast direct commands and sounds to alert the campus to danger and ways to take necessary precautions.

Texas A&M University-Kingsville will use the system only to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). When the imminent threat no longer exists the university will send out a follow up notification or an all clear message.

It is the policy of Texas A&M University-Kingsville to notify the campus community, via the Tier II Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The University Police Department may receive such information from entities including, but not limited to: law enforcement, fire department, National Weather Service, Office of Enterprise Risk Management or personnel from Environmental Health and Safety. The Tier II emergency notification system does not replace Timely Warning requirement. They differ in that the Time Warning requirement applies only to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.).

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through the Emergency Notifications channel on the Campus Resources tab in JNET.

Follow-up information will be distributed using some or all of the identified communication systems.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. Information is communicated by Marketing and Communications to all television outlets based in The Valley in and around McAllen, Texas. Locally, the University may assume control of the campus TV and radio station. The larger community can also access emergency information via the Texas A&M University-Kingsville homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must 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.

Initiation of the Emergency Notification System
The procedure for determining when a Tier II emergency alert message is sent and/or activation of the notification system is the responsibility of the Director of Public Safety/Chief of Police or his designee of the Texas A&M University-Kingsville Police Department. The University Police Department functions 24-hours a day, seven days a week. Upon notification from one of the individuals authorized to issue a Tier II alert, the University Police Department, without delay, and taking into account the safety of the community, determines the content of the notification and initiates the notification system; unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Personnel authorized to issue a Tier II alert are:
- Director of Public Safety/Chief of Police, or designee,
- Police Lieutenant,
- University Police Department patrol supervisors and communications officers,
- Executive Director of Enterprise Risk Management,
- Acting Director of Student Affairs,
- Assistant Vice President of Student Affairs/Dean of Students, and,
• President of the University, or his designee.

The university conducts weekly pre-scheduled testing of the emergency notification system. These weekly tests are launched by the Office of Enterprise Risk Management and/or the Communications Section of the University Police Department.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

• University Police and/or other first responders may become aware of a critical incident or other emergency situation that potentially affects the health or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the UPD Dispatch Center or upon discovery during patrol or other assignments.

• Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify supervisors at UPD to issue an emergency notification.

• The Director of Public Safety/Chief of Police and the Executive Director of Enterprise Risk Management, or their designee will make the appropriate notifications to Texas A&M University– Kingsville’s executive leadership and initiate all or some portions of the emergency notification system.

• If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the university may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the emergency notification to the campus community will be issued, if there is a continuing threat to the campus community.

Segment(s) of the Campus Community to Receive an Emergency Notification

University Police will share information with those preparing the emergency notification to determine what segment or segments of the campus community should receive the notification. The entire Texas A&M University-Kingsville community including Texas A&M University-Kingsville main campus, Citrus Center in Weslaco, South Texas College Mid Valley Campus in Weslaco, and Texas State Technical College- MIT-C in Harlingen and Irma Rangel School of Pharmacy will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. The university will continue to assess the situation and additional segments of the campus community may be notified if the situation warrants.

The University Police Department will notify/coordinate response efforts with local enforcement authorities and other outside emergency personnel. The Director of Public Safety/Chief of Police or designee is responsible for disseminating emergency information to the public.

Contents of the Emergency Notification

The University Police shares responsibility with other campus divisions and departments for issuing emergency notifications and determining the contents of the notifications. UPD has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases, where there are no predetermined template messages in the system, the individual authorizing the alert will develop a message to convey the appropriate information to the community. Messages are designed to convey the nature of the emergency and response actions that should be taken to protect life, property, and the environment.

Procedures Used to Notify the Campus Community

When the University Police Department receives notification of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the Texas A&M University-Kingsville campus, first responders will confirm the emergency/threat. If the emergency warrants, the UPD supervisor shall
communicate immediately with the chief of police or designee; and depending on the magnitude of the incident, the Emergency Management Team chair or alternate who will communicate with the president.

Depending on the emergency the Emergency Management Team will execute the emergency management plan for emergency at hand. The university community will be notified using Tier I and Tier II communication systems via:

- SMS text message,
- Email,
- Telephone calls to registered users (home office and cell phones),
- Outdoor warning sirens and public address messages, or
- Scroll messages in campus buildings

In those instances, take appropriate action to evacuate the area and to ensure your safety and give protection to those around you that may need assistance.

The Emergency Management Team chair or designee, shall, consistent with university’s Emergency Management Plan, authorize immediate notification to the university community following confirmation of the threat, unless that notification is delayed for as short a time as possible, if there is a professional determination by law enforcement that issuing a notice would put the university community at greater risk. The content of the notification will be generic in nature to maintain campus safety while responding to, containing, and/or rendering aid or assistance to victims.

**Emergency Management Team**

Members of the University’s Emergency Management Team include the following:

- Chief of Staff - Serves as the Chair of the Emergency Management Team
- Executive Director, Enterprise Risk Management
- Director of Public Safety/Chief of Police
- Executive Director, Physical Plant
- Manager, Environmental Health & Safety
- Associate Vice President for Information Technology/Chief Information Officer
- Assistant Vice President of Student Affairs/Dean of Students
- Construction Project Manager III
- Executive Director, University Housing & Residence Life
- Director, Student Health & Wellness
- Acting Director of Student Affairs/Associate Dean of Students
- Executive Director, Human Resources
- Assistant Dean for Finance and Administration (College of Pharmacy)
- Assistant Vice President, Marketing and Communications
- Academy High School Principal
- Associate Vice President for Academic Affairs
- Vice President for Finance/Chief Financial Officer
- Director, University Facilities Planning and Construction

Depending upon the situation, however, other university personnel will be involved in carrying out the university’s emergency response efforts.

**Campus Evacuation**

The president or designee will authorize university evacuation orders. An announcement of a campus-wide evacuation will come from the Office of the President or the Emergency Management Team. Students and employees should follow the instructions and timeline for leaving the campus and alert others to do the same. Information about returning to the campus will be provided through Tier I and Tier II, the personnel recall process for employees and press releases through
the news media outlets.

Building Evacuation
An evacuation will occur when the fire alarm sounds and/or notification is made by the Texas A&M University- Kingsville Safety Office (Environmental Health and Safety or the Campus Fire Marshal), Emergency Management Team, Citrus Center staff, the building emergency managers (BEM’s) acting under the instructions of these offices, or in the case of actual alarm or emergency event the Weslaco Fire Department.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area or other safe area as designated by the BEM. Personnel shall not return to an evacuated building until given the all clear signal by Texas A&M University - Kingsville Citrus Center officials.

Annually, the administrative Citrus Center building will conduct, at random, an emergency, evacuation drill to ensure proper procedures are followed. Following the drill all involved parties meet to discuss the event and the BEM will fill out the Fire Drill form to ensure all procedures were followed.

Drills, Exercises and Training
Occupants are instructed on evacuation procedures, (tornado, fire drills exercises, etc.) by the Office of Enterprise Risk Management, Environmental Health and Safety Office annually for the residential apartments at Texas A&M University-Kingsville Citrus Center. All occupants are instructed that in the cases where smoke detectors are activated they must evacuate the building immediately and notify (by knocking on doors, yelling, etc.) all other occupants of adjoining apartments. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of the smoke detectors system components. Any deficient equipment is noted so that appropriate repairs can be performed. Students receive emergency information and procedures during their hall meetings.

The Texas A&M University-Kingsville Emergency Management Plan (EMP) describes the responsibilities and duties of campus personnel, departments, in event of an emergency or dangerous situation involving an immediate threat. The EMP is designed to assist employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, the university conducts emergency response exercises annually. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. In conjunction with at least one test (drill and an exercise) the University will disseminate emergency response and evacuation procedures to the campus community through the campus e-mail system.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Faculty, staff and students who fail to evacuate during a drill or actual event will be reported to the appropriate university official for possible disciplinary action for unsafe practices.

Fire Drills
Fire drills are also conducted each semester to ensure the faculty, staff and students understand emergency building evacuation procedures. All occupants must evacuate the building whenever an alarm sounds. Anyone who ignores evacuation instruction may be subject to conduct proceedings.

Emergency Exercises
The university conducts tabletop, functional, and/or full-scale emergency exercises with the various university departments, the university’s Emergency Management Team and community partners. These exercises are designed to prepare university personnel to respond to various emergencies that may occur on campus, recover from emergencies as quickly as possible, and provide the appropriate support to students, employees, and university operations.
Security Awareness and Crime Prevention Programs

The University Police Department, in cooperation with Environmental Health and Safety, offers security awareness and crime prevention programs to the campus community on an ongoing basis. A common theme of the awareness and crime prevention programs is to encourage new and returning students and employees to be aware of their responsibility for their own security and to be concerned for the security of others. These programs aim to eliminate or reduce incidents of domestic violence, dating violence, sexual assault, stalking, illicit drug use and dangers, theft, vandalism, personal safety and campus security. The programs are available for all students, faculty and staff to attend, regardless of location of study or assignment/employment.

- **For Students**
  - Annually the Texas A&M University-Kingsville police department along with Dean of Students, Office of Compliance and other university departments address the students in the athletic program, which includes all university sports, on safety awareness, sexual assault, alcohol and drug awareness, university policies, conduct while travelling and how they represent the university. All student athletes and athletic staff are required to take annual sexual violence prevention through EverFi. Additionally, all new undergraduate first time in college students and new undergraduate transfer students to Texas A&M University-Kingsville are required to participate in Sexual Assault Prevention for Undergraduates training. Students enrolled in a Student Success Course through the Center for Student Success will be assigned AlcoholEdu training. Online sexual assault prevention, AlcoholEdu, and Prescription Drug Abuse Prevention courses will be made available to all students.

- **Facility and Staff**
  - New employee orientation: Bi-weekly; Robbery and personal safety ongoing, Rape Aggression Defense (RAD), active shooter (Shots Fired), Building Emergency Managers (BEM); upon request. All faculty and staff are trained in Title IX and System Regulation 08.01.01 through TrainTraq, and had access to Harassment and Discrimination Prevention Training through EverFi.

- **For Campus Community**
  - The University Police Department conducts crime prevention and crime awareness presentations upon request. These presentations include: Alcohol Awareness, RA Presentations, Crime Prevention and Safety, Crime Prevention Tips, Date Rape, Drug Abuse, Hate Crimes, Rape Aggression Defense (RAD) Program, Personal Safety, Safety in the Workplace, Student Orientation, Shots Fired and others.

- **Alcohol Awareness Programs, Minor in Consumption and Minor in Possession Enforcement, Fatal Vision – DWEyes**: UPD, in conjunction with other university departments and outside agencies, demonstrates with the use of Fatal Vision goggles, in varying degrees of perceived intoxication, what one might experience being intoxicated and operating a motor-vehicle or performing motor skill activities while under the influence of intoxicants. This is an ongoing program. UPD uses both a proactive and reactive approach to addressing the problems of underage drinking and drunk driving. Using a proactive approach, police officers go to various segments of the campus community and provide educational programs regarding the problems associated with alcohol abuse and misuse and its relationship to crimes such as drunk driving. In a reactive approach, UPD officers arrest drunk drivers, and cite violators for minor in consumption and minor in possession of alcohol. In addition, the Student Health and Wellness Services provide education on substance use and abuse issues.

- **Active Shooter Response Training**: The UPD offers the “Shots Fired! When Lightning Strikes…” DVD for all campus personnel, including University Housing and Residential Life, Building Emergency Managers, Student health and Wellness, student, faculty and staff organizations and groups on an on-going basis. The program provides valuable information to instill a survivor mindset and teach realistic strategies for dealing with an active
shooter situation.

- **Civilian Response to Active Shooter Event (CRASE):** UPD offers the CRASE course to the campus community throughout the year. The program developed by the Texas Advanced Law Enforcement Rapid Response Training (ALERRT) Center provides information to the community on what they should do if confronted with an active shooter event. The course is designed and built on the Avoid, Deny, Defend™ strategies for surviving an active shooter event.

- **Rape Aggression Defense (RAD):** UPD has trained and certified RAD instructors that offer sexual assault prevention, education and awareness. The course includes lecture, discussion and self-defense techniques suitable for women of all ages and abilities. Classes range from a minimum of nine to twelve hours plus in length.

Additional crime prevention programs and activities are also available to students, faculty, staff and visitors, including, but not limited to:

- **Operation Identification (ID):** Police can help students engrave unique identifiers on personal items kept on campus, such as bikes, computers, radios, and stereo systems. This nationally recognized identification procedure has been shown to facilitate the recovery of stolen items. UPD suggests keeping a record of serial numbers and unique identifiers, and taking photos of valuable items kept on campus to aid in identification and recovery.

- **Personal Safety Training:** Staff from Health and Wellness Services is available for seminars concerning personal safety for women (361-593-3991).

- **Safety Awareness Resources:** Brochures are available through the University Police Department, which provide additional information and training. The university’s Emergency Management Plan is available to the campus community through the Office of Environmental Health and Safety and on the web: [http://www.tamuk.edu/compliance/risk/safety/EmergencyManagement.html](http://www.tamuk.edu/compliance/risk/safety/EmergencyManagement.html) with information concerning procedures for emergency evacuation, responding to fire, earthquake, hurricanes, serious injury, bomb threat, hazardous material leaks and violent crimes.

- **Sexual Assault Prevention Programs:** The Texas A&M University - Kingsville Police Department provides educational programs to prevent sexual assault and to increase student awareness to circumstances which could lead to sexual assault. These educational programs include: Date Rape, Drug Abuse, Hate Crimes, RAD Program, and Personal Safety. Student Health and Wellness Services has a brochure on rape prevention and another on acquaintance rape.

- **Security Cameras:** Video surveillance at the University plays an ever increasing role in the total security package that the University is able to provide for the students, faculty, staff, and visitors. The University maintains and monitors a comprehensive video surveillance system.

### Personal Safety Tips

The safety and well-being of our students, faculty, staff, and visitors will always be a primary institutional goal at Texas A&M University-Kingsville. The UPD can help you protect yourself and your property by reducing the possibility of being victimized. As a member of the university community, you can help in reducing the potential for criminal activity.

The university’s safety and security measures are designed to address every area of campus life, but a safe environment also depends on the awareness and cooperation of individual campus community members.

Here are some common-sense steps you can take for personal safety and loss prevention:

**General:**
- Remember to call 9-1-1 in case of an emergency
- Know the non-emergency phone number of local and county law enforcement in your area and program it into your cell phone.
• Notify a university employee or local law enforcement of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.
• Remain alert, pay attention to your surroundings, and avoid listening to musical devices such as an iPod to make it more difficult to be taken by surprise.
• When traversing the campus at night, stay within well-lit walkways.
• Never prop doors open, even for a short time.
• Park in well-lighted areas, and check the inside of your vehicle before entering it.
• Although the campuses are considered safe, students and staff are encouraged to walk in pairs or groups after dark.
• Utilize the Rave Guardian, known as JavGuard, mobile application.

Walking:
• Have a plan, be aware of your surroundings, and walk with confidence
• Walk with a friend whenever possible
• Avoid dark areas, high shrubbery, and shortcuts: stay in well lighted areas
• Try to walk facing oncoming traffic
• Cross streets using marked crosswalks or at intersections
• Use sidewalks
• Maintain a secure grip on purses and personal items
• Keep your cell phone at the ready
• Program the local law enforcement in your cell/smart phone
• Be wary of newly acquired acquaintances
• Don’t reveal personal information to new found friends

In your residence:
• Never give your key or ID to anyone.
• Never open your door to strangers.
• Never leave your door open or unlocked, even for a short period of time, when no one is in your room/apartment.
• Keep all laptops, electronics, jewelry, and expensive items out of sight.
• Request I.D. from people you don’t know.
• Close your blinds or shades after dark.
• Never “prop” the entrance doors to the apartments.
• Don’t leave keys under the door mat or in other “hiding places” and don’t leave notes.

In public laundry facilities:
• Be cautious.
• Try to never be in the laundry room alone.
• Remove clothes promptly from washers and dryers.
• Consider folding your clothes in your room/apartment.

To prevent theft and help in the recovery of stolen property:
• Engrave personal property such as computers, televisions, and stereos.
• Record all serial numbers of property and maintain a receipt of purchase in a safe, secure place.
• Take photographs of all expensive items. These photographs can assist in proving ownership in the event of a fire or a theft. Keep these photographs in a safe, secure place.
Bystander Intervention

Bystander intervention can be as simple as calling the police if you witness a serious situation in progress. If you feel you are being stalked and want to report it as a crime; you should immediately call the Weslaco Police Department (956-968-8591) if the incident occurred on campus. If the incident happened outside Citrus Center, report the incident to local law enforcement or other appropriate campus officials.

Safe and Positive Options for Bystander Intervention

Everyone has a role to play in preventing sexual assault. There are many different ways that you can step in or make a difference if you see someone at risk. This approach to preventing sexual assault is referred to as “bystander intervention.”

Bystander Intervention involves 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.

- Be aware of comments and behaviors from others that would indicate they are intent on having sexual intercourse even if a partner is unwilling.
- Notice if someone is getting ready to have sexual intercourse with a partner who is incapacitated.
- Never pressure or encourage friends to drink or have sex as often or with as many people as possible.
- Never joke about sexual assault; comments and jokes that are meant to “ease the tension” or are “just kidding around” can trivialize the severity of the behavior.
- Know your level of comfort with conversations and talk about sexual behavior. If you find groups or individuals who talk about sexual relationships that are not in sync with how you feel, or the type of relationship you want, do not be afraid to state your position.
- Many perpetrators are unaware that what they have done is a crime. They may say, “Yeah, that was messed up, but it was fun.” Let them know that what they did was not right and was against the law.
- Speak up when you hear threatening language.
- Respectfully challenge comments that degrade others.

A bystander’s role in preventing sexual assault, dating violence, domestic violence or stalking

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make all the difference, but it should never put your own safety at risk.

- Create a distraction. Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place. Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.” Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about. Start an activity that draws other people in, like a game, a debate, or a dance party.
- Ask directly. Talk directly to the person who might be in trouble. Ask questions such as “Who did you come here with?” or “Would you like me to stay with you?”
- Refer to an authority. Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, such as a resident assistant, security guard, bartender, or other employee. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in. Don’t hesitate to call 9-1-1 if you are concerned for someone else’s safety.
- Enlist others. It can be intimidating to approach a situation alone. Enlist another person to support you or to come with you to approach the person at risk. Or ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort that person to the bathroom. Enlist the friend of the
person you’re concerned about by saying, “Your friend looks like they’ve had a lot to drink. Can you check on them?”

If you become aware that a sexual assault, dating violence, domestic violence or stalking has occurred or are told of an incident occurring:

- Believe the person. He or she will need you to be supportive and understanding.
- Tell the victim it is not their fault.
- Encourage the victim to talk to a professional, such as someone from Student Health and Wellness (confidential resource), University Police, the dean of students, or the Title IX Coordinator. Realize, however, there may be reasons that the person does NOT want to do that at this time. Respect that decision.
- Don’t pry or try to get information out of the person if they are unwilling to be forthcoming with information. Be ready to listen when the individual is ready to talk. The person may feel uncomfortable about involving others, and will open up when ready.
- If you learn of the perpetrator’s identity, do not suggest physical retaliation of any kind.
- Know available resources.
- Listen and be patient.

**Tips for Violence Risk Reduction**

The following are some strategies to reduce one’s risk of violence (adapted from the Rape, Abuse, and Incest National Network (RAINN) at: [www.rainn.org](http://www.rainn.org) and Love is Respect at: [www.loveisrespect.org](http://www.loveisrespect.org) or other similar help sites). Risk reduction options are 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.

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of violence, sexual assault or harassment:

- 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.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- 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. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately. (Weslaco Police Department at 956-968-8591 or calling 9-1-1 in most areas of the U.S.).
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, get a new one.
- Don’t accept drinks from people you don’t 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, don’t drink from the punch bowls or other large, common open containers.
- Make or order your own drinks and never feel pressured to have “just one more.”
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if
Sexual Harassment and Sex-based Misconduct

It is the policy of Texas A&M University-Kingsville, that the sexual harassment of students, employees and users of university facilities is unacceptable and prohibited. This stance is consistent with the university's efforts to maintain equal employment opportunities, equal educational opportunities, and non-discrimination in program services, use of facilities, and the affirmative action program. The Office of Compliance publishes a resource guide that gives detailed information about reporting options, adjudication process, and resources available for sexual harassment and sex-based misconduct. These are available in the Office of Compliance and other offices across campus.

Sexual harassment and sex-based misconduct is the introduction of unwanted sexual activities or comments into the work or learning situation. Oftentimes, sexual harassment and sex-based misconduct involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment and sex-based misconduct may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.

For general policy purposes, sexual harassment, as defined in the January 2, 2020 update of System Regulation 08.01.01, Civil Rights Compliance, may be described as Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment that, in the employment context, either explicitly or implicitly, is sufficiently severe, persistent or pervasive that it 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 it unreasonably interferes with a person's ability to participate in or benefit from educational programs or activities or campus living environment at a postsecondary educational institution. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

As of an August 14, 2020 update to System Regulation, 08.01.01, Sexual Harassment may be described as unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual's participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member’s education program or activity; or (3) sexual assault or dating violence, domestic violence, or stalking based on sex. The August 14, 2020 regulation change defined sex-based misconduct as unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sex-based misconduct is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. The date that the incident was reported to have occurred will determine which policy definition applies.
In keeping with the applicable policies, Texas A&M University-Kingsville is undertaking an education and prevention plan of action to protect employees, students, and users of university facilities from sexual harassment and/or sex-based misconduct to rid the University of such conduct.

Anyone subjected to suspected sexual harassment and/or sex-based misconduct should contact the Office of Compliance at Texas A&M University-Kingsville. Texas A&M University-Kingsville makes every effort to keep reports private by restricting information to those with a reasonable need to know. However, confidentiality cannot be guaranteed unless a person reports to an employee identified as a confidential reporter. Individuals wanting to make an anonymous report should utilize the EthicsPoint hotline: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html and leave the reporters information blank. Sexual harassment and/or sex-based misconduct grievances will be handled according to the procedure summarized below.

Confidentiality
The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, stalking, or sexual exploitation to the fullest extent possible as required by law. However, when accessing university resources, individuals should be aware of the university’s confidentiality and mandatory reporting obligation in order to make informed choices. Some on-campus resources offer confidentiality, sharing options, and advice without an obligation to disclose identifying information unless the reporter wants them to or when state or federal law requires mandatory reporting. Confidentiality is limited to licensed professional counseling staff at the Student Health and Wellness Department. In addition, individuals may speak on or off-campus with members of the clergy and chaplains who will keep reports made to them confidential. Any information provided anonymously or formally will be used in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act for data collection.

Violence Against Women Reauthorization Act of 2013
Overview
(Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

On March 7th, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) was enacted by the United States Congress. Among other provisions, this law amended sections of the Clery Act. These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security Reports beginning with the 2013 Annual Security Report. Although VAWA was awaiting reauthorization as of 2018, Texas A&M-University-Kingsville continued to follow reporting requirements (VAWA was reauthorized in 2021).

Texas A&M University-Kingsville strictly prohibits the offenses of domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Toward that end, Texas A&M University-Kingsville issues a statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for reporting and investigating complaints and the institutional disciplinary actions that may result in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official. As of August 14, 2020, reports involving off-campus incidents of domestic violence, dating violence, sexual assault and stalking will be investigated under the campus definition of sex-based
misconduct and reports of on-campus incidents will be investigated under the campus definition of sexual harassment. Both definitions proceed through the same investigative process and may result in the same sanctions.

Alleged offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. The university utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and/or stalking. These procedures are carried out by officials who receive specific annual training.

Sexual violence is a form of sexual harassment and sex-based misconduct. Services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking based on sex. In these situations, Texas A&M University-Kingsville is committed to providing crisis intervention measures for students, faculty, and staff, as well as an appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities when required; and educating and promoting discussion on interpersonal abuse and violence issues. The university’s process does not preclude adjudication under state law. The University prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX..

As a victim of crime, you will have questions. What should you do? Generally speaking, a victim of sexual assault, dating violence, domestic violence, or stalking has five choices:

- Choose to not report the crime to police or any campus authority.
- Report the crime to University Police or the Office of Compliance anonymously. The Office of Compliance accepts anonymous reports through the EthicsPoint hotline: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html.
- Report the crime to University Police (361-593-2611) or local police (361-592-4311) with the intent of pressing criminal charges.
- Report the crime to the university, including the Title IX Coordinator (361-593-4758), with the intent of using the Student Code of Conduct Process to hold the offender responsible. See Texas A&M University – Kingsville’s Sexual Misconduct Policy in the Student Handbook online: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf.
- Obtain forensic evidence from a sexual assault nurse examiner (SANE) (361-761-1000), which can be maintained even if you choose not to immediately report the crime to police or any campus authority.

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**Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws**

**Sexual Assault Penal Code**

Texas Penal Code Sec. 21.01. DEFINITIONS. In this section:

1. "Deviate sexual intercourse" means: (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or (B) the penetration of the genitals or the anus of another person with an object.

2. "Sexual contact" means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person. (3) "Sexual intercourse"
means any penetration of the female sex organ by the male sex organ. (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Texas Penal Code, Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if: (1) the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. (b) A sexual assault under Subsection (a) (1) is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; (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. (c) In this section: (1) “Child” means a person younger than 17 years of age. (2) "Spouse" means a person who is legally married to another. (3) "Health care services provider" means: (A) a physician licensed under Subtitle B, Title 3, Occupations Code; (B) a chiropractor licensed under Chapter 201, Occupations Code; (C) a physical therapist licensed under Chapter 453, Occupations Code; (D) a physician assistant licensed under Chapter 204, Occupations Code; or (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code. (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a: (A) licensed social worker as defined by Section 505.002, Occupations Code; (B) chemical dependency counselor as defined by Section 504.001, Occupations Code; (C) licensed professional counselor as defined by Section 503.002, Occupations Code; (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code; (E) member of the clergy; (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code. (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer. (6) “Assisted reproduction” and “donor” have the meanings assigned by Section 160.102.
(f) An offense under this section is a felony of the second degree, except that an offense under this section is: (1) a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

Texas Penal Code, Sec. 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an offense: (1) if the person: (A) intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of a child by any means; (ii) causes the penetration of the mouth of a child by the sexual organ of the actor; (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (iv) causes the anus of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; and (2) if: (A) the person: (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; (iv) uses or exhibits a deadly weapon in the course of the same criminal episode; (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act; (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or (C) the victim is an elderly individual or a disabled individual.

(b) In this section:
(1) "Child" has the meaning assigned by Section 22.011(c). (2) "Elderly individual" and "disabled individual" have the meanings assigned by Section 22.04(c). (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self. (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

(d) The defense provided by Section 22.011(d) applies to this section. (e) An offense under this section is a felony of the first degree. (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
(1) the victim of the offense is younger than six years of age at the time the offense is committed; or (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

**Dating Violence Penal Code**

Texas Family Code, Sec. 71.0021. DATING VIOLENCE.

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim 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 in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.

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

**Family Violence (Domestic Violence) Penal Code**

Texas Family Code, Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

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

Sec. 71.005. HOUSEHOLD. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Sec. 71.006. MEMBER OF A HOUSEHOLD. "Member of a household" includes a person who previously lived in a household.

**Stalking Penal Code**

Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or (C) that an offense will be committed against the other person's property; (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following
laws that contains elements that are substantially similar to the elements of an offense under this section: (1) the laws of another state; (2) the laws of a federally recognized Indian tribe; (3) the laws of a territory of the United States; or (4) federal law.

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

(d) In this section: (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code. (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

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**Information for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

When a victim of sexual assault, dating violence, domestic violence or stalking contacts the University Police Department, UPD will contact the Director of Student Health and Wellness Services or designee and the Title IX Coordinator or designee. Student Health and Wellness staff will guide the victim through the available options and support the victim in his/her decisions. The victim also will be encouraged to access the counseling services offered through Student Health and Wellness.

The University Police Department works in concert with Student Health and Wellness Department and the Health Care Clinic, taking a team approach in dealing with sensitive situations and referring persons to counseling services, as needed.

Police officers are trained in threat assessment and licensed professional counselors encourage their clients to report crimes to the University Police Department. Crime information will be forwarded to the University Police Department and may be anonymous at the request of the client.

If the client chooses to report anonymously counselors do not disclose identifying information to the police department, unless there is an immediate threat to safety.

The victim may choose for the investigation to be pursued through the criminal justice system, the campus disciplinary system or both. The university police, with the victim’s consent, will immediately conduct a criminal investigation of on-campus incidents. Completed investigations will be forwarded to the District Attorney’s Office for review and possible prosecution.

Along with criminal prosecution, University disciplinary action may be imposed on individual students, recognized student organizations and/or university faculty and staff found in violation of the university policy. University action is an option that can be pursued in lieu of/or concurrent with legal prosecution. University proceedings will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking. Both the victim and the accused will receive equal access and opportunities to
participate in the administrative processes, including access to the investigation procedures; support of an advisor; information in writing regarding any extensions requested; reviews of the draft investigation report and final investigation report; the outcome of the investigation; the appeal process; and the prohibition of institutional retaliation. While an investigation is occurring, the university will assist the victim in any appropriate interim measures, including but not limited to, changing academic and living situations, if such changes are reasonably available. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. To begin a university inquiry, the counselor, police, employee reporter, third-party reporter or victim should contact the Title IX Coordinator at 361-593-4758. To proceed with an investigation, the complainant needs to sign a formal-complaint form.

When students are the alleged perpetrator, if they are found responsible for a violation of the Student Code of Conduct, the responding student may be placed on probation, suspended or expelled, for committing violent or criminal acts on campus or at campus-related events. University disciplinary proceedings, when students are accused of a violation of sexual assault, dating violence, domestic violence or stalking, are detailed in the Texas A&M University -Kingsville student handbook.

The institution will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the institution will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

**Things to Remember:**

- Obtain necessary medical treatment. This may include a voluntary medical exam and post-assault medical care. This can be performed at a local emergency room or designated hospital. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive appropriate medical assessment and treatment, and can preserve evidence for possible future action.
- Pursue counseling services with appropriate agencies (e.g., Student Health and Wellness, Employee Assistance Program (EAP), or private providers).
- Call someone that is known and trusted, such as a friend or counselor. This person can help to evaluate the next steps.
- Make a police report to the University Police Department or other appropriate law enforcement agency
- Make a report to a campus security authority (CSA), Title IX coordinator, deputy Title IX coordinator, or other responsible employee under Title IX.
- Make an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

**Procedures for Victims of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

**If the Assault Just Occurred**

- Remember the sexual assault, dating violence, domestic violence or stalking is not your fault.
Your first priority should be to get to a place of safety. If you do not feel safe and need immediate police or medical assistance, call 9-1-1 or if on campus 361-593-2611. Police can also take you to the hospital or meet you there.

If you are a victim of sexual assault, you should make every attempt to preserve any physical evidence of the assault; avoid destroying evidence by bathing or showering, douching, changing clothes, or cleaning up in any way, or disposing of any damaged clothing or other items that were present after/during the assault.

Contact someone who can help you: a friend, the University Police Department (at 361-593-2611 if on campus or 9-1-1 if off campus), a relative - any or all of the above.

Get medical attention at a hospital emergency room right away. You do not have to report the incident to the police to be seen in the emergency room or to have an evidence-gathering exam (e.g., using a sexual assault nurse examiner kit).

Seek medical help whether or not you want to report the incident. You may have injuries you are not aware of, and a doctor can help you do what you can to prevent pregnancy or sexually transmitted infections.

Do not shower, drink or eat, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to press criminal charges against the assailant.

Know that you have legal choices. Call the University Police at 361-593-2611 or Title IX Coordinator 361-593-4758 for assistance or to learn about your choices.

As soon as you have a quiet moment, write down everything that you remember happening, with as much detail as possible. This will help with your own healing process and in any legal action you might decide to take.

As soon as possible, the victim of a sexual assault, dating violence, domestic violence or stalking should report the incident to the University Police Department or to the appropriate law enforcement agency, if the incident took place off campus. The Office of Compliance, University Housing and Residence Life staff, Dean of Students or other appropriate university staff of Texas A&M University-Kingsville will assist you with reporting to UPD or outside agencies as appropriate. Filing a police report with law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a report will:

- Ensure that a victim of sexual assault, domestic violence, dating violence or stalking receives the necessary medical treatment and tests. Ideally a victim of sexual assault should not wash, douche, use the toilet or change clothing prior to a medical/legal exam.
- Provide the opportunity for collection of evidence helpful in prosecution or obtaining a protection order, which cannot be obtained later.
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of crisis intervention.

Preserving Physical Evidence
If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voicemail, or other electronic communications should be saved and not altered in any way. For more information about how to preserve evidence, contact the University Police Department at 361-593-2611.

If someone is pressuring you, or if you need to get out of an uncomfortable or scary situation:

- 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 who is to blame.
- Be true to yourself. Don’t feel obligated to do anything you don’t 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.
• Have a code word or phrase with your friends or family. If you feel uncomfortable in a situation you can call and notify them without alerting the person you are with. Your friends or family can then come get you or make up an excuse for you to leave.

• Lie. If you don’t 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.

• Try to think of an escape route. How would you try to get out of the room? Where are the doors or windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

• 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.

Campus Resources for Sexual Assault, Dating Violence, Domestic Violence and Stalking

The Texas A&M University-Kingsville Student Health and Wellness – Counseling Services, 361-593-3991, offers free and confidential assessments and counseling for academic, career, and personal issues to all enrolled Texas A&M University-Kingsville students. All counseling sessions are confidential to the full limits provided by the law; no identifying information can be released within or outside the university without the client’s consent. There is no set limit or requirement to the number of sessions that one may attend. Student Health and Wellness offers support and counseling for individuals who have experienced violence. That support may be through individual counseling. Counseling is also available for enrolled university students who are friends and partners of people who have experienced this kind of violence.

Student Health and Wellness conducts workshops on healthy relationships. The department annually conducts sexual assault and gender violence prevention programs, including Walk a Mile in Her Shoes (Wearing women’s shoes while walking a mile on campus, Texas A&M University-Kingsville men help raise awareness about gender violence), Take back the night (Empowering each other to stand strong, illuminate the night and share stories to end sexual assault, domestic and gender violence).

The Office of Compliance, in conjunction with the University Police Department, provides female faculty, staff and students access to Rape Aggression Defense self-defense courses. The Office of Compliance also provides online training to faculty, staff and students and in-person training covering reporting options, bystander intervention, consent, employee reporting requirements, etc.

Consent in Reference to Sexual Activity

Texas Penal Code § 1.07 (11) "Consent" means assent in fact, whether express or apparent. (19) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if: (A) induced by force, threat, or fraud; (B) given by a person the actor knows is not legally authorized to act for the owner; (C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or (D) given solely to detect the commission of an offense.
Penal Code § 22.011(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force or violence, 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 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 a 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 reproductive 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.

**TAMUK Consent and Sexual Assault Definition**

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines consent as clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent. As of August 14, 2020, the definition also includes recognition that consent may be revoked by any party at any time.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines sexual assault as an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as: Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Assisting someone in the commission of sexual assault is prohibited, and sexual assault is a form of sexual harassment and/or sex-based misconduct.

**Medical Exam Following Sexual Assault**

If you go to a hospital as a result of a sexual assault, you are entitled to a free evidence collection examination performed by a sexual assault nurse examiner (SANE). Texas A&M University-Kingsville departments (Student Health and Wellness, University Police, Title IX Coordinator) use area hospitals for such an exam, including Doctor’s Regional Hospital, Corpus Christi; or Driscoll Children’s Hospital, Corpus Christi. These facilities have specially trained nurses on call 24 hours a day for such purposes. The nurse will collect the evidence and ask the university police to pick it up and store it for at least six months. The evidence will be in a box marked only with a number, not your name. You are not
required to make an official police report for this evidence to be collected. If you later decide to make such a report, the hospital will give your name to the police and the evidence kit will be tested for possible use in a court case. For assistance in this process, contact the University Police Department at 361-593-2611.

Texas Code of Criminal Procedure, Art. 56.06. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS.  (a-1) If a sexual assault is reported to a law enforcement agency within 120 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a forensic medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) If a sexual assault is not reported within the period described by Subsection (a-1), on receiving the consent described by that subsection the law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(b-1) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a-1) or (b), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall: (1) provide the documentation of the agency's decision regarding a request for a forensic medical examination to: (A) the health care facility and the sexual assault examiner or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (B) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (2) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.

(b-2) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for: (1) the reasonable costs of the forensic portion of that examination; and (2) the evidence collection kit.

(b-3) The application under Subsection (b-2) must be in the form and manner prescribed by the attorney general and must include: (1) the documentation that the law enforcement agency requested the forensic medical examination, as required under Subsection (b-1); and (2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

(b-4) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (b-2) shall accept reimbursement from the attorney general as payment for the costs unless: (1) the health care facility or sexual assault examiner or sexual assault nurse examiner, as applicable, requests, in writing, additional reimbursement from the attorney general; and (B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and (2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(b-5) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(1), eff. September 1, 2019.

(d) A law enforcement agency or prosecuting attorney's office may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the forensic medical examination or manner in which it was performed.

(e) This article does not require a law enforcement agency to pay any costs of treatment for injuries.

(f) The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code.

(g) The attorney general shall adopt rules necessary to implement this article.

(h) On request, the attorney general may provide training to a health care facility regarding the process for applying for reimbursement under this article.
Texas Code of Criminal Procedure, Article 56.065.  MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS NOT REPORTED ASSAULT; COSTS.  (a) In this article:
(1) "Crime laboratory" has the meaning assigned by Article 38.35.
(2) "Department" means the Department of Public Safety.
(3) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(2), eff. September 1, 2019.
(b) This article applies to the following health care facilities that provide diagnosis or treatment services to victims of sexual assault: (1) a general or special hospital licensed under Chapter 241, Health and Safety Code; (2) a general or special hospital owned by this state; (3) an outpatient clinic; and (4) a private physician's office.
(c) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (e), a health care facility shall conduct a forensic medical examination of the victim of an alleged sexual assault if:
(1) the victim arrives at the facility within 120 hours after the assault occurred; (2) the victim consents to the examination; and (3) at the time of the examination the victim has not reported the assault to a law enforcement agency.
(c-1) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, within 120 hours after the alleged sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for: (1) the reasonable costs of the forensic portion of that examination; and (2) the evidence collection kit.
(c-2) The application under Subsection (c-1) must be in the form and manner prescribed by the attorney general and must include: (1) certification that the examination was conducted in accordance with the requirements of Subsection (c); and (2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.
(c-3) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (c-1) shall accept reimbursement from the attorney general as payment for the costs unless: (1) the health care facility or sexual assault examiner or sexual assault nurse examiner, as applicable: (A) requests, in writing, additional reimbursement from the attorney general; and (B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and (2) the attorney general determines that there is a reasonable justification for additional reimbursement.
(c-4) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.
(d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1037 (H.B. 616), Sec. 8(2), eff. September 1, 2019.
(e) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim seeking a forensic medical examination under Subsection (c) to a health care facility that provides services to those victims.
(f) The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of the alleged sexual assault other than through an examination as described by this article.
(g) The department, consistent with Chapter 420, Government Code, shall develop procedures for: (1) the transfer of evidence collected under this article to a crime laboratory or other suitable location designated by the public safety director of the department; (2) the preservation of the evidence by the receiving entity; and (3) the notification of the victim of the offense before a planned destruction of evidence under this article.
(g-1) Subject to Subsection (g-2), an entity receiving evidence described by Subsection (g) shall preserve the evidence until the earlier of: (1) the fifth anniversary of the date on which evidence was collected; or (2) the date on which written consent to release the evidence is obtained as provided by Section 420.0735, Government Code.
(g-2) An entity receiving evidence described by Subsection (g) may destroy the evidence on the expiration of the entity's duty to preserve the evidence under Subsection (g-1)(1) only if: (1) the entity provides written notification to the victim of the offense, in a trauma-informed manner, of the decision to destroy the evidence that includes: (A) detailed instructions on how the victim may make a written objection to the decision, including contact information for the entity; or (B) a standard form for the victim to complete and return to the entity to make a written objection to the decision; and (2) a written objection is not received by the entity from the victim before the 91st day after the date on which the entity notifies the victim of the planned destruction of the evidence.
(g-3) The entity shall document the entity's attempt to notify the victim under Subsection (g-2).

(h) The victim may not be required to: (1) participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article; or (2) pay for the forensic portion of the medical examination or for the evidence collection kit.

(i) The attorney general and the department each shall adopt rules as necessary to implement this article.

(j) A communication or record that contains identifying information regarding a person who receives a forensic medical examination under this article and that is created by, provided to, or in the control or possession of the department is confidential for purposes of Section 552.101, Government Code. In this subsection, "identifying information" includes:

   (1) information revealing the identity, personal history, or background of the person; or
   (2) information concerning the victimization of the person.

(k) The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code.

(l) On request, the attorney general may provide training to a health care facility regarding the process for applying for reimbursement under this article.

If the Assault Occurred Some Time Ago
You may just now be realizing that your experience was unwanted, or may finally be ready to call the experience a sexual assault. Even if the incident did not take place recently, you still have options.

- Remember that sexual assault is never your fault. Believe in yourself. Get the support you deserve and give yourself time to heal.
- Consider seeking medical attention. You may still need treatment of physical symptoms.
- Seek counseling. Unresolved experiences of sexual assault can have long-term psychological and social effects.
- Take advantage of resources that are there for you. Consult with Student Health and Wellness 361-593-3991, Title IX Coordinator 361-593-4758, University Police Department 361-593-2611 explore your options regarding:
  - Receiving medical care
  - Reporting the incident to the police
  - Pursuing campus judicial intervention
  - Seeking academic or administrative intervention

Dating Violence and Domestic Violence

The Texas A&M University-Kingsville takes dating and domestic/family violence complaints seriously. The nature and seriousness of crimes committed between dating partners, family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must be thorough when responding to dating violence and/or domestic violence calls. An immediate criminal justice response can make a major difference in the disputants' lives. If an assault should occur, the victim should go to a safe place and contact a friend or family member for support. Call the Texas A&M University-Kingsville police if the incident occurred on campus at 361-593-2611; if the incident occurred in the City of Kingsville call the Emergency 911, or Business 361-592-4311 for assistance. For locations not in Kingsville, the incident should be reported to local law enforcement and/or the appropriate campus authorities.

With all due consideration for their own safety, the primary duties of a peace officer of the Texas A&M University-Kingsville Police department responding to a dating and/or domestic disturbance and who investigates a dating/domestic/family violence allegation or who responds to a disturbance call that may involve dating/domestic/family violence are:
To protect any potential victim of dating/domestic/family violence,
- Enforce the law of this state,
- Enforce a protective order from another jurisdiction and
- Make lawful arrests of violators.

State law requires a peace officer who investigates a dating/domestic/family violence incident or who responds to a disturbance call that may involve dating/domestic/family violence, (the officer), shall make a written report, including but not limited to:
- The names of the suspect and complainant;
- The date, time, and location of the incident;
- Any visible or reported injuries;
- A description of the incident and a statement of its disposition; and
- Whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

In Texas, domestic violence laws apply to incidents of violence in domestic situations that cause bodily injury, threaten to cause imminent bodily injury, or cause any kind of physical contact that someone could reasonably expect would cause the other person to regard as offensive or provocative, including forceful detention which results in physical injury or places one in reasonable apprehension of bodily injury, impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth and which is committed by a person against such person's family or household member. "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 by a member of a family or household toward a child of the family or household; or (3) dating violence.

In essence domestic violence is any violent or controlling behavior by a person toward a spouse or partner. Although the partner is the primary target, domestic abuse also affects the children in the household, extended family members, and even the community at large.

"Dating violence," per the Texas Penal Code, means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim; (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b)"dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship"

The Texas A&M University-Kingsville Police will arrest the aggressor when probable cause exists by the totality of the circumstances which may include: evidence that any of the parties acted in self-defense; a history of violence (prior assault convictions) of the parties involved, including history of calls for service; the relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive; the relative size, bulk, and strength of the parties involved; evidence from persons involved in or witnesses to the incident; the likelihood of future injury to any party; and, current or previous protection orders filed against either party. As with any crime, it is important to
preserve evidence. Physical evidence can include injuries of the victim, evidentiary articles that substantiate an attack and the crime scene itself. Photographs of injuries and the crime scene showing a struggle occurred can be invaluable.

A student victim of dating violence has the right, in addition to filing charges through the criminal justice system, to file a complaint with the Office of Compliance, 361-593-4758 or the Office of the Dean of Students, 361-593-3606, along with criminal prosecution, University judicial action is an option that can be pursued in lieu of/or concurrent with legal prosecution. University students may report the incident to the Title IX Coordinator or the Dean of Students, regardless of whether the act of violence occurred on or off-campus since the university reserves the right to hold students accountable for certain types of off-campus behavior. Disciplinary action will result if a student’s behavior jeopardizes the educational atmosphere or mission of the institution. Sanctions may include disciplinary probation and educational programs and may result in suspension from the university.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines Dating violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. Domestic Violence is defined as a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. Assisting someone in the commission of dating and/or domestic violence is prohibited, and dating and/or domestic violence is a form of sexual harassment and/or sex-based misconduct.

Red flags in a relationship:
Indicators in a relationship that might be warning signs of impending dating or domestic violence:
- Always wanting to know where you are and who you are with
- Not wanting you to spend time with others
- Getting angry if you do not answer a call or text immediately
- Always blaming you for their mistakes
- Calling you names or constantly putting you down
- Yelling constantly, throwing or punching objects
- Pressuring you to do more sexually than you are ready for

Do you...
- Feel afraid of your partner most of the time?
- Feel that you can’t do anything right?
- Get embarrassed by your partner’s behavior toward you?
- Believe that you deserve to be hurt or mistreated?
- Avoid topics or situations out of fear of angering your partner?

Does your partner...
- Humiliate, criticize or yell at you?
- Blame you for his behavior?
- Threaten to hurt you?
- Threaten to take your kids away?
- Threaten to harm your kids or pets?
- Force you to have sex?
• Act jealous and possessive?
• Keep you from seeing friends and family?
• Limit your access to money or necessities?
• Keep you from getting a job or going to school?
• Constantly check up on you?
• Threaten to kill or hurt himself if you leave?

Pay attention to the “red flags”, and trust your instincts. Instincts may have told victims that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Survivors of domestic violence frequently report that their instincts told them that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings.

Understand barriers to getting help such as fear of being judged, embarrassment and not wanting to admit that it’s a real problem. Keep in touch with your support system and confide in them. Participate in good self-care can lower your risk of being involved in an abusive relationship.

If anyone has been hit or abused by dating or domestic partner and they want to report it as a crime; they should immediately call the Texas A&M University-Kingsville Police if the incident occurred on campus at 361-593-2611; or to the appropriate law enforcement agency.

Stalking is traumatic. You may experience nightmares, lose sleep, get depressed or feel like you’re no longer in control of your life.

**Texas Code of Criminal Procedure**

Art. 6.09. STALKING PROTECTIVE ORDER. (a) At any proceeding related to an offense under Section 42.072, Penal Code, in which the defendant appears before the court, a person may request the court to render a protective order under Title 4, Family Code, for the protection of the person. The request is made by filing "An Application for a Protective Order" in the same manner as an application for a protective order under Title 4, Family Code.

(b) The court shall render a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section 85.001, Family Code, the court finds that probable cause exists to believe that an offense under Section 42.072, Penal Code, occurred and that the nature of the scheme or course of conduct engaged in by the defendant in the commission of the offense indicates that the defendant is likely to engage in the future in conduct prohibited by Section 42.072 (a)(1), (2), or (3), Penal Code.
(c) The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this article, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification.

Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
   (A) bodily injury or death for the other person;
   (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
   (C) that an offense will be committed against the other person's property;
(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
(3) would cause a reasonable person to:
   (A) fear bodily injury or death for himself or herself;
   (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
   (C) fear that an offense will be committed against the person's property; or
   (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
   (1) the laws of another state;
   (2) the laws of a federally recognized Indian tribe;
   (3) the laws of a territory of the United States; or
   (4) federal law.
(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
(d) In this section:
   (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
   (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Stalking Behavior
Stalking behaviors can include:
- Showing up at your home or place of work unannounced or uninvited.
- Sending you unwanted text messages, letters, emails and voicemails.
- Leaving unwanted items, gifts or flowers.
- Constantly calling you and hanging up.
- Use social networking sites/technology to track you.
- Spreading rumors about you via the internet or word of mouth.
- Making unwanted phone calls to you.
- Calling your employer or professor.
- Waiting at places you hang out.
- Damaging your home, car or other property
Safe Practices if you are Experiencing Stalking Behavior

- If you have a protection order, make several copies, and carry a copy with you at all times.
- If someone is following you, never go home. Proceed to a local law enforcement location, or call local law enforcement for direction on where to go.
- Acquaint yourself with 24-hour stores and other public, highly populated areas in your neighborhood.
- Under no circumstances should you agree to meet with the perpetrator face to face to “work it out” or “talk.” Meeting a stalker in person can be very dangerous.
- Tell someone. Resources like University Police Department, Student Health and Wellness, Title IX Coordinator are here to support and assist you. Victims under the age of 18 should tell a parent or other trusted adult about any harassments or threats.
- Inform friends, family, neighbors, and other people you know that you are being stalked so that the stalker cannot get information about you from them.
- If you have a picture of your stalker, give one to people you know at the places you frequent.
- Send one, clear written warning. This warning should convey that the contact is unwanted, and tell the perpetrator to cease all communications of any kind. Do this only once. Then, no matter the response, under no circumstances have further contact with the stalker.
- Collect and document all evidence. Save all email, postings, or other communications in both electronic and hard-copy form. If possible, save all of the header information from emails and newsgroup postings (use the Help feature on whatever service you are using for instructions). Record the dates and times of any contact with the stalker. All evidence of stalking should be preserved to aid in obtaining a protection order against a perpetrator.
- Save any packages, letters, messages, or gifts from the stalker. They may be important if you decide to report to the police.
- Keep a log of incidents including the date, time, type of incident, what occurred, and the names of any witnesses. Even if you decide not to pursue prosecution, you may change your mind and it will be helpful to have documentation of every incident.
- Document how the stalking is affecting you and any steps you have taken to stop it (e.g., blocked number, unfriended on Facebook, asked the stalker to stop). A free Stalking Log is available at: http://www.ncdsv.org/images/WCSAP_StalkingIncidentLog_2007.pdf
- Ignore or reject calls from anonymous or unknown callers. Block unwanted callers. Consult your service provider for more information.
- Use voicemail to screen calls. Save all voicemail messages from the stalker, or record them to a tape recorder and save the digital recording or tapes.
- File a report with the University Police or local law enforcement. Save copies of police reports and record all contact with law enforcement officials and the prosecutor’s office. Add these notes to your Stalking Log.
- Change your contact information. You may want to consider changing your email address, Internet Service Provider (ISPs), and/or phone number, and consider using encryption software or privacy protection programs.
- File a complaint with both parties’ ISPs. Many ISPs offer tools that filter or block communications from specific individuals.
- To keep your address confidential, get a post office box and use it on all correspondence. Put this address on your checks. (If you are being sent something from Federal Express or another company that won’t mail to P.O. Boxes, change "P.O. Box" to "Apartment" when giving your address).
- Inform security at your place of employment that you are being stalked.

Law Enforcement Response to Stalking
The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs followed by an investigation to include obtaining preliminary statements, preserving evidence, and documentation with possible arrest. As with any crime, it is important to preserve evidence. Physical and evidentiary articles that substantiate the crime such as text messages, voicemails, videos, letters, photos, cards, unwanted items or gifts and emails should be saved. You
should also write down the times, places and dates all the incidents occurred. You should include the names and contact information of people who witnessed what happened and provide this information to the police. Protective orders are meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The Texas A&M University-Kingsville Police Department will provide assistance in the process of obtaining protective orders. Victims have the option of keeping their report of stalking in complete confidence, protecting their right to anonymity, when making a report through licensed professional counselors at the Texas A&M University-Kingsville Health and Wellness, 361-593-3991. Victims can also report incidents of stalking to the Title IX Coordinator at the Office of Compliance, 361-593-4761.

Texas A&M University System Regulation 08.01.01, Civil Rights Compliance defines Stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Assisting someone in the commission of stalking is prohibited, and stalking is a form of sexual harassment and/or sex-based misconduct.

Only the victim can make this decision. It may be difficult to make complex decisions immediately after the assault or stalking incident. Talking with someone who can give immediate support and information, such as a sexual assault crisis counselor, a victim/witness advocate, or a family member or friend, may help you make a decision.

**Sexual Assault, Dating Violence, Domestic Violence and Stalking Education and Prevention Programs**

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

- 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; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law 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 definition of consent and the purposes for which that definition is used is found in the Student Handbook.
- 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;

k. 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.

l. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act. This Annual Security Report contains information regarding:

   a. 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);

   b. 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);

   c. 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); and

   d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);

   e. 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);

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; presenting information and materials during new employee orientation; required online training for faculty, staff, and first semester undergraduate students.

**Programs to Prevent Sexual Violence**

All members of the campus community should be aware that sexual assaults, including date or acquaintance rape, are prohibited by state laws, system policies and university rules. Texas A&M University-Kingsville prohibits sexual violence, which includes the crimes of dating violence, domestic violence, sexual assault, and stalking. The university is committed to increasing the awareness of these types of offenses and working with faculty, staff and students to prevent sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent sexual assault (rape, acquaintance rape, and sexual assault), domestic violence, dating violence, and stalking before it occurs.

The University Police Department offers sexual assault education and information programs to university students and employees upon request. Literature on date rape education, risk reduction and university response measures is available through University Housing and Residence Life, Student Health and Wellness Services and the Title IX Coordinator.

Primary prevention and awareness programs are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

<table>
<thead>
<tr>
<th>Date</th>
<th>Audience</th>
<th>Topic(s) Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing</td>
<td>Sexual Assault Prevention for Undergraduates</td>
<td></td>
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<tr>
<td></td>
<td>online training</td>
<td>Sexual assault prevention, consent, bystander</td>
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<tr>
<td></td>
<td></td>
<td>intervention, and reporting/resources.</td>
</tr>
<tr>
<td>Status</td>
<td>Program Title</td>
<td>Description</td>
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<tr>
<td>Ongoing</td>
<td>Online Harassment and Discrimination Prevention training</td>
<td>Biennial training that covers reporting obligations for incidents of sexual misconduct and discrimination prevention.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Sexual Assault Prevention for Student Athletes Online training</td>
<td>Annual Training for all student athletes and student employees in the athletics department. Covers sexual misconduct and hazing prevention. Information about bystander intervention and reporting/resource options.</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Prescription Drug Abuse Prevention training</td>
<td>Online training that covers alcohol abuse prevention and bystander intervention.</td>
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<tr>
<td>Ongoing</td>
<td>AlcoholEdu</td>
<td>Online training that covers alcohol abuse prevention, bystander intervention, and how alcohol impacts consent. Required for students enrolled in a student success course.</td>
</tr>
<tr>
<td>Ongoing After March 2020</td>
<td>New Student/International Orientation Training Video</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law.</td>
</tr>
<tr>
<td>1st Business day of the month and 2nd Monday</td>
<td>New Employees</td>
<td>Non-discrimination, including sexual misconduct policy and reporting requirements.</td>
</tr>
<tr>
<td>January 6, 2020</td>
<td>New Student Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law.</td>
</tr>
<tr>
<td>January 8, 2020</td>
<td>International Students Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law. Additional information on consent provided.</td>
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<td>January 13, 2020</td>
<td>New Student Orientation</td>
<td>Condensed version of overview of Title IX including reporting options,</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Summary</td>
</tr>
<tr>
<td>--------------------</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>January 23, 2020</td>
<td>International Students Orientation</td>
<td>Condensed version of overview of Title IX including reporting options, processes, procedures, and law. Additional information on consent provided.</td>
</tr>
<tr>
<td>February 12-13, 2020</td>
<td>Student Organization Advisors Training</td>
<td>Title IX Overview and reporting obligations.</td>
</tr>
<tr>
<td>April 30, 2020</td>
<td>Javelina Camp Pack Leader Training</td>
<td>Overview of Title IX issues and Bystander Intervention with a review of reporting options.</td>
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<tr>
<td>May 21, 2020</td>
<td>System Title IX Overview</td>
<td>System training for adjudicators</td>
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<td>August 5, 2020</td>
<td>System Title IX Training</td>
<td>System training for adjudicators</td>
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<td>August 13-14, 2020</td>
<td>Adjudication Training</td>
<td>Training on the hearing and decision process for adjudicators.</td>
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<tr>
<td>August 19, 2020</td>
<td>Adjudication Training</td>
<td>Training on the hearing and decision process for adjudicators.</td>
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<td>August 21, 2020</td>
<td>System Advisor Training</td>
<td>System training for advisors.</td>
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<tr>
<td>October 2, 2020</td>
<td>System Informal Resolution Overview</td>
<td>System training for informal resolution.</td>
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<tr>
<td>October 26, 2020</td>
<td>Virtual Webinar on Unhealthy Relationships</td>
<td>Warning signs of unhealthy relationships and signs of healthy relationships, and how to handle conflict.</td>
</tr>
</tbody>
</table>

**Ongoing and Primary Prevention and Awareness Campaigns**

Ongoing prevention and awareness events feature programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in the university’s most recent Annual Security Report.

Primary prevention programs focus on programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
PEP Talk (Peer Educator Program) and Student Health & Wellness department joined the Office of Compliance and other campus departments (Student Activities Office, Residence Life, and UPD) in conducting outreach education efforts about TITLE IX and the STEP UP Javelinas - Bystander Intervention Program. The 2019 programs and events that PEP Talk and/or Student Health & Wellness either coordinated or participated in are as follows:

Moreover, PEP Talk (is a recognized university student organization) conducted three STEP UP Javelinas presentations for the campus community.

Definitions of Activities/Programs and Materials Distributed:

- **Consent is Sexy Poster Presentation**– This poster board presentation focuses on the different types of communication phrases that individuals convey that led to mix messages.
- **STEP UP – Javelinas – Bystander Intervention Program** – Adopted by University of Arizona, The STEP UP Javelinas program focuses on educating students to be proactive in helping their peers. Javelina students learn five decision making steps to incorporate while responding to problems and/or issues.
- **Safe Sex Kits** contains male and female condoms; HIV/STD testing locations; and a sticker message that states “Got Consent? Ask before unwrapping”.

Office of Compliance Activities/Programs and Materials Distributed:

- **Sexual Assault Flyer** – This flyer contains definitions; reporting processes; and departments to contact for assistance.
- **Student Reporting Options Flyer**- This flyer contains information about reporting options for students.
- **Title IX Poster**- This poster contains information about Title IX, bystander intervention and consent.
- **Can you tell how much they’ve had to drink poster** – This poster has students determine intoxication level of a person using the Wine Project. The purpose is to show it’s difficult to determine a person’s intoxication level by looks alone.
- **Sexual Assault Response Cards**- These wallet-sized cards contain numbers for assistance and resources, and safety tips.
- **Sexual Misconduct Resource Guide** – This guide contains information about reporting options and university rules and procedures for complaints of sexual misconduct. This guide is available to persons reporting an incident.
- **Investigation Flow-chart** – Condensed version of the investigation process from System Regulation 08.01.01, Civil Rights Compliance.
- **Appeals Process Flow-chart** – Condensed version of the appeal process from System Regulation 08.01.01, Civil Rights Compliance.
- **Sexual Harassment or Sex-based Misconduct Flow-chart** – Condensed version of the sexual harassment and/or sex-based misconduct analysis from System Regulation 08.01.01, Civil Rights Compliance.
- **Responsible Employee Reporting of Student Sexual Assault, Misconduct or Harassment Flyer**- This flyer contains information about reporting options and requirements for faculty and staff.

Definitions of Activities/Programs and Materials Distributed:

- f. **Title IX - 9 Things Javelinas Should Know Poster**– This poster board presentation outlines the nine things TAMUK community needs to know regarding TITLE IX.
- g. **Consent is Sexy Poster Presentation**– This poster board presentation focuses on the different types of communication phrases that individuals convey that led to mix messages.
- h. **STEP UP – Javelinas – Bystander Intervention Program** – Adopted by University of Arizona, The STEP UP Javelinas program focuses on educating students to be proactive in helping their peers. Javelina students learn five decision making steps to incorporate while responding to problems and/or issues.
- i. **Safe Sex Kits** contains male and female condoms; HIV/STD testing locations; and a sticker message that states “Got Consent? Ask before unwrapping”.

203
j. **Office of Compliance - Sexual Assault Flyer** – This flyer contains definitions; reporting processes; and departments to contact for assistance.

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**Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaint Process and Disciplinary Procedures**

**Sexual Assault, Dating Violence, Domestic Violence and Stalking Policy**

Texas A&M University - Kingsville is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any action involving sexual harassment, sex-based misconduct, violence, coercion, and intimidation will not be tolerated. Specifically, Texas A&M University - Kingsville strictly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. These acts have a real impact on the lives of victims. They not only violate a person’s feelings of trust and safety, but they can also substantially interfere with employment and/or a student’s education.

It is the policy of Texas A&M University - Kingsville that, upon learning that an act of sexual assault, dating violence, domestic violence or stalking has taken place, immediate action will be taken to address the situation. This includes working with state and local law enforcement to bring possible criminal charges and seeking disciplinary action through the university. Texas A&M University - Kingsville encourages the reporting of sexual assault, domestic violence, dating violence and stalking that is prompt and accurate. This allows the university community to quickly respond to allegations and offer immediate support to the victim.

Victims and accused individuals are allowed the choice of an advisor or one individual’s presence in any meeting or institutional disciplinary proceeding. From January 2020-August 14, 2020, the role of any advisor was limited to being present and communicating only with their advisee; advisors may not examine witnesses or otherwise actively participate in the process. The advisor role is to provide guidance and support throughout the investigation and resolution process. Each party is allowed only one advisor who can be a friend, family member, advocate, lawyer, etc.

As of August 14, 2020, the role of an advisor will be limited to being present and communicating only with their advisee during the investigation and pre-hearing proceedings. At the hearing the advisor will direct questions from their advisee, that have been allowed by the hearing chair, to the investigators, witnesses and opposing party. If the complainant and/or respondent do not have an advisor the university may appoint a trained advisor to be present during the hearing.

Texas A&M University - Kingsville is committed to protecting the privacy of victims, and will work closely with victims who wish to obtain confidential assistance regarding an incident of sexual assault, domestic violence, dating violence and stalking. The university cannot guarantee complete confidentiality, but it will do everything possible to maintain privacy, and will only share information as needed to address the issue. Licensed professional counselors at Student Health and Wellness are the only Texas A&M University- Kingsville employees who can guarantee confidentiality to a reporter or victim. If you request confidentiality or that the complaint not be pursued, the university may be limited in its ability to respond. Additionally, the university will maintain all student related records in accordance with the requirements of FERPA (the Family Educational Rights and Privacy Act of 1974), and will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.
In circumstances where physical sexual acts are not alleged, an informal discussion with the accused or supportive measure may be permitted. This process must be approved by the Title IX Coordinator. In cases involving sexual violence, this process is not permitted, even on a voluntary basis. This process should not be confused with the informal resolution process that is available during a formal complaint process.

In circumstances where a formal complaint has been initiated, both parties may seek informal resolution to resolve a complaint. The following conditions apply to informal resolution:

h) Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. Texas A&M University-Kingsville, in consultation with Texas A&M University System Ethics and Compliance Offices (SECO), must agree to allow an informal resolution to move forward and must obtain the parties’ voluntary, written consent to the informal resolution process.

i) Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.

j) Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.

k) Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.

l) Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue. Texas A&M University-Kingsville must work in consultation with SECO in developing informal resolution programs and the conditions for their use.

m) Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.

n) Texas A&M University-Kingsville may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

When the person(s) accused of sexual assault, domestic violence, dating violence and stalking is not affiliated with the university, the response will vary depending on the level of control the university has over the respondent/accused.

It is the collective responsibility of all members of the Texas A&M University - Kingsville community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual assault, domestic violence, dating violence and stalking from occurring, the university engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the university community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Definitions

Definitions of Sexual Assault, Domestic Violence, Dating Violence and Stalking can be accessed in Texas A&M University System Regulation 08.01.01, Civil Rights Compliance, located at http://policies.tamus.edu/08-01-01.pdf. The following definitions are used by the University during the investigative and adjudicative process to determine if there has been a sexual misconduct student code of conduct violation. The date of the alleged incident is used to determine the applicable definition.

Below are definitions that were in use from January 2020-August 14, 2020:
Sexual assault – an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting program. [34 CFR 668.46(a)]

Domestic violence – a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. [34 CFR 668.46(a)]

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. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. [34 CFR 668.46(a)]

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

Below are definitions in use after August 14, 2020:

Sexual harassment – a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual’s participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member’s education program or activity; or (3) sexual assault or dating violence, domestic violence, or stalking based on sex.

Sex-based misconduct – unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sex-based misconduct is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex.

Sexual assault – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as: Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is
prohibited by law. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Sexual assault is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of sexual assault is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Sexual assault is a form of sexual harassment or sex-based misconduct.

Domestic violence – a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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. [34 U.S.C. 12291(a)(8)] Domestic violence is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of domestic violence is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Domestic violence is a form of sexual harassment or sex-based misconduct.

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. (a) The existence of such a relationship will be determined 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. (b) For the purposes of this definition: (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (2) Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)] Dating violence is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of dating violence is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Dating violence is a form of sexual harassment or sex-based misconduct.

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)] Stalking is explicitly prohibited under System Regulation 08.01.01, Civil Rights Compliance. Aiding another in the commission of stalking is also prohibited under System Regulation 08.01.01, Civil Rights Compliance. Stalking based on sex is a form of sexual harassment or sex-based misconduct.

Complaint Reporting Process

In processing reports of sexual assault, domestic violence, dating violence and stalking that involves students Texas A&M University - Kingsville follows the Texas A&M University System Policy 08.01, Civil Rights Protections and Compliance and corresponding Regulation 08.01.01, Civil Rights Compliance, located at http://policies.tamus.edu/08-01-01.pdf. Regulation 08.01.01, Civil Rights Compliance was updated on January 2, 2020 and those policies and procedures remained in effect until August 14, 2020, when the July 7, 2020 regulation revisions went into effect. The processes provided within the Sexual Assault, Domestic Violence, Dating Violence and Stalking Compliant Process section and the Disciplinary Procedures section of this report have been updated to reflect these changes. You may also refer to the website for the Texas A&M University - Kingsville Office of Compliance for more information: http://www.tamuk.edu/compliance/index.html

Sexual harassment, sex-based misconduct, sexual assaults, domestic violence, dating violence and stalking should be reported to the Title IX Coordinator, located in the Office of Compliance, Lewis Hall 130. You can also reach the Title IX Coordinator by phone at (361) 593-4758 or through email at titleix@tamuk.edu. The Title IX Coordinator will work closely
with other offices, as appropriate, to provide both parties access to resources and interim measures. Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to the Title IX Coordinator or they can report to their supervisor or a member official, administrator or other designee who is required to report to the Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the Title IX Coordinator or responsible employee. As of August 14, 2020, Texas A&M-Kingsville has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex when a report has been made to the Title IX Coordinator or any member official who has authority to institute corrective measures on behalf of the member. Those members include: the CEO, the Title IX Coordinator, Deputy Title IX Coordinators, The Office of Human Resources, Office of the Provost, and Office of the Dean of Students. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another member official, administrator, supervisor or the Title IX Coordinator. A link, https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html, to an anonymous electronic reporting option for students and employees is listed on the homepage of Texas A&M University-Kingsville at www.tamuk.edu. As a matter of Texas A&M University System policy, all faculty and staff who have knowledge of a Title IX related issue must report the issues to the Office of Compliance. A third party (including, but not limited to, anyone receiving services from the member, vendors and private business associates) should promptly report the incident(s) involving an employee or student to the University’s Title IX Coordinator.

SECO is designated to receive, review and investigate complaints against the chancellor, the president of the university, or an employee who reports directly to the president of the university or the chancellor. The chancellor or designee will serve as the designated administrator in complaints against the president of the university or an employee who reports directly to the president of the university. The chair of the Board of Regents or designee will serve as the designated administrator in complaints against the chancellor or an employee who reports directly to the chancellor.

An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint. All complaints of discrimination must be reported to SECO and OGC in writing upon receipt by the Office of Compliance (As of August 14, 2020, the Office of Compliance will report the complaints within two business days). Notification to SECO and OGC must include the: (a) date(s) of the complaint and alleged incident(s); (b) nature and description of the alleged conduct; (c) name(s), category (employee, student, and/or third party) and title(s), if applicable, of the individual who was subjected to the alleged discriminatory conduct; and (4) name(s), category (employee, student, and/or third party) and title(s), if applicable of the respondent(s), if known.

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

Involvement of Law Enforcement and Campus Authorities
Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Title IX Coordinator, deputy coordinators, counselors from Student Health and Wellness, and/or University Housing and Residence Life staff will assist any victim with notifying law enforcement if the victim so desires. Reports may be made to the University Police Department by calling 361-593-2611, in person at 855 N. University Blvd, or online at www.tamuk.edu/upd. The Kingsville Police Department may also be reached directly by calling 361-592-4311, or in person at 1700 E. King Ave. The Kleberg County Sheriff’s Office may be reached directly by calling 361-595-8500, or in person at 1500 E. King Ave. Additional
information about the Kingsville Police Department may be found online at: www.kingsvillepd.us, and the Kleberg County Sheriff may be found online at https://www.klebergcoso.org/

The procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred, are listed above, the victim has the following options:

1. Notify proper law enforcement authorities, including on-campus and local police;
2. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
3. Decline to notify such authorities

Victims are also encouraged to seek medical attention, if needed. Victims may obtain forensic evidence from a sexual assault nurse examiner (SANE) with or without filing a formal complaint with the university or a criminal complaint with law enforcement. If a victim chooses not to file a complaint, the forensic evidence can be held while the victim considers his or her reporting options.

**Procedures the University Will Follow When an Incident of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims 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, student financial aid 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 changes to housing, academic schedule, orders of no contact, transportation and working situations, if reasonably available. The University will make such accommodations or supportive measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. Students and employees should contact the Title IX Coordinator located in Lewis Hall, room 130, either in person, by email titleix@tamuk.edu, or by calling 361-593-4758.

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

<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>12. Depending on when reported (immediate vs delayed report), institution will assist complainant with obtaining access to medical care</td>
</tr>
<tr>
<td></td>
<td>13. Institution will assess immediate safety needs of complainant</td>
</tr>
<tr>
<td></td>
<td>14. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</td>
</tr>
<tr>
<td></td>
<td>15. Institution will provide complainant with referrals to on and off campus mental health providers</td>
</tr>
<tr>
<td></td>
<td>16. Institution will assess need to implement interim or long-term supportive measures, if appropriate.</td>
</tr>
<tr>
<td></td>
<td>17. Institution will provide the victim with a written explanation of the victim’s rights and options</td>
</tr>
<tr>
<td></td>
<td>18. Institution will provide a “criminal trespass warning” (CTW) directive to accused party if deemed appropriate</td>
</tr>
<tr>
<td>19. Institution will provide information on protective orders</td>
<td></td>
</tr>
<tr>
<td>20. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
<td></td>
</tr>
<tr>
<td>21. 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</td>
<td></td>
</tr>
<tr>
<td>22. 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</td>
<td></td>
</tr>
</tbody>
</table>

**Stalking**

| 12. Institution will assess immediate safety needs of complainant |
| 13. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department |
| 14. Institution will provide information on protective orders |
| 15. Institution will provide written information to complainant on how to preserve evidence |
| 16. Institution will assess need to implement interim or long-term supportive measures to protect the complainant, if appropriate |
| 17. Institution will provide the victim with a written explanation of the victim’s rights and options |
| 18. Institution will provide a “criminal trespass warning” (CTW) directive to accused party if deemed appropriate |
| 19. Institution will provide information on protective orders |
| 20. Institution will provide a copy of the policy applicable to stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution |
| 21. 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 |
| 22. 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 |

**Dating Violence**

<p>| 12. Institution will assess immediate safety needs of complainant |
| 13. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department |
| 14. Institution will provide information on protective orders |
| 15. Institution will provide written information to complainant on how to preserve evidence |
| 16. Institution will assess need to implement interim or long-term supportive measures to protect the complainant, if appropriate |
| 17. Institution will provide the victim with a written explanation of the victim’s rights and options |
| 18. Institution will provide a “criminal trespass warning” (CTW) directive to accused party if deemed appropriate |
| 19. Institution will provide information on protective orders |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Institution will provide a copy of the policy applicable to stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
</tr>
<tr>
<td>21.</td>
<td>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</td>
</tr>
<tr>
<td>22.</td>
<td>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</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Institution will assess immediate safety needs of complainant</td>
</tr>
<tr>
<td>13.</td>
<td>Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</td>
</tr>
<tr>
<td>14.</td>
<td>Institution will provide information on protective orders</td>
</tr>
<tr>
<td>15.</td>
<td>Institution will provide written information to complainant on how to preserve evidence</td>
</tr>
<tr>
<td>16.</td>
<td>Institution will assess need to implement interim or long-term supportive measures to protect the complainant, if appropriate</td>
</tr>
<tr>
<td>17.</td>
<td>Institution will provide the victim with a written explanation of the victim’s rights and options</td>
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<tr>
<td>19.</td>
<td>Institution will provide information on protective orders</td>
</tr>
<tr>
<td>20.</td>
<td>Institution will provide a copy of the policy applicable to stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
</tr>
<tr>
<td>21.</td>
<td>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</td>
</tr>
<tr>
<td>22.</td>
<td>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</td>
</tr>
</tbody>
</table>

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the University and in the community. The University will provide appropriate information to victims about options for, and available assistance with a variety of items, including but not limited to, changing an academic schedule, on-campus living arrangements, transportation, protective orders and working situations. The information will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and 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).

The University will make such accommodations if the victim requests them and if they are reasonably available. At the victim’s request, and to the extent of the victim’s cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, supportive measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible
changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes or accommodations to academic, living, transportation and/or working situations or to obtain other supportive measures, a victim should contact the Title IX Coordinator by calling 361-593-4758, by visiting Lewis Hall Room 130, or by emailing titleix@tamuk.edu.

Individuals reporting issues of sex-based misconduct/sexual harassment will meet with the Title IX coordinator and/or law enforcement (if a criminal report is being made, which is your choice, but is always encouraged). Regardless of whether a victim elects to make a complaint to law enforcement, the University will assist victims of sexual assault, dating violence, domestic violence, and/or stalking. When a student or employee reports to the institution that they have been a victim of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options. Such written information will include:

6. the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
7. information about how the institution will protect the confidentiality of victims and other necessary parties;
8. the institution will provide written notification to students and employees about victim services within the institution and in the community;
9. a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and supportive measures; and
10. an explanation of the procedures for institutional disciplinary action

Rights of Victims and the Institution’s Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Texas A&M University- Kingsville complies with Texas law in recognizing protective orders obtained by any person from Texas or any other state. Persons who have obtained an order of protection from Texas or any other state should provide a copy to Campus Police and the Office of Compliance/Title IX Coordinator. A complainant may then meet with University Police to discuss a plan for campus police and the victim to work together to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in 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, a no contact order or restraining order for a victim from the applicable jurisdiction(s).

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Rights of Victims</th>
<th>Institution’s Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>No contact Orders (Issued by the institution; not criminally enforceable)</td>
<td>The right to request a no-contact order from the University. If this request is granted, or if the University determines that a no-contact order is in the best interest of the parties and/or campus community, the parties have the right to expect the university to promptly address any known actual or attempted violations of this order by other members of the TAMUK student community.</td>
<td>To issue no-contact orders as needed as a safeguard for the University community, regardless of the wishes of the parties involved. The Office of Compliance/Title IX Coordinator or the Dean of Students are the only offices which can issue no-contact orders for issues related to sexual assault, domestic violence, dating violence, and/or stalking.</td>
</tr>
<tr>
<td>Judicial Orders of Protection</td>
<td>According to Texas Crime Victims Compensation, victim’s rights include:</td>
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<tr>
<td>------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(Criminally enforceable)</td>
<td>Receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;</td>
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<tr>
<td></td>
<td>Have their safety considered by the magistrate when setting bail;</td>
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<tr>
<td></td>
<td>Receive information, on request, of relevant court proceedings, including appellate proceedings, of cancellations and rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public;</td>
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</tr>
<tr>
<td></td>
<td>Be informed, when requested, by a peace officer about the defendant’s right to bail and criminal investigation procedures,</td>
<td></td>
</tr>
<tr>
<td>The Office of Compliance/Title IX Coordinator or the Dean of Students Office will relocate you from your on-campus living arrangement if at any time you feel that you are in fear for your safety. For off-campus living arrangements, the Title IX Coordinator will assist you with contacting an advocate who can assist with breaking a lease without any penalties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist a victim in making necessary modifications to your class schedule and be a liaison between you and your professors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist in making notice to faculty members regarding absences from class</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
and from the prosecutor’s office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;

Provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;

Information about the Texas Crime Victims’ Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;

Information, on request, about parole procedures; notification of parole proceedings and of the inmate’s release; and the opportunity to participate in the parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant’s file for consideration by the Board prior to parole;

A separate or secure waiting area at all public court proceedings; prompt return of any property that is no longer needed as evidence;

Have the prosecutor notify, upon request, an employer that the need for the victim’s testimony may involve the victim’s absence from work; On request, counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;

The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist you in making contact in order to file charges with the University Police Department and/or local law enforcement.
Be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole

| Similar lawful orders issued by a criminal, civil, or tribal court, including restraining orders, etc. (Criminally enforceable) | The “Full Faith and Credit” provision within the Violence Against Women Act allows protective orders consistent with federal law to be enforced in any state or tribe (i.e. if a person receives a protective order in any state, that order should be enforceable in other states) | The Office of Compliance/Title IX Coordinator or the Dean of Students Office will make necessary modifications to your class schedule and be a liaison between you and your professors
Dean of Students Office will assist in making notice to faculty members regarding absences from class
The Office of Compliance/Title IX Coordinator or the Dean of Students Office will assist you in making contact in order to file charges with the University Police Department and/or local law enforcement |

The victim is required to apply directly for a protective order by making the request to the district attorney in the jurisdiction in which the crime occurred. Protection from abuse orders that occurred in Kingsville or in Kleberg County may be through:
- For misdemeanors: Kleberg County Attorney’s Office (Phone: 361-595-8583, 700 E. Kleberg Ave., in the County Courthouse).
- For felonies: Kleberg county District Attorney’s Office (Phone: 361-595-8544, 700 E, Kleberg Ave., in the County Courthouse)

| CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN KLEBERG COUNTY |
|---------------------------------|-----------------|------------------|------------------|
| **Type of Order:** | **Who Can File For One:** | **Court:** | **Based On:** |

215
| Peace Bond | An individual (who is not a household or family member) to post a bond conditioned that the individual will not commit a specific act of harm for a period of one year. | Justice of the Peace Court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred. | Proof that there is a just reason to believe that the offense was intended to be committed or that the threat was seriously made. Based on an affidavit, the judge may issue a Peace Bond or may request a hearing on the matter. Not criminally enforceable. |
| Ex parte Family Violence Protective Orders | A victim of:  
E. Sexual Assault or aggravated sexual assault  
F. Domestic / family violence  
G. Stalking  
H. Dating violence | District or County Court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred. | Is an immediate court order of protection meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim or subjecting them to further abuse or family violence until a full court hearing for a final protective order is held. Is criminally enforceable and valid until it expires or a final protective order is in place. |
| Final Protective Order | A victim of:  
5. Domestic/family violence  
6. Stalking  
7. Dating Violence  
8. Sexual assault or aggravated sexual assault | District or county court where the victim lives, where the abuser lives or has a business, or where the incident(s) occurred | A final protective order is a court order meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim and their children from further abuse and violence. This occurs during a final court hearing. Is criminally enforceable and valid for up to two years |
Magistrate’s Order of Emergency Protection (EPO)

5. A victim of:
   a. Domestic/family violence
   b. Stalking
   c. Dating Violence
   d. Sexual assault or aggravated sexual assault

6. Victim’s guardian
7. A peace Officer
8. The state’s attorney

Must be issued by the magistrate when the arrested person is taken in front of the magistrate for the initial appearance.

Discretionary order: An EPO may be issued after an arrest for an offense involving family violence, sexual assault, aggravated sexual assault or stalking.

Mandatory order: Must be issued after an arrest for an offense involving family violence, if serious bodily injury to the victim occurred, a deadly weapon was used or exhibited during the commission of the crime.

Is valid for a minimum of 31 days through 91 days.

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.

Victims will be provided written notification about available resources including counseling, physical and mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the institution and in the community. A student who has been the victim of sexual misconduct may request interim measures, such as an academic accommodation or change in residence after a report of sexual misconduct. When reasonable and appropriate, the University will provide accommodations to involved parties upon request. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, access academic support such as tutoring services, transportation and change residence hall assignments. Employees may also be entitled to interim measures.

On and Off Campus Services for Victims
Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Texas A&M University-Kingsville will provide written notification to the reporting student(s) and/or employee(s) about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>Student Counseling Services</td>
<td>Student Health and Wellness</td>
<td>361-593-3991; 1210 N. Retama St.</td>
</tr>
<tr>
<td></td>
<td>Employee Assistance Program</td>
<td>Work-Life Solutions by GuidanceResources</td>
<td>1-866-301-9623; <a href="http://www.guidanceresources.com">www.guidanceresources.com</a>;</td>
</tr>
<tr>
<td>Type of Services Available</td>
<td>Service Provider</td>
<td>Contact Information</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Counseling Advocacy and support services</td>
<td>Purple Door</td>
<td>205 E. King Ave.; 1-800-580-4878; 361-248-3406; <a href="http://www.purpledoortx.org">www.purpledoortx.org</a></td>
<td></td>
</tr>
<tr>
<td>Behavioral Health Services</td>
<td>Coastal Plains (MHMR)</td>
<td>1621 East Corral; 1-800-841-6467; <a href="http://www.coastalplainsctr.org">www.coastalplainsctr.org</a></td>
<td></td>
</tr>
<tr>
<td>Private therapy providers</td>
<td>Christus Spohn Kleberg Hospital</td>
<td>1311 General East Cavazos Blvd; 361-595-1661; <a href="http://www.christushelath.org">www.christushelath.org</a></td>
<td></td>
</tr>
<tr>
<td>Health General health/hospital services, including emergency room</td>
<td>Driscoll Children’s Hospital</td>
<td>3533 S Alameda St., Corpus Christi; 361-694-5000; <a href="http://www.driscollchildrens.org">www.driscollchildrens.org</a></td>
<td></td>
</tr>
<tr>
<td>Private local physicians General health/hospital services, including emergency room and Sexual Assault Nurse Examiner</td>
<td>Doctor’s Regional Hospital</td>
<td>3315 S Alameda St, Corpus Christi; 361-761-1000; <a href="http://www.ccmedicalcenter.com">www.ccmedicalcenter.com</a></td>
<td></td>
</tr>
<tr>
<td><strong>Low to no cost health care services</strong></td>
<td><strong>Men and Women’s Clinic</strong></td>
<td><strong>Coastal Plains (MHMR)</strong></td>
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<tr>
<td><strong>Mental Health</strong></td>
<td>Adult Mental Health</td>
<td>1621 East Corral; 1-800-841-6467; <a href="http://www.coastalplainsctr.org">www.coastalplainsctr.org</a></td>
<td></td>
</tr>
<tr>
<td>Alcohol and Drug Abuse Services, etc.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Victim Advocacy</strong></td>
<td>Crime Victims Compensation Fund</td>
<td>205 E. King Ave.; 1-800-580-4878; 361-248-3406; <a href="http://www.purpledoortx.org">www.purpledoortx.org</a></td>
<td></td>
</tr>
<tr>
<td>Housing relocation</td>
<td>Purple Door</td>
<td></td>
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<tr>
<td>Court advocacy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Assistance</strong></td>
<td>Protective Orders</td>
<td>361-595-8585</td>
<td></td>
</tr>
<tr>
<td>Low income applicants and divorce</td>
<td>Kleberg County Indigent Care</td>
<td>361-595-8569</td>
<td></td>
</tr>
<tr>
<td>Anonymous hotline</td>
<td>National Domestic Violence Hotline</td>
<td>361-881-8888; 1-800-580-HURT</td>
<td></td>
</tr>
<tr>
<td>General legal concerns</td>
<td>Texas Rio Grande Legal Aid</td>
<td>3825 Agnes St., Corpus Christi; 361-880-5400</td>
<td></td>
</tr>
<tr>
<td><strong>Visa and Immigration Assistance</strong></td>
<td>General immigration concerns</td>
<td>3825 Agnes St., Corpus Christi; 361-880-5400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Texas Rio Grande Legal Aid</td>
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<tr>
<td></td>
<td>Private immigration attorney</td>
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</tbody>
</table>

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

Rape, Abuse and Incest National Network [www.rainn.org](http://www.rainn.org)
Department of Justice [https://www.justice.gov/ovw/sexual-assault](https://www.justice.gov/ovw/sexual-assault)
Department of Education, Office of Civil Rights [http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

**Confidentiality**

Victims may request that directory information on file with the University be withheld by request to the Registrar’s Office.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and the University will only share with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and supportive measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain, as confidential, any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures. Additional interim measures that may be taken to protect an individual pending the outcome of an investigation/hearing may include contact restrictions, interim suspension of the accused ((not to exceed 10 days) before August 14, 2020), or
change in course schedule, residence assignment of the accused, and/or other restrictions. As of August 14, 2020, a respondent may be subject to removal from the Texas A&M University-Kingsville’s education program or activity on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with the Texas A&M University-Kingsville’s behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. Texas A&M University-Kingsville shall designate the assignment of a hearing authority for this purpose.

The filing of an illegal discrimination, sexual harassment sex-based misconduct and/or related retaliation complaint will not stop, delay or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a reporter who is not performing at acceptable levels or standards or who has violated system policies, regulations or member rules.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

**Texas Public Information Act**

The University is a state agency, subject to the requirements of the Texas Public Information Act. As such, the University cannot guarantee complete confidentiality to any individual involved in a situation that leads to investigation. However, the University makes every effort to protect the identity of those involved, to the extent permitted by law.

**Investigations**

The individual(s) or office(s) designated by the University to receive complaints, appeals and/or reports of illegal discrimination, sexual harassment, and/or related retaliation will review each one to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is sufficient, the individual or office will forward the complaint, appeal or report to an appointed investigative authority within five business days of receipt. If the information is insufficient, that individual or office, in consultation with the Texas A&M University System Office of General Counsel (OGC) and System Ethics and Compliance Office (SECO), may conduct an inquiry into the circumstances of the complaint/report/appeal and if the information is insufficient, the designated office, in consultation with OGC, may conduct an initial assessment into the circumstances of the complaint and (1) dismiss it as baseless; (2) close it for insufficient information to investigate or lack of jurisdiction (see 4.2.9); (3) refer it to another office which has responsibility for such complaints; or (4) with the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution. Cases involving allegations based on sex require the submission of a formal complaint before they may be referred to informal resolution. The designated office will notify the complainant of such action in writing.

The designated office will provide written notification to the complainant(s) and the respondent(s) of: (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim supportive measures, if any; (5) admonishments regarding cooperation and prohibiting retaliation; and (6) any informal resolution process that may be available. An un-redacted version of the complaint will be given to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy. Both parties will have access to the final draft report for a ten (10) business day review prior to the finalization of the investigative report. Both parties will also have access to the final investigative report for ten (10) business days prior to a pre-hearing meeting.
The following provisions apply as of August 14, 2020:

Complaints will be processed under Title IX if all of the following apply: i. The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the university’s Title IX Coordinator or any university official who has authority to institute corrective measures on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The University must designate in its rule which employees have the authority to institute corrective measures; ii. A formal complaint is filed by the complainant or signed by the Title IX Coordinator (see Definitions); iii. The alleged behavior/conduct must have occurred against a person while in the United States; iv. At the time the formal complaint was filed, the complainant was participating or attempting to participate in a university education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; v. The alleged conduct meets the definition of sexual harassment as set forth in System Regulation 08.01.01, Civil Rights Compliance (see Definitions).

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the university and not on the parties, provided that the university cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party’s voluntary, written consent to do so for the grievance process.

In all investigations and in any hearing, a presumption will exist that a respondent is not responsible for the allegations until a determination is made at the conclusion of an adjudicatory process.

Mandatory dismissals - If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved, did not occur in the university’s education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such dismissal does not preclude action under another provision of the university’s conduct standards, nor does it preclude the university proceeding with a civil rights process under System Regulation 08.01.01, Civil Rights Compliance as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes are administered as outlined in Section 4.2.9 of the regulation.

Discretionary dismissals – The university may also dismiss a formal complaint if the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw it, if the respondent is no longer enrolled or employed by the university, or if specific circumstances prevent the university from collecting evidence sufficient to reach a determination (for example, when the complainant has ceased participating in the process; in certain fact specific cases when the passage of time precludes the collection of sufficient evidence; when complainant’s identity is not known; and when the exact same allegations have already been investigated and adjudicated); such dismissal does not preclude action under another provision of the university’s conduct standards, nor does it preclude the university from proceeding with a civil rights process under System Regulation 08.01.01, Civil Rights Compliance as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes are administered as outlined in Section 4.2.9 of the regulation.

Upon a dismissal required or permitted pursuant the provisions above, the university must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties must be given the opportunity to appeal a dismissal to the university designated appellate authority. Texas A&M University-Kingsville has appointed the Chief Ethics and Compliance Officer, or designee, as the appellate authority.
Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex that are subject to mandatory or discretionary dismissal from the Title IX process may be subject to investigation and adjudication as sex-based misconduct at the discretion of the Title IX Coordinator, in consultation with OGC and SECO. All cases involving sex-based allegations are to be investigated and adjudicated under the procedures outlined in 4.2.9 of System Regulation 08.01.01, Civil Rights Compliance, noting that the process is to determine whether or not the allegations are substantiated and, if substantiated, created a hostile environment.

The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

The university will provide a notice of allegations in cases involving sex-based violations which include sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice must also inform the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that were not included in the original notice, the university must provide notice of the additional allegations to the parties whose identities are known. The university must provide to each party whose participation in the investigation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, and other meetings, with sufficient time for the party to prepare to participate.

The university must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence; provide the parties with the same opportunities to have others with them during the grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice; and not limit the choice or presence of the advisor in any meeting or grievance proceeding. However, the member may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. Advisors who fail to adhere to established rules may be dismissed from the process at the discretion of the member.

At any point in the process, the respondent (Faculty or staff) may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action.

The University will offer the individual subjected to the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation, the respondent and other affected individuals interim protections or remedies, such as physical separation, contact limitations, alternative work or other arrangements, academic adjustments, and/or counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and member rules and procedures.

Both the individual subjected to the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation and the respondent must receive equitable treatment in all facets of the complaint investigation and resolution process, including but not limited to the right to an advisor (if any), the right to present evidence and witnesses, the right to review a copy of the final draft of the investigative report and exhibits, the right to review a copy
of the final investigative report with exhibits prior to the pre-hearing conference, and the right to be informed of the outcome of the investigation.

**Timeline for Investigative Process From August 2020 to August 14, 2020:**

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the designated administrator. Circumstances may warrant extensions to the time frames in this section. The investigative authority should send an extension request, if needed, to the office or individual who appointed them. Both the complainant(s) and respondent(s) should be notified of any extensions in writing.

Investigation reports should include a statement of the allegation(s), a listing of individuals interviewed including the dates of the interviews, all inculpatory and exculpatory evidence collected in the investigation, and a listing of relevant documents attached to the report as exhibits. Investigators must conclude whether or not the behavior alleged in the complaint took place, but will not determine whether or not the behavior establishes a violation of system or member regulations or rules. Reports should not contain speculation, opinions, findings, decisions, or recommendations for sanctions, although universities using the investigator model for students are permitted to include sanction recommendations. Investigators may provide assessments of the credibility of the parties and any witnesses.

For employee and third-party cases, investigation reports may conclude that each allegation is substantiated, unsubstantiated, or if there is insufficient evidence to substantiate. In student conduct cases, the investigation report shall be used as directed in the university’s student conduct rules. For a complaint against an employee or third party, the designated administrator will review the investigation report and provide a draft decision to OGC for review within five business days after receiving the investigative authority’s report. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The designated administrator will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. In cases where allegations are substantiated, the final decision will also be provided to the respondent’s supervisor. Circumstances may warrant extensions to the time frames in this section. The designated administrator should send an extension request, if needed, to the office or individuals who appointed them. Both the complainant(s) and the respondent(s) should be notified of the extension in writing. Limited appeal opportunities exist in all cases, as described in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance. When the respondent(s) is an employee, both the complainant(s) and the respondent(s) may review the copy of the investigation report and exhibits, with admonishments regarding privacy, after the decision is rendered. The report will be redacted in accordance with state and/or federal law.

Texas A&M University – Kingsville uses a conduct panel model for cases where the respondent is a student and is exempt from obtaining OGC review of the decision prior to the issuance. However, OGC review may be requested, if needed.

When a student respondent(s) is charged with violating a conduct rule(s), both the complainant(s) and the respondent(s) will be provided, to the fullest extent permitted by law, an un-redacted copy of the investigation report (without exhibits) prior to a decision being rendered by the designated administrator. If requested, access to exhibits, which may be redacted, may be provided. If a student respondent withdraws or graduates from a member university pending a complaint, the process will continue, with the member university not issuing a transcript on behalf of the student until the conclusion of the process. Texas A&M University – Kingsville, upon request by another postsecondary educational
institution, must provide to the requesting institution any determination that a student violated the member university’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

The University investigative and disciplinary processes will include a prompt, fair and impartial investigation and final resolution process which is conducted in a manner that is consistent with the institution’s policy and transparent to the accuser(s) and the accused.

**Timeline for Investigative Process After August 14, 2020:**

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.

A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision maker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a
complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reaching during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution

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

**Standard of Evidence**
In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

**Sanctions**
Remedies, which may be disciplinary or punitive in nature and may burden the respondent, must be designed to restore or preserve the complainant’s equal access to the university’s education program or activity
Sanctions may have educational, restorative and rehabilitative components for employees and/or students. In addition, employee sanctions may have punitive components. Sanctions that may be implemented if there is a finding of responsibility for a sexual assault, domestic violence, dating violence or stalking offense:

- **Warning**: A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
- **Probation**: a written reprimand for violation of specified regulations. Probation is for a designated period of type and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
- **Loss or restriction of Privileges or Activities**: Withdrawal of the use of services or privileges as a student or a member of the community, or the loss of a privilege to participate in an activity or event for a designated period of time.
- Restitution: Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
- No Contact Order: Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, ‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact is until such time as the order is lifted by the office that put the order in place.
- Residence Hall Suspension: Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- Residence Hall Expulsion: Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- University Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.
- University Expulsion: Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
- Employment dismissal

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion. (As of August 14, 2020, dating and domestic violence replaced the words sex-based violence.)

Texas A&M University-Kingsville must establish a minimum sanction guidelines for other sexual violence, sex-based misconduct, and sexual harassment student conduct violations. Once available, these guidelines must be disseminated widely to the university community and utilized in the training of adjudicators and appellate officers.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person who are allowed to return to the university after a suspension of one year or more will be ineligible to hold an office in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors. (As of August 14, 2020, “sex-based violence and/or nonconsensual sexual penetration of another person” was replaced with “sexual harassment, sexual assault, and dating violence, domestic violence, stalking based on sex, and/or other sex based misconduct.”)

For other sexual violence, sex-based misconduct and sexual harassment student conduct rule violations, the university will
establish a process to determine the student’s eligibility to represent the university in extracurricular activities, both on and off campus. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student’s participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

When an employee is found to have sexually harassed (as defined by System Regulation 08.01.01, Civil Rights Compliance) another member of the university or agency or community, the sanction will be termination of employment.

Texas A&M University-Kingsville may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking.

For sex discrimination complaints, both the complainant(s) and the respondent(s) will be informed in writing of any and all sanctions, except when to do so would violate state or federal law (e.g., Family Educational Rights and Privacy Act).

**Disciplinary Procedures and Training**

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 parties to the investigation and promotes accountability.

The student and employee procedures outlined below provides that:

7. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
8. 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;
9. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
10. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of any advisor is limited to being present and communicating only with their advisee; advisors may not examine witnesses or otherwise actively participate in the process.
11. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
12. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.
Institutional Disciplinary Action in Sexual Harassment, Sex-based Misconduct and Misconduct Involving University Employees

When investigating employee conduct complaints related to sexual harassment, sex-based misconduct and misconduct, the university will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking. A counselor, police or victim should report allegations of sexual harassment, sex-based misconduct and misconduct to the Office of Compliance, 361-593-4758 or Human Resources, 361-593-3705.

All complaints alleging domestic violence as well as dating violence, sexual assault and stalking will be reviewed and investigated using System Regulation 08.01.01, Civil Rights Compliance. The process of the regulation is explained below.

How to File a Disciplinary Complaint Under this Policy
All employees are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination is experienced by, observed by or made known to an employee, the employee is responsible for reporting that information to the Office of Compliance in person at Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu. An employee’s failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.

Only certain employees may keep complaints of discrimination confidential, such as licensed health care personnel and counselors at Student Health and Wellness who have completed a training program approved by the Attorney General of Texas, when acting in this capacity as part of their official employment. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it. Employees should inform student reporter(s) that confidential guidance can be obtained Monday – Friday from 8 a.m. to 5 p.m. at Student Health and Wellness in person at 1210 N. Retama St. or by phone at 361-593-3991. Employee reporter(s) may access confidential guidance at Work/Life Solutions by GuidanceResources by phone at 1-866-301-9623 or on the website at http://www.guidanceresources.com (WEB ID: TAMUS). To the extent possible, the university will protect the privacy of all parties to the report.

Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to their supervisor or a university official, administrator or Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) involving employees promptly to the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor or the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An anonymous electronic reporting option for students and employees is available at the bottom of the Texas A&M University-Kingsville homepage where it says “Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline” and can be accessed at this link: https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html.

An employee who becomes aware of sexual misconduct during the course of their employment cannot use the anonymous reporting option to satisfy responsible employee reporting obligations. Responsible employees must report known information to the Title IX Coordinator at the Office of Compliance, Lewis Hall, room 130.

An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint.
1. **How the University Determines Whether This Policy will be Used**
   The Office of Compliance will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. System Regulation 08.01.01, *Civil Rights Compliance* states:

   (a) If the information is insufficient, the Office of Compliance, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and
   (1) dismiss it as baseless;
   (2) close it for insufficient information to investigate; or
   (3) refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing.

   (b) If the information is sufficient, the Title IX Coordinator will forward the complaint to an appointed investigative authority within five business days of the determination to proceed with the investigation.

   (c) The designated office will provide written notification to the complainant(s) and the respondent(s) of:
   (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance;
   (2) the appointed investigative authority;
   (3) the appointed designated administrator;
   (4) interim protections imposed, if any; and
   (5) admonishments regarding cooperation and prohibiting retaliation.

   (d) A redacted version of the complaint will be given to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.

2. **Steps in the Disciplinary Process**
   The investigative authority will review each complaint, interview the complainant(s) and respondent(s) separately, interview witnesses (if applicable), review relevant documentation and/or evidence, and provide a draft report of their investigation to the Office of General Council (OGC) for review within 30 business days. Relevant documentation and/or evidence may include emails, voicemail, messages on social media, text messages, videos, pictures, etc. Complainant(s) with relevant documentation and/or evidence are encouraged to preserve the information for the investigative authority.

   The Office of General Council (OGC) for the Texas A&M University System will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will then have five business days to finalize the report and submit it directly to the designated administrator.

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

   **For alleged incidents that occurred before August 14, 2020, the following process applies:**

   For a complaint against an employee or third party, the designated administrator will review the investigation report and provide a draft decision to OGC for review within five business days after receiving the investigative authority’s report. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The designated administrator will have five business days to finalize the decision and provide it to the complainant(s), the
respondent(s), and the investigative authority. In cases where the allegations are substantiated, the final decision will also be provided to the respondent’s supervisor.

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

The complainant and/or the respondent may appeal the decision and sanctions in a sex discrimination case involving domestic violence as well as dating violence, sexual assault and stalking if there was a procedural error, that materially impacted the investigation, if there is new, material evidence that was not available during the investigation or if a party believes the resulting sanctions are disproportionate to the severity of the incident.

Appeals of sanctions against an employee must be filed with the Chief Ethics and Compliance Officer within three business days of notification of the sanction, and will be processed in accordance with System Policy 12.01, Academic Freedom, Responsibility and Tenure; System Policy 32.01, Employee Complaint and Appeal Procedures; System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members; System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees; and/or other System policies/regulations or university rules/procedures as appropriate (After August 14, 2020, appeals may be filed within five business days).

If the respondent is an employee or third party, the appellate authority will provide a draft decision to OGC for review within five business days after receiving the appeal(s). OGC will coordinate with SECO and provide its review of the draft decision within five business days. The appellate authority will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. If the complaint on appeal is substantiated, the respondent’s supervisor will also be informed.

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

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical.

Employees appealing sanctions issued pursuant to System Regulation 08.01.01, Civil Rights Compliance will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

For alleged incidents that occurred after August 14, 2021, the following process applies:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative
authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.

A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision maker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reaching during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the
formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution.

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

3. Decision-Making Process
Upon receipt of the report, the designated administrator will review the report, including exhibits, and render a finding in writing to the complainant(s), respondent(s), and investigative authority. The designated administrator may conclude (1) there was sufficient evidence to substantiate the allegation, (2) there was sufficient evidence to unsubstantiate the allegation, or (3) there was insufficient evidence to substantiate the allegation. As of August 14, 2020, the designated administrator will consist of a three-person hearing panel guided by a hearing facilitator, and a decision will be rendered a finding after a hearing per System Regulation 08.01.01, Civil Rights Compliance.

4. Standard of Evidence
In all investigations and subsequent decisions involving allegations of domestic violence as well as dating violence, sexual assault and stalking, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

5. Possible Sanctions
When an employee is found to have committed acts of domestic violence as well as dating violence, sexual assault, or stalking (as defined by System Regulation 08.01.01, Civil Rights Compliance) against another member of the university or agency community, the sanction will be termination of employment.

6. Range of Supportive measures Available to a Victim Alleging Misconduct
Students reporting allegations of domestic violence as well as dating violence, sexual assault and stalking may receive supportive measures. Supportive measures will be provided, as appropriate, based on the circumstances of the allegation. Supportive measures may be provided at any point in the process and may include:

- Paid administrative leave
- Orders of No Contact
- Change in housing
- Schedule changes
- Safety plans including scheduling access to shared university amenities
- Assistance with accessing forensic evidence by a Sexual Assault Nurse Examiner (SANE)
- Assistance with accessing free counseling with the Work/Life Solutions EAP Services
- Assistance with accessing free counseling at Student Health and Wellness, for student reporters
- Assistance with reporting to the University Police Department
- Assistance with accessing resources available off campus
- Safety Escorts available through the University Police Department
- Requesting increased patrol of the University Police Department in a certain area
All employees must, and students should, cooperate fully with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance. Employees failing to cooperate with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance may be disciplined, up to and including dismissal. No employee may retaliate against a person for filing a complaint or participating in an investigation under System Regulation 08.01.01, Civil Rights Compliance. Employees found to have retaliated, or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including dismissal. Prohibited conduct includes, but is not limited to:

- attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;
- removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the investigation; or
- providing false or misleading information to the Title IX Coordinator, other designated official appoint to review complaints, or the investigative authority who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

Universities may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of domestic violence as well as dating violence, sexual assault and/or stalking.

Texas A&M University-Kingsville’s Non Discrimination Statement details our commitment to equal employment and educational opportunity. In conformance with federal and state law and university policy the institution is guided by the principle that there shall be no difference in the treatment of individuals because of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, veteran status or genetic information. Equal opportunity and access to programs shall be available to all members of the university community, both students and employed personnel at every level, and to all units, facilities, and services of the university.

In the employment of all personnel, the university recognizes that, as a public agency, it has a further commitment: it is obligated to support federal and state policies which seek to achieve equal opportunity in employment for members of underrepresented groups, women, individuals with disabilities, and Vietnam era and disabled veterans. As used in this document, underrepresented groups will include African-American, Hispanic, Asian, Hawaiian/Pacific Islander, and American Indian/Alaskan Native. Two important concepts are embodied in equal employment opportunity:

3. Nondiscrimination
4. Affirmative Action

Affirmative action requires more than employment neutrality. It requires Texas A&M University-Kingsville to make efforts to recruit, employ, retain, and promote qualified women, members of underrepresented groups, individuals with disabilities, and Vietnam era and disabled veterans. The affirmative action concept requires positive action to insure against perpetuation of benign neutrality in employment practices.

Appeal of Results of Sex-based Misconduct / Sexual Harassment and/or Related Retaliation Reviews

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student as a complainant, the appeal must be made in writing to the Chief Ethics and Compliance Officer, 361-593-4758 or a designee within three business days after notification of the initial decision (After August 14, 2020, appeals may be filed within five business days). Appeal requests will be reviewed for merit and if filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant is required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Dean of Students (361-593-3606).
With respect to allegations of sex discrimination, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or respondent(s), but only on the following bases, as applicable:

a) a procedural error or omission that significantly impacted the outcome;

b) new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome;

or

c) the appropriateness or severity of the sanctions.

As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

An employee disciplined pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal that action in accordance with System Policy 12.01, Academic Freedom, Responsibility and Tenure; System Policy 32.01, Employee Compliant and Appeal Procedures; System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees; and/or other system policies and regulations as appropriate.

Employees appealing sanctions issued pursuant to System Regulation 08.01.01, Civil Rights Compliance will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

Procedures for Student Conduct Cases Involving Sexual Misconduct

Student conduct proceedings related to sexual misconduct will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to domestic violence as well as dating violence, sexual assault and stalking.

The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. A counselor, police, third-party or victim should report allegations of sexual misconduct to the Office of Compliance, 361-593-4758.

All complaints alleging domestic violence as well as dating violence, sexual assault and stalking will be reviewed and investigated using System Regulation 08.01.01, Civil Rights Compliance. The process of the policy is explained below.

How to File a Disciplinary Complaint Under this Policy

All employees are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination is experienced by, observed by or made known to an employee, the employee is responsible for reporting that information to the Office of Compliance in person at Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu. An employee’s failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.

Only certain employees may keep complaints of discrimination confidential, such as licensed health care personnel and counselors at Student Health and Wellness who have completed a training program approved by the Attorney General of Texas, when acting in this capacity as part of their official employment. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it. Employees should inform student reporter(s) that confidential guidance can be obtained Monday – Friday from 8 a.m. to 5 p.m. at Student Health and Wellness in person at 1210 N. Retama St. or by phone at 361-593-3991. Employee reporter(s)
may access confidential guidance at any time at Work/Life Solutions by GuidanceResources by phone at 1-866-301-9623 or on the website at [http://www.guidanceresources.com](http://www.guidanceresources.com) (WEB ID: TAMUS). To the extent possible, the university will protect the privacy of all parties to the report.

Employees who experience, observe or become aware of alleged discrimination must promptly report the incident(s) to their supervisor or a university official, administrator or Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) involving employees promptly to the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor or the Title IX Coordinator in person at the Office of Compliance, Lewis Hall, room 130, by phone at 361-593-4758, or by email at titleix@tamuk.edu.

An anonymous electronic reporting option for students and employees is available at the bottom of the Texas A&M University-Kingsville homepage where it says “Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline” and can be accessed at this link: [https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html](https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html).

An employee who becomes aware of sexual misconduct during the course of their employment cannot use the anonymous reporting option to satisfy responsible employee reporting obligations. Responsible employees must report known information to the Title IX Coordinator at the Office of Compliance, Lewis Hall, room 130.

An employee’s or student’s complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint.

As of August 14, 2021, the university does not have actual notice of an incident of sexual harassment or sex-based misconduct until a university official with the authority to institute corrective measures has been notified. Individuals with the authority to institute corrective measures at the university include: the CEO, the Title IX Coordinator, Deputy Title IX Coordinators, The Office of Human Resources, Office of the Provost, and Office of the Dean of Students. An employee with authority to institute “corrective measures” means an employee with authority to redress harassment for complaints involving only Title IX and sex-based misconduct.

### 1. How the University Determines Whether This Policy will be Used

For alleged incidents that occurred before August 14, 2020, the following process applies:

The Title IX Coordinator or other designated official will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. System Regulation 08.01.01, Civil Rights Compliance states:

(a) If the information is insufficient, the Office of Compliance, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and

1. dismiss it as baseless;
2. close it for insufficient information to investigate; or
3. refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing.
(b) If the information is sufficient, the Title IX Coordinator or other designated official will forward the complaint to an appointed investigative authority within five business days of the determination to proceed with the investigation.

(c) The Title IX Coordinator or other designated official will provide written notification to the complainant(s) and the respondent(s) of:

1. receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance;
2. the appointed investigative authority;
3. the appointed designated administrator;
4. interim protections imposed, if any; and
5. admonishments regarding cooperation and prohibiting retaliation.

For student respondent(s), When a student respondent(s) is charged with violating a conduct rule(s), both the complainant(s) and the respondent(s) will be provided, to the fullest extent permitted by law, an unredacted copy of the investigation report (without exhibits) prior to a decision being rendered by the designated administrator. If requested, access to exhibits, which may be redacted, may be provided. As of August 14, 2020, the parties will have 10 business days to review a copy of the final draft before it is submitted to the hearing facilitator and 10 business days to review the final investigative report prior to a pre-hearing conference with the hearing facilitator.

2. Steps in the Disciplinary Process

The investigative authority will review each complaint, interview the complainant(s) and respondent(s) separately, interview witnesses (if applicable), review relevant documentation and/or evidence, and provide a draft report of their investigation to OGC for review within 30 business days. Relevant documentation and/or evidence may include emails, voicemail, messages on social media, text messages, videos, pictures, etc. Complainant(s) with relevant documentation and/or evidence are encouraged to preserve the information for the investigative authority.

The Office of General Council (OGC) for the Texas A&M University System will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will then have five business days to finalize the report and submit it directly to the designated administrator.

The designated administrator will review the report and render a finding in writing to the parties within five business days. If the designated administrator renders a finding that there is sufficient evidence of a violation of System Regulation 08.01.01, Civil Rights Compliance the report will be provided to the Sexual Misconduct Hearing Board. The hearing will take place no earlier than three business days from the rendered decision. Once the hearing has concluded, the Sexual Misconduct Hearing Board will have five business days to render a written decision including any applicable sanctions unless circumstances require additional time.

For alleged incidents that occurred after August 14, 2021, the following process applies:

The investigative authority will review each complaint, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to The Office of General Counsel (OGC) for review within 30 business days of receipt of the complaint. OGC will coordinate with System Ethics and Compliance Office (SECO), and provide its review to the investigative authority within 10 business days. The investigative authority will have five business days to compose a final draft of the report and submit it to the parties for a review of 10 business days. The parties will be able to submit suggestions and comments, but the investigative authority has the final decision for any changes made to the final report. After the review by
the parties, the investigative authority will have five business days to make any changes and submit those changes to OGC and SECO for review. If no substantive changes have been made, OGC and SECO may waive their final review. If a review is required, OGC and SECO will have five business days to provide their review to the investigative authority. The investigative authority will then have five business days to finalize the report and submit the final copy to the hearing facilitator.

The hearing facilitator, or designee, will allow the parties to review the final report for at least 10 business days before holding a pre-hearing conference. The hearing facilitator, or designee, will schedule the final hearing which cannot take place until at least five business days have lapsed from the pre-hearing meeting. After the hearing, the designated administrator/hearing panel will have two business days to provide draft decision letters to OGC and SECO for review. OGC and SECO will have three business days to provide their review to the hearing facilitator, or designee. The hearing facilitator will have three business days to consult with the designated administrator/hearing panel, if needed, and finalize the decision letters. The decision letters will then be provided to the parties. After the findings have been provided, the parties will have five business days to file an appeal.

Hearings will be closed to the public. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing.

A complainant and a respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision maker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing panel chair or hearing officer makes final determinations on the relevance of questions and evidence.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing. If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. Hearing officers/hearing panels cannot draw an inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

No hearing officer or hearing panel member can also serve as an investigative authority or appellate authority in the same complaint. Students (who are otherwise not full-time employees) may not serve in the role of
investigative authority, hearing officer, hearing panel member, or appellate authority. When a hearing panel is being utilized to resolve a complaint, either a voting chairperson or non-voting administrative advisor who does not serve on the panel shall oversee the live hearing and deliberations, and assist in the development of a finding of fact, decision rationale, and, when appropriate, a sanction rationale in consultation with the panel members.

At any time after a final complaint has been signed and before the decision has been rendered by the designated administrator/hearing panel, the parties can agree to enter into informal resolution. If an agreement is reaching during informal resolution, the investigation process will stop. However, if an agreement cannot be reached the formal investigation will continue. Informal resolution cannot be used in cases where the respondent is an employee accused of sexually harassing a student.

Administrative conferences - If the complainant, respondent, and university all agree on both the findings associated with the allegations and the sanctions to be imposed, a designated administrator may reach a written resolution of the complaint without a hearing, provided any sanctions imposed are in compliance with the sanctioning requirements noted in 4.5.5 of System Regulation 08.01.01, Civil Rights Compliance. The pre-hearing conference may serve as the administrative conference. Administrative conferences are considered a form of informal resolution.

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

With respect to allegations of sexual misconduct and/or related retaliation, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), Appeals of disciplinary action as a result of a sexual misconduct or related retaliation complaint must be in writing and made on the basis of one or more of the following grounds:

1) A procedural error or omission occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error or omission and how it impacted the outcome.
2) New evidence, unknown or unavailable during the investigation has come to light, that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation.
3) The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
4) As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation. The reason(s) supporting this must be stated in writing upon the appeal.

In sex discrimination cases where the respondent is a student, appeals of the decision must be made in writing within three business days after notification of the initial decision and directed to the Senior Student Affairs Officer (Acting Director of Student Affairs) or a designee, in accordance with the TAMUK Student Code of Conduct (After August 14, 2020, appeals may be filed within five business days). The Senior Student Affairs Officer may handle the appeal or designate an appeals officer at his or her discretion to another administrator who has received adequate and relevant training about sexual misconduct. Appeal requests will be reviewed for merit and if filed in a timely manner.
On appeal, the burden of proof rests with the appellant to show that an error has occurred during the hearing process. In order to avoid the appearance of a conflict of interest, appeals of these bases must be directed to an authority who had no previous involvement and/or participation in the investigation and/or decision.

The procedures governing the hearing of appeals include the following:

1) All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
2) The Senior Student Affairs Officer/Appeals Officer shall have 5 business days after receiving the appeal(s) to review the case and provide a draft decision to OGC for review. OGC will coordinate with SECO and provide its review of the draft decision within five business days. The Senior Student Affairs Officer /Appeals Officer will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigators.
3) Circumstances may warrant extensions to the time frames. The Senior Student Affairs Officer /Appeals Officer should send extension requests, if needed, to the office or individual(s) who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.
4) The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The Senior Student Affairs Officer / Appeals Officer may at his/her discretion meet with the parties to determine a decision.
5) Upon review of the appeal, the person or body conducting the appeal may uphold, modify, send back the case to the original hearing body for further consideration or completely reverse the original decision as appropriate. A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code.
6) The Senior Student Affairs Officer /Appeals Officer will render a written decision on the appeal to all parties which shall include the rationale forming the basis for the decision. The decision is final and may not be further appealed.
7) If the Senior Student Affairs Officer /Appeals Officer determines that new evidence should be considered, it will return (remand) the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.
8) If the Senior Student Affairs Officer /Appeals Officer determine that a material procedural (or substantive) error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. The results of a reconvened hearing cannot be appealed. In cases where the error cannot be cured by the original hearing officers (as in cases of bias), the appeals officer or body may order a new hearing on the complaint with a new body of hearing officers. The results of a new hearing can be appealed once based upon the grounds for appeals stated above.
9) If the Senior Student Affairs Officer /Appeals Officer determines that the sanctions imposed are substantially disproportionate to the severity of the violation, the matter will be returned to the hearing body. The hearing body will review the case, and may then increase, decrease or otherwise modify the sanctions. This decision is final.
10) Circumstances may warrant an extension of the time frame in this section. Both the complainant(s) and respondent(s) will be notified in writing simultaneously of any extensions or decisions made.
11) Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with Rule 08.01.01.K1, Civil Rights Compliance and/or code of conduct for student grievances.

3. Decision-Making Process
Upon receipt of the report, the designated administrator will review the report, including exhibits, and render a finding in writing to the complainant(s), respondent(s), and investigative authority. The designated administrator may conclude (1) there was sufficient evidence to substantiate the allegation, (2) there was sufficient evidence to unsubstantiate the allegation, or (3) there was insufficient evidence to substantiate the allegation.

In cases where the designated administrator makes a finding of sufficient evidence to substantiate the allegation, the complaint will be referred to a hearing. If the complaint is referred to a hearing, the Dean of Students Office will select thee individuals from a pool of trained adjudicators to hear the case as members of the Sexual Misconduct Hearing Board. The Dean of Students will also appoint one of the three members to serve as the chairperson. The hearing will be conducted in conformance with the Sexual Misconduct Hearing Procedures. It is the responsibility of the Sexual Misconduct Hearing Board to provide for a prompt and fair consideration and resolution of the case through a formal hearing process. The proceedings are not judicial trials.

Prior to August 14, 2020, the respondent and complainant may choose an advisor, to accompany, but not represent, him or her during a hearing. As of August 14, 2020, the parties to a complaint may direct their advisors to question the investigative authority, opposing party and witnesses during cross-examination. If the investigative authority, witnesses, or opposing party fail to submit answer a question during cross-examination, all prior statements may not be considered during deliberations by the hearing panel. If a party does not have an advisor, the university may appoint a trained advisor to be present for cross-examination during the hearing.

During the hearing, the investigative authorities will present the information from their investigative report on behalf of the university. Both the respondent and the complainant will be given the opportunity to support or rebut information presented before the hearing board.

After the testimony phase of the hearing is concluded, the members of the Sexual Misconduct Hearing Board will go into closed session to deliberate on the charges. Determination of responsibility will be made on the basis of a preponderance of the evidence standard. Decisions from the Sexual Misconduct Hearing Board are made by majority vote. If the respondent is found not responsible then the hearing board concludes the process. If the respondent is found responsible for one or more violations of the Student Code of Conduct, the hearing board will determine sanctions for the student after being informed of the student’s conduct status with the University.

Prior to August 14, 2020, the Sexual Misconduct Hearing Board will have five (5) days to render a written decision including any applicable sanctions unless circumstances require additional time. For sexual misconduct hearings, a written statement of the findings, including rationale, the formal action to be taken by the University and a description of the appeals process will be sent to the respondent and the complainant simultaneously (meaning without substantial delay between the notifications to each) by the Dean of Students Office. The Sexual Misconduct Hearing Board is expected to consult with the Texas A&M University System Counsel and/or the System Ethics and Compliance Office, through the Dean of Students, to assure that its procedures are legally sound and fair to all parties.

As of August 14, 2020, the Sexual Misconduct Hearing Board will submit a draft decision two (2) business days after the hearing to SECO and OGC. SECO and OGC will then have three (3) business days to provide the hearing facilitator with their review of the draft decision. The hearing facilitator, in consultation with the Sexual Misconduct Hearing Board, will finalize the decision and provide it to the parties within three (3) business days.

4. **Standard of Evidence**
In all investigations and subsequent decisions involving allegations of domestic violence as well as dating violence, sexual assault and stalking, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

5. Possible Sanctions
Sanctions may have educational, restorative and rehabilitative components for students. Examples of sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling, “no contact” order, probation, suspension, and student expulsion from an educational institution. For students, expulsion is a disciplinary action taken to teach them that their actions and conduct have consequences, which includes ineligibility to continue as a member of the educational community.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion. (As of August 14, 2020, dating and domestic violence replaced the words sex-based violence.)

Students found responsible for other acts involving domestic violence as well as dating violence, sexual assault and stalking may receive sanctions which can include:

- Disciplinary warning
- Disciplinary probation
- Disciplinary suspension
- Disciplinary expulsion
- Required counseling
- Required training
- Other required activities which requires student reflection.

Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person who are allowed to return to a member university after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors. (As of August 14, 2020, “sex-based violence and/or nonconsensual sexual penetration of another person” was replaced with “sexual harassment, sexual assault, and dating violence, domestic violence, stalking based on sex, and/or other sex-based misconduct.”)

For other sexual violence acts involving domestic violence as well as dating violence, sexual assault and stalking, the student’s eligibility to represent the university in extracurricular activities, both on and off campus will be evaluated by a designated panel. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student’s participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

6. Range of Supportive measures Available to a Victim Alleging Misconduct
Students reporting allegations of domestic violence as well as dating violence, sexual assault and stalking may receive supportive measures. Supportive measures will be provided, as appropriate, based on the circumstances of the allegation. Supportive measures may be provided at any point in the process and may include:

- Orders of No Contact
- Change in housing
13) Schedule changes
14) Safety plans including scheduling access to shared university amenities
15) Assistance with accessing forensic evidence by a Sexual Assault Nurse Examiner (SANE)
16) Assistance with accessing free counseling at Student Health and Wellness
17) Assistance with reporting to the University Police Department
18) Assistance with accessing resources available off campus
19) Safety Escorts available through the University Police Department
20) Requesting increased patrol of the University Police Department in a certain area

Student complainant(s) or Respondent(s) of allegations involving domestic violence as well as dating violence, sexual assault, and stalking may also request accommodations during the hearing process. Prior to August 14, 2020, Students may be provided separate waiting areas during a hearing and a privacy screen during a hearing to separate parties. As of August 14, 2020, parties may attend the hearing virtually, but must remain visible during the hearing.

All employees must, and students should, cooperate fully with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance. No student may retaliate against a person for filing a complaint or participating in an investigation under System Regulation 08.01.01, Civil Rights Compliance. Students found to have retaliated, or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including expulsion. Prohibited conduct includes, but is not limited to:
(a) attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;
(b) removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the investigation; or
(c) providing false or misleading information to the Title IX Coordinator, other designated official appointed to review complaints, or the investigative authority who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

Universities may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of, or a witness to, an incident of sexual harassment, sex-based misconduct, sexual assault, dating violence, or stalking for a violation by the student of the university’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the university’s disciplinary process regarding the incident, if any. This does not apply to a student who reports the student’s own commission or assistance in the commission of domestic violence as well as dating violence, sexual assault and/or stalking.

Inquiry and Investigation
When the university is made aware of a potential violation, an inquiry or investigation will be initiated to determine what occurred and then take appropriate steps to resolve the situation. All employees must, and students should, cooperate fully with those performing an investigation pursuant to University System Regulation 08.01.01, Civil Rights Compliance. Employees failing to cooperate with those performing an investigation pursuant to System Regulation 08.01.01, Civil Rights Compliance may be disciplined, up to and including dismissal. No employee or student may retaliate against a person for filing a complaint or participating in an investigation under Regulation 08.01.01, Civil Rights Compliance. Employees or students found to have retaliated or intentionally provided false or materially misleading information regarding alleged discrimination under System Regulation 08.01.01, Civil Rights Compliance, may be disciplined, up to and including dismissal or expulsion. Prohibited conduct includes, but is not limited to:
(d) attempting to coerce, compel or prevent an individual from reporting alleged discrimination or providing testimony or relevant information;
(e) removing, destroying or altering documentation or other evidence (e.g., text messages) relevant to the
f. providing false or misleading information to member officials who are involved in the investigation and resolution of a complaint, or encouraging others to do so.

Initial Review by Title IX Coordinator or Deputy Coordinator

The Title IX Coordinator or Deputy Coordinator will conduct an initial review of information in a sexual misconduct report or complaint to determine if there is sufficient information to proceed with an investigation, or if additional information is needed.

a. If the information is sufficient, the Title IX Coordinator will forward the complaint/report to an appointed investigative authority within 5 business days of receipt.

b. If the information is insufficient, the Title IX Coordinator or Deputy Coordinator, in consultation with the System Ethics and Compliance Office, may conduct an inquiry into the circumstances of the complaint or report and:
   1). Dismiss the complaint as baseless;
   2). Close the complaint for insufficient information to investigate;
   3). Refer the complaint to the office(s) which has responsibility for such complaints.

The Office of Compliance will notify the complainant of such action in writing.

Due Process Rights of Both Parties for Sexual Misconduct and/or Related Retaliation

A student or student organization alleged to have engaged in misconduct shall have the right of due process as delineated in the Student Code of Conduct. Additional provisions are in place for cases involving immediate interim suspension of a student for exigent circumstances and adjudication of Sexual Misconduct Policy violations which are detailed in the Student Handbook: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf. (For incidents that occurred after August 14, 2020, students may not be placed on immediate interim suspension, and additional provisions are in place for temporary removal on an emergency basis.)

Both the reporting party and the respondent are entitled to due process and fair and equitable procedures in all facets of the complaint, investigation and adjudication process and shall be:

- Provided access to support services from the university at their request.
- Informed of the investigation and adjudication procedures.
- Allowed to choose to participate or decline to participate in the process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available.
- Allowed to discuss any conflicts of interest (real or perceived) arising from prior interactions by those handling the Title IX grievance procedures.
- Allowed to have an advisor present during the investigation and adjudication proceedings. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case. As of August 14, 2020, the advisor will assist their advisee with questions during the hearing.
- Given the opportunity to present witnesses and submit other evidence on their behalf to the investigators.
- As of August 14, 2020, provided ten business days to review the draft investigation report before the report is submitted to the hearing facilitator.
- As of August 14, 2020, provided ten business days to review the final report before a pre-hearing conference with the hearing facilitator.
- Notified in writing of the results/outcome of the complaint and subsequent action.

Investigation Procedures

1. When a decision is made to forward an investigation to an investigative authority for allegations of sex-based misconduct/sexual harassment and/or related retaliation, the Title IX Coordinator or Deputy
Coordinator will appoint two (2) investigating authorities to review the complaint/report unless circumstances warrant otherwise.

2. In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence, i.e., more likely than not.

3. The investigative authority will review the complaint, interview the complainant, respondent and witnesses (if applicable), review relevant documentation, consult with subject matter experts as appropriate, and review other available evidence or information. The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. The investigative authority may also consult with appropriate management personnel, including but not limited to, the Dean of Students, the Title IX Coordinator, System Office of General Counsel, and/or the System Ethics and Compliance Office for advice and guidance, as applicable. The investigative authority will provide a draft report on the merits of the allegations to the Office of General Counsel (OGC) for legal sufficiency review within 30 business days of receipt of the complaint.

4. The investigative authority’s investigation report may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence. In some instances, after investigation, offensive conduct might not be sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s work or educational performance, or creates an intimidating or hostile work or educational environment. Nevertheless, the investigators may still determine that the offensive conduct did occur and note that in the report for review under the Student Conduct Process to determine if there was a violation of university rules or policies, including the Student Code of Conduct or other published rules of the university. As of August 14, 2020, the investigative report will no longer include a section that concludes if each allegation is substantiated, unsubstantiated, or there is insufficient evidence to substantiate.

5. Prior to August 14, 2020, OGC will coordinate with SECO and provide its review to the investigative authority within 10 business days. The investigative authority will have five (5) business days to finalize the final draft report and submit it to the designated administrator. As of August 14, 2020, the investigative authority will provide the parties with a ten (10) business day review. The parties will be able to submit comments to the investigative authority at the end of the review period.

6. As of August 14, 2020, the investigative authority will have five (5) business days to make any changes, if needed, and submit the final report to OGC and SECO for review.

7. As of August 14, 2020, OGC and SECO will then have five (5) business days to submit their review to the investigative authority within five (5) business days, unless waived.

8. As of August 14, 2020, The investigative authority will then have five (5) business days to submit the final report to the hearing facilitator, unless OGC and SECO waived their review.

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

10. The complainant and respondent will be notified simultaneously of the conclusion of the investigation and the availability of the investigative report for review.

11. The Dean of Students or designee serves as the hearing facilitator for cases where the student is a respondent. Prior to August 14, 2020, upon receiving the investigation report, The Dean of Students has five (5) business days to notify the parties of his/her decision to refer the case to the hearing panel or not. After August 14, 2020, the Dean of Students will provide the final report to the parties for a ten (10) business day review before scheduling a pre-hearing conference.

12. As of August 14, 2020, after the pre-hearing conference, if the parties did not resolve the complaint through an administrative conference, a hearing will be scheduled no earlier than five (5) business days after the pre-hearing conference.

13. As of August 14, 2020, the hearing facilitator will provide the decision from the Sexual Misconduct Hearing Board to the parties within eight (8) business days.
14. Circumstances may warrant an extension of the time frame in this section. Both the respondent and the complainant will be notified of extensions and the outcome of the investigation simultaneously.

**Sex-based Misconduct / Sexual Harassment and Related Retaliation Hearing Procedures**

If it is determined to refer the case to a hearing panel, the Dean of Students will oversee the process. The Dean of Students Office will compile the information from the investigative authority, as well as inform all of the parties of the date, time and location for the hearing.

h. The Dean of Students Office will provide written notification of the hearing to the participants at least five (5) business days prior to the hearing.

i. Determinations during the hearing, will be made using the preponderance of the evidence standard, which asks whether it is “more likely than not” that the alleged sexual misconduct occurred.

j. The complainant and/or respondent are allowed to choose to participate or decline to participate in the hearing review process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available. (Additionally, after August 14, 2020, if the parties don’t submit to cross-examination at the hearing, the hearing panel cannot consider any prior statements by that party made during the investigation.)

k. Each party may have an advisor of their choice present at the hearing. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case. (After August 14, 2020, the advisor will conduct cross-examination for their advisee.)

l. The formal hearing will be held as scheduled even in the absence of the complainant or respondent, unless such absence is for good and sufficient cause. Note: this hearing is not a criminal proceeding. Related criminal charges are handled separately.

m. The University Sexual Misconduct Hearing Board will convene the hearing to conduct a review of the investigation results arising from sex-based misconduct/sexual harassment and/or related retaliation cases.

4) The purpose of the hearing will be to review the investigative authority’s written report, to work to resolve any issues with the report, provide an opportunity for the complainant or respondent to answer questions and offer rebuttal or support of the completed report, to clarify any questions the board may have about the incident and report, and to deliberate on the outcome and sanctions (if a student is found responsible).

5) Any evidence submitted during the hearing review in rebuttal to or in support of the investigation report must be material and relevant to the issue under consideration as determined by the chair of the hearing board, and may be accepted or rejected by the hearing board.

6) Parties to the hearing may not personally question or cross-examine each other during the hearing. As of August 14, 2020, the party’s advisor will conduct cross-examination for their advisee.

n. After the review phase of the hearing is concluded, members of the hearing board will deliberate on the charges in closed session. Determination of responsibility will be made on the basis of a preponderance of the evidence. As a result of the hearing, the Sexual Misconduct Hearing Board may take one of the following actions:

4) The respondent may be found not responsible for a violation of the sex-based misconduct/sexual harassment and any other applicable charge(s). If the respondent is not found responsible, then the deliberations conclude. While no sanctions are imposed, the Designated Administrator may determine if specific interim measures should continue in place and notify all parties.

5) The student may be found responsible for a violation of the sex-based misconduct/sexual harassment or any other applicable charge(s). If the respondent is found responsible for one or more violations of the Student Code of Conduct, the hearing board will discuss sanctions for the student after being informed of the student’s conduct status with the University.

6) Sanctions may have educational, restorative, rehabilitative, and/or punitive components. These include but are not limited to a written warning, reprimand, required training and/or counseling, restrictions, probation for a definite or indefinite period, suspension for a definite or indefinite period, employee termination, and/or expulsion from the institution.
h. Parties will be notified simultaneously, in writing, of the results of the institutions disciplinary procedures; appeal procedures; any change(s) as a result of the appeal process; and/or when the result becomes final.

**Appeal of Results of Sex-based Misconduct / Sexual Harassment and/or Related Retaliation Hearing Reviews**

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student, the appeal must be made in writing to the Director of Student Affairs or a designee within three business days after notification of the initial decision (After August 14, 2020, appeals may be filed within five business days). Appeal requests will be reviewed for merit and that the appeal was filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant and respondent are required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Dean of Students (361-593-3606).

With respect to allegations of sex discrimination, the designated administrator’s decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or respondent(s), but only on the following bases, as applicable:

1) a procedural error or omission that significantly impacted the outcome;
2) new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
3) the appropriateness or severity of the sanctions.

As of August 14, 2020, parties may appeal if they believe the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with the member rule and/or code of conduct for student grievances.

**Status of Students During An Appeal**

Pending final action on a disciplinary charge or appeal, the student’s status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:

1) when the university has imposed immediate interim suspension action;
2) when a “disciplinary hold” is placed on the student’s academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
3) when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or
4) to assist with maintaining order on campus in incidents involving serious cases of class/facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

Once a student or organization has been finally assessed a disciplinary sanction and the appeals process is complete, no more severe major sanctions may be assessed against the student or organization by any higher university authority for
the infraction in question except in instances where the student or organization does not comply with the initial sanctions that have been imposed.

**Disciplinary Sanctions**

When found responsible for a violation of the Student Code of Conduct, sanctions may be imposed upon any student or organization. The student or organization may be levied a sanction or combination of sanctions. As part of the notification of disciplinary action undertaken, the student or student organization will be notified in writing of the sanctions imposed, their duration, stipulations and deadlines for completion.

Students may be placed on probation with appropriate disciplinary sanctions, suspended or expelled, for committing violent or criminal acts on campus or at campus-related events. In compliance with federal and state laws and regulations, victims of violent crimes, including sexual assaults, will be informed whenever information regarding disciplinary action taken by the university is included in a student file. Both parties are notified simultaneously in writing of the disciplinary outcome and may appeal the outcome.

The sanctions identified below are not inclusive and may be levied in any combination.

1. **Warning:** A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.

2. **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.

3. **Loss or Restriction of Privileges or Activities:** The withdrawal of the use of services or privileges as a student or member of the community, or the loss of the privilege to participate in an activity or event for a designated period of time.

4. **Fines:** Previously established and published fines may be imposed.

5. **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.

6. **Discretionary Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.

7. **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, ‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact lasts until such time as the office issuing the order has communicated to both parties that the order is lifted.

8. **Residence Hall Suspension:** Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.

9. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
10. **University Suspension**: Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.

11. **Immediate Interim Suspension** – Separation from the university without first receiving notice or a hearing for an initial period up to 10 calendar days. This sanction may be imposed by the President or designee if he/she determines the student poses a continuing danger to persons or property, or the student's behavior is an ongoing threat of disrupting the academic process. The University will aspire to provide notice and an informational hearing no later than three class days after the day of the interim suspension. If the president or designee believes it is in the best interest of the campus community that the student should not return, the university shall initiate its formal hearing procedures for long-term suspensions or expulsions prior to the expiration of the interim suspension. The student is not entitled to a refund of tuition and/or fees for the term in which the student is on interim suspension. (As of August 14, 2020, students may not be removed from the university unless there is an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with a member’s behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. Members shall designate the assignment of a hearing authority for this purpose.)

12. **University Expulsion**: Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.

13. **Revocation of Admission and/or Degree**: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

14. **Withholding Degree**: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

**Student Disciplinary Records**

All outcomes of disciplinary proceedings administered under the Code of Conduct become part of the student’s educational record. Student disciplinary records are normally maintained for seven years from the date of the final decision in the Dean of Students Office. Student disciplinary records may be retained for as long as deemed administratively valuable or permanently if the student was suspended or blocked from enrollment. Expulsion records are kept permanently. Additionally, disciplinary records in cases involving gender-based or sex-based misconduct/sexual harassment shall be retained for as long as deemed administratively valuable or permanently.

**Sex Offender Registration**

Registered Sexual Offender Information: The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. In accordance with this act, the University Police Department is providing a link to the Texas Department of Public Safety site for registered sex offenders which can be found at the following Department of Public Safety link: [https://records.txdps.state.tx.us/SexOffender/](https://records.txdps.state.tx.us/SexOffender/). This site allows individuals to search for registered sex offenders by physical address, registrant name, or institution name.
Other states may provide a free search for sex offenders. You may find the information at http://criminalcheck.com/ or at https://www.familywatchdog.us/Default.asp

Crime Statistics Overview

Reporting Requirements
The United States Department of Education, in its Higher Education Amendments of 1999, published final rules and regulations providing clarification for crime reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act. An institution must report statistics concerning the occurrence on campus, on related non-campus property and on public property of the following crimes:

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sex offenses, including rape, fondling, incest and statutory rape
- Aggravated assault
- Burglary
- Arson
- Motor-vehicle theft
- Robbery
- Statistics concerning the criminal offenses of murder, forcible rape and aggravated assault which manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, disability, national origin or sexual orientation, gender identity as prescribed by the Hate Crimes Statistics Act.
- Hate crime statistics concerning the above crimes which manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity, disability, national origin or sexual orientation as prescribed by the Hate Crimes Statistics Act, and
- Domestic violence, dating violence and stalking incidents that were reported to campus security authorities or local police agencies.

Additionally, statistics concerning the number of arrests and disciplinary referrals for the following crimes must be provided:

- Liquor-law violations
- Drug-related violations
- Weapon possession violations

Hierarchy Rule: A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted. There are exceptions to the Hierarchy Rule when counting arson, sexual assault, dating violence, domestic violence, stalking and hate crimes within the criminal offenses categories.

Definitions for Clery Crime Statistics
The following information comes from a variety of sources, including the Department of Education's Handbook for Campus Safety and Security Reporting (2011); Uniform Crime Reporting Handbook; Sex Offenses definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program; and definitions of domestic violence, dating violence, and stalking adapted from the amendments made to the Violence Against Women Reauthorization Act of 2013; and Texas statutes. The following definitions are used when preparing the annual disclosure of crime statistics.

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

**Arrest:** Persons processed by arrest, citation or summons.

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

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

**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; and where the existence of such a relationship shall be determined 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse 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. Student Code of Conduct: Domestic Violence – An act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or the threat of which reasonably causes fear of such harm.

**Drug Law Violations:** Violation of state and local 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 drugs or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The incident must be reported as a hate crime if evidence indicates bias in any of the Clery reportable crime categories.
(outlined above) or in one of the following crimes: larceny-theft; simple assault; intimidation; destruction, damage, or vandalism of property; or any other crime involving bodily injury.

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

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

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

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

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

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness, Public Intoxication and driving under the influence are not included in this definition).

**Location of Crime:**

- **On campus:** Anywhere on the university campus, includes all properties owned by the university and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes; or reasonably contiguous to the area and owned by the university but controlled by another person, is frequently used by students and supports the institutional purpose.

- **Residence Facilities:** University owned or operated residential facilities (extracted from on campus statistics).

- **Non-campus Property:** Building or property owned or controlled by institution in direct support of or in relations to the institution’s educational purposes; is frequently used by students and is not within the same reasonably contiguous geographic area of the university, or is owned or controlled by a student organization that is officially recognized by the university.

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

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

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

Non-campus building 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.

Referred for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

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, or by putting the victim in fear.

Sex Offenses: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. The term “Sexual Assault” encompasses an offense that meets the definition of the following:

- **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 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:** Non-forcible 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.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) Fear for the person’s safety or the safety of others, or B) 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Unfounded crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.
**Weapon Law Violations:** Violations 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.
# Weslaco Campus Crime Statistics Tables

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities</th>
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2018: No unfounded crimes 2019: No unfounded crimes 2020: No unfounded crimes

## Hate Crimes

Texas A&M University- Kingsville’s Citrus Center located in Weslaco, Texas had no reported hate crimes in 2018, 2019 and 2020
## Violence Against Women Act Crimes

<table>
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<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities</th>
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## Weapons, Drug and Alcohol Arrests and Disciplinary Referrals

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<th>Residential Facilities</th>
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</table>
The Weslaco Fire Department (956-968-7581 or 911) provides services to Texas A&M University-Kingsville Citrus Center Weslaco campus and area residents for the protection of life and property from fire and natural disasters. They maintain a standard of training which encompasses both a prompt response to emergencies and the safety of citizens. Firefighters promote community safety through public education and fire safety programs.

Emergency Response and Evacuation Procedures

Procedures for evacuations are coordinated by the Office of Enterprise Risk Management, Environmental Health and Safety Office. Annual instruction is provided on emergency evacuation procedures for the residential apartments (Visiting Scientists and Student Housing Facility). Occupants should become familiar with the locations of the emergency exits in the buildings.

Texas A&M University-Kingsville does not inform residents in advance about the designated long-term evacuations because those decisions are affected by the 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 all cases, UPD, Enterprise Risk Management, Environmental Health and Safety, University Housing and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of the drills is to prepare building occupants for an organized evacuation in cases of an emergency. Evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. All occupants are instructed that in the cases where fire alarms are activated they must evacuate the building immediately. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of the fire alarm system components. Any deficient equipment is noted so that appropriate repairs can be performed. Students receive emergency information and procedures during their hall meetings. The university continues to inspect, test and replace fire detection equipment in residential halls as necessary.
Apartments Fire Safety Policy
All apartment occupants must comply with directives related to building evacuations.

Fire extinguishers are strategically located in each apartment. These are for the protection of all residents and are expensive to replace. Persons abusing, removing, or tampering with any fire safety equipment, etc., are subject to removal from the residence facility, even on a first offense, and to other appropriate disciplinary action.

Reporting a Fire

Citrus Center university students and staff reporting a fire on campus should call the Weslaco City Fire Station at 956-968-7581 or 911.

If the fire event is no longer a danger they should contact:
- Citrus Center Director: (956) 447-3361
- Assistant to the Director: (956) 447-3362
- Farm Superintendent: (956) 447-3366
- Texas A&M University-Kingsville Police Department, (361-593-2611)
- Office of Enterprise Risk Management (361-593-2237),
- Office of Environmental Health and Safety (361-593-4131), or,
- Texas A&M University-Kingsville Fire Marshal, (361-593-3183)

If the fire event is located in a campus residential unit, students or staff should begin immediate evacuation of the building and notify other occupants of the emergency. The Director and/or the Assistant to the Director should be notified of the fire.

Emergency Fire Procedures

FIR(E2) Procedure
If you are involved in an emergency fire situation on the campus of Texas A&M University-Kingsville, implement the FIR(E2) procedure.

Find: If you see or smell smoke, investigate. You should try to determine the extent of the fire, the type of fire and the location of the fire.
Initiate: Alert the people in the vicinity to the danger as quickly as possible. Pull the fire alarm station and ask other people to assist in evacuation of the building. NEVER try to control a fire before other people in the building and UPD have been notified.
Report: Instruct someone to call UPD at extension 2611 to report the emergency. If you are alone – call UPD prior to any attempt at extinguishing the fire.
**Extinguish** or... Attempt to extinguish the fire ONLY if it is small enough to be contained AND you know how to use the extinguisher. Place yourself between the fire and an exit when using an extinguisher to prevent from being trapped.

**Evacuate:** If the fire cannot be extinguished – EVACUATE! Use the stairways to exit the building. Do not use elevators. As you exit the building, close as many doors as possible. Closed doors act as fire barriers.

Once outside, move to a safe meeting place away from the firefighters. Cooperate with the Building Emergency Manager(s) and other university emergency response staff to conduct roll of building occupants. The fire department should be notified if anyone is left in the building. Stay outside the building until the fire department and/or university officials have indicated that the building is safe to re-enter. UPD personnel will give the signal when it is safe for persons to re-enter the building.

- When you hear the fire alarm – LEAVE the area immediately, closing all doors behind you.
- Follow the main evacuation route, but be prepared to use an alternate evacuation route.
- If you must evacuate through smoke, get down and crawl. Heat and deadly smoke rise and cleaner air will be 12” to 24” above the floor.
- If you must open doors while evacuating, test the doors before opening. Use the back of your hand to touch the door, the door knob and the door frame. If they are cool, brace yourself against the door and slowly open the door; if smoke and heat are present, close the door and use an alternate evacuation route.
- Use stairways – NEVER use an elevator. In a fire, elevator shafts may fill with smoke, or may have power failure – leaving you trapped!
- Once outside, move to your designated assembly areas away from the firefighters. So the fire department if anyone is left in the building. Stay outside the building until the fire department has indicated that the building is safe to re-enter.

**If you are Trapped**

Stay Calm – you can take steps to protect yourself:

- If possible, go to a room with an outside window and a phone. Call 911 and give your exact location. If there is no phone – wave an object out the window (a sheet or jacket), to signal for help. Be ready to shut the window if smoke enters the room.
- Keep all doors between you and the fire closed. Cover all vents and seal cracks around the doors to keep out smoke.
- Be patient, trained rescue people will arrive to assist you.

**For more fire safety information**

Visit: [http://www.tamuk.edu/compliance/risk/ehs/firesafety.html](http://www.tamuk.edu/compliance/risk/ehs/firesafety.html) or call the Environmental Health & Safety Office at 361-593-2646.
Fire Safety System
Texas A&M University- Kingsville Citrus Center residential apartments are protected by battery powered smoke detection units.

The University Fire Marshal will conduct Life & Safety inspections of all the apartments annually. During this process each room is inspected for any fire hazards.

<table>
<thead>
<tr>
<th>Apartments – Fire Detection and Suppression Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments</td>
</tr>
<tr>
<td>Visiting Scientists and Student Housing Facility</td>
</tr>
<tr>
<td>312 N. International Blvd.</td>
</tr>
</tbody>
</table>

Plans for future improvement
There are no plans for future improvements to fire detection and suppression systems in the apartments located at the Citrus Center.

Fire Safety Training
National Fire Protection Association (NFPA) Code 1(Fire Safety) Chapter 31.7.1, and NFPA Code 101 (Life Safety) Chapter 20.9.2.1, require the following in the Visiting Scientist and Student Housing Facility at the Weslaco Citrus Center: Emergency instructions shall be provided annually to each dwelling unit to indicate the location of alarms, egress paths, and actions to be taken, both in response to a fire in the dwelling unit and in response to the sounding of the alarm system.

Fire safety training for each apartment in the Visiting Scientists and Student Housing Facility is provided upon request. Each apartment was provided instruction on egress paths (building evacuation), notification of neighboring apartment occupants, tenant meeting location, 911 notification instructions, other actions to be taken in the event of a fire, locations and testing of smoke detectors, and fire extinguisher education.

Faculty, staff and students should be aware of the location of fire safety equipment and building evacuation routes. For on-campus residents, fire evacuation plans are in the process of being posted in the main entrance door of each residential apartment (posted in each residential unit) copies may be obtained through Office of the Director of the Citrus Center.

Citrus Center staff will receive fire safety training each year. Fire safety information will be discussed at training sessions conducted by the Office of Environmental Health and Safety (361-593-4131), or, Texas A&M University Kingsville Fire Marshal, (361-593-3183) and a BEM may be designated to assist during drills and evacuations. The University has also designated Building Emergency Managers (BEMs) to assist with emergencies including administrative building evacuations in their respective areas. The BEMs receive annual emergency response training through the Office of Environmental Health & Safety.

Tampering with emergency equipment such as fire extinguishers, fire alarms, or emergency exit signs is prohibited by state law and the University Code of Conduct.
Residential Unit Guidelines

There are no restrictions on appliances in the residential units at the Citrus Center.

Smoking
In order to ensure a safe, healthy and pleasant work, educational and living environment, Texas A&M University- Kingsville maintains rules and guidelines that limit smoking on all university owned or leased property.

Areas in which smoking is prohibited (except as noted in this role): Smoking is prohibited in all "No Smoking" areas and in all university-owned buildings, athletic stadium seating areas, retail service areas and all vehicles owned or leased by Texas A&M University- Kingsville.

Areas and circumstances in which smoking is permitted:
- On university property, smoking is permitted in open-air areas outside of buildings at a distance of at least 20 feet from any entrance door or window so that second hand smoke will not interfere with the occupants of the buildings or individuals entering and exiting the buildings. In athletic stadiums, smoking is permitted downwind and at least 20 feet away from the seating and vending areas.
- University student artists or actors who participate in authorized performances will be allowed to smoke as part of an artistic production provided that appropriate disposal receptacles and smoke filtration units are available and the audience is informed prior to the performance.
- If approved by the Provost and Vice-President for Academic Affairs, smoking is permitted by participants in academic research projects involving smoking provided that it is conducted in a designated area and informational signs are posted indicating the presence of tobacco smoke. The Principal Investigator must have a smoke filtration unit operating during the smoking event.

Compliance and fire safety: This rule relies on thoughtfulness, consideration and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the Texas A&M University- Kingsville community to observe the provisions and comply with the spirit and intent of this rule. It is expected that smokers will utilize proper receptacles to contain the ignited tobacco and will properly discard all smoking materials in a manner as to prevent fire.

Fire Log, Definitions and Fire Statistics

Police Daily Crime Log and Fire Log
The University Police Department provides a daily fire log for all reported fires that occur in on-campus housing facilities for the previous 60-day period. Fire logs are chronological lists of fires occurring in Texas A&M University- Kingsville Citrus Center apartments during a calendar year. The logs list the date, time, incident number, general location, nature of incident, cause, number of deaths, number of injuries requiring treatment, and dollar loss. These logs are available to any member of the public upon request and are updated in accordance with federal regulations, within 2 business days of reported incidents. Any portion of the log
older than 60 days will be made available within two days of a request for public inspection.

An electronic version of the combined Daily Crime and Fire Logs are posted on University Police’s website: http://www.tamu.edu/upd/clery-reporting.html and are available within two business days of receiving a report, and is also made available, in hard-copy format, to walk-in customers from the Assistant to the Director of the Citrus Center.

**Definitions**

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Cause of Fire:** The factor or factors that give rise to a fire. The casual factors may be but is not limited to the result of intentional or unintentional action, mechanical failure or act of nature.

**Fire related Injury:** Any instance in which a person is injured as a result of a fire, including any injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.

**Fire Related Death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue or escaping from dangers of fire, or death that occurs within 1 year of injuries sustained as a result of the fire.

**Fire Statistics 2020**

There were no reported fires in Citrus Center apartments in 2020.

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visiting Scientists and Student Housing Facility</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Cause: listed in accord with the National Fire Incident Reporting System  
Nature of Incident: listed in accord with the Nation Fire Incident Reporting System

**Fire Statistics 2019**

There were no reported fires in Citrus Center apartments in 2019.

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visiting Scientists and Student Housing Facility</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Cause: listed in accord with the National Fire Incident Reporting System  
Nature of Incident: listed in accord with the Nation Fire Incident Reporting System
Fire Statistics 2018

There were no reported fires in Citrus Center apartments in 2018.

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>General Location</th>
<th>Nature of Incident</th>
<th>Cause</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Dollar Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visiting Scientists and Student Housing Facility</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Cause: listed in accord with the National Fire Incident Reporting System
Nature of Incident: listed in accord with the Nation Fire Incident Reporting System
Texas A&M University-Kingsville utilizes a portion of the South Texas College Mid Valley Campus for classroom instruction. The tables below indicate the crime statistics for the locations used. You are encouraged to be aware of your personal safety and security and to be responsible in your actions while on campus. South Texas College has many procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly. Please take a moment and familiarize yourself with the information in the South Texas College Annual Security Report, located as follows: South Texas College Clery Report is located at: https://www.southtexascollege.edu/stcdps/cleryact.html.

The Criminal Offenses, Hate Crimes, Violence Against Women, and Weapons, Drug and Alcohol Offenses tables are found on the following pages.

- Texas A&M University-Kingsville did not host classes on the South Texas College Mid Valley Campus in 2020.
Criminal Offenses
at South Texas College Mid Valley Campus
In space used by Texas A&M University- Kingsville
*No classes were held at this campus in 2020.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Non Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
<td>2018</td>
<td>0</td>
<td>0</td>
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<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sex Offenses, Rape</td>
<td>2018</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2019</td>
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<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sex Offenses, Fondling</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sex Offense, Incest</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sex Offenses, Statutory Rape</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Robbery</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>2018</td>
<td>0</td>
<td>0</td>
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<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Burglary</td>
<td>2018</td>
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<td>0</td>
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<td></td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>2018</td>
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<td></td>
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<td>0</td>
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<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Arson</td>
<td>2018</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2018: No unfounded crimes  
2019: No unfounded crimes  
2020: No classes were held at this campus in 2020.

Hate Crimes
In space used by Texas A&M University- Kingsville
*No classes were held at this campus in 2020.

No hate crimes were reported in space used by Texas A&M University- Kingsville at the South Texas College Mid Valley Campus in 2018, 2019 and 2020.
### VAWA Offenses

In space used by Texas A&M University- Kingsville

*No classes were held at this campus in 2020.*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Non Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stalking</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Weapon, Drug and Alcohol Offenses

In space used by Texas A&M University- Kingsville

*No classes were held at this campus in 2020.*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Non Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Arrests</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Liquor Law Disciplinary Referrals</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Drug Law Arrests</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Drug Law Disciplinary Referrals</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Weapons- Arrests</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Weapons- Disciplinary Referrals</td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Texas A&M University- Kingsville maintains a formal memorandum of understanding for use of a portion of the Texas State Technical College (MIT-C) for classroom instruction. The tables below indicate the crime statistics for the locations utilized by TAMUK. You are encouraged to be aware of your personal safety and security and to be responsible in your actions while on campus. Texas State Technical College (TSTC) has many procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly. Please take a moment and familiarize yourself with the information in the Texas State Technical College Annual Security Report, for all campuses of TSTC, located here: [https://www.tstc.edu/about/cleryreportcrimestatistics](https://www.tstc.edu/about/cleryreportcrimestatistics). The 2020 Annual Security and Fire Safety Report link is provided on the left column of the website.

The Criminal Offenses, Hate Crimes, Violence Against Women, and Weapons, Drug and Alcohol Offenses tables are found on the following pages.
### Criminal Offenses

*In space leased by Texas A&M University- Kingsville at Texas State Technical College (MIT-C)*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>2018</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
<td>2018</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex Offenses, Rape</td>
<td>2018</td>
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</tr>
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<td></td>
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<td>0</td>
</tr>
<tr>
<td>Sex Offenses, Fondling</td>
<td>2018</td>
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<tr>
<td></td>
<td>2019</td>
<td>0</td>
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<tr>
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<td>2020</td>
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<td>Sex Offense, Incest</td>
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<tr>
<td>Sex Offenses, Statutory Rape</td>
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<td>2019</td>
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</tr>
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<td></td>
<td>2020</td>
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<tr>
<td>Robbery</td>
<td>2018</td>
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<tr>
<td></td>
<td>2020</td>
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<td>0</td>
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<tr>
<td>Aggravated Assault</td>
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2018: No unfounded crimes  
2019: No unfounded crimes  
2020: No unfounded crimes

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### Hate Crimes

*In space used by Texas A&M University- Kingsville at Texas State Technical College (MIT-C)*

No hate crimes were reported in space used by Texas A&M University- Kingsville at the Texas State Technical College Campus in 2018, 2019 and 2020.
### VAWA Offenses

In space leased by Texas A&M University- Kingsville at Texas State Technical College (MIT-C)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Public Property</th>
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<tbody>
<tr>
<td>Domestic Violence</td>
<td>2018</td>
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<td></td>
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<td></td>
<td>2020</td>
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<tr>
<td>Dating Violence</td>
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### Weapon, Drug and Alcohol Offenses

In space leased by Texas A&M University- Kingsville at Texas State Technical College (MIT-C)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapons- Arrests</td>
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<td>2020</td>
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<td>0</td>
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<tr>
<td>Weapons- Disciplinary Referrals</td>
<td>2018</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
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<td>0</td>
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<tr>
<td>Drug Law Disciplinary Referrals</td>
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<td>2020</td>
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<td>0</td>
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<tr>
<td>Liquor Law Arrests</td>
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<td>2019</td>
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<td>2020</td>
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</tbody>
</table>
Texas A&M University-Kingsville began offering courses through the RELLIS campus in August 2019 as part of a system-wide initiative. You are encouraged to be aware of your personal safety and security and to be responsible in your actions while on the RELLIS campus. RELLIS has many procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly. Please take a moment and familiarize yourself with the information in the RELLIS Annual Security Report, located here: http://urc.tamu.edu/media/1492354/RELLISAnnualSecurityReport.pdf.

Policy statements in this Annual Security Report are relevant to all students, faculty, and staff located at RELLIS and reflect the same policies, practices, and services that are applicable to Texas A&M University-Kingsville, unless otherwise stated. RELLIS Academic Alliance students and employees not enrolled in or employed by Texas A&M University-Kingsville, therefore, may have differing policies, practices, and services provided by other entities that are not required to be disclosed in this Annual Security Report.

Email: vpfa-urc-compliance-officer@exchange.tamu.edu for assistance if any link does not function.

Statistics tables for RELLIS are included in their Annual Security Report.
## Criminal Offenses

**RELLIS**

(Texas A&M University-Kingsville leased space in this facility beginning in 2019)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Public Property</th>
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<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
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<tr>
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<td></td>
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<td>Manslaughter by Negligence</td>
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<tr>
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<td>Sex Offenses, Rape</td>
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<tr>
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<tr>
<td>Sex Offenses, Fondling</td>
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<td>Aggravated Assault</td>
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</tbody>
</table>

2018: No unfounded crimes  
2019: No unfounded crimes  
2020: No unfounded crimes

## Hate Crimes

**RELLIS**

(Texas A&M University-Kingsville leased space in this facility beginning in 2019)

No hate crimes were reported at RELLIS in 2018, 2019 and 2020.
### VAWA Offenses

**RELLIS**  
(Texas A&M University-Kingsville leased space in this facility beginning in 2019)

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### Weapon, Drug and Alcohol Offenses

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