

TEXAS A&M UNIVERSITY-VICTORIA
2026 ANNUAL SECURITY AND FIRE SAFETY
REPORT

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Preparation of the Annual Security Report and Disclosure of Crime Statistics

The Jeanne Clery Campus Safety Act (hereafter the Clery Act) was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually.

The Texas A&M University Victoria Police Department (UPD) are responsible for preparing and distributing the Annual Security Report to comply with the Clery Act. The Annual Security Report is published every year by October 1st and typically contains three years of selected campus crime statistics and certain campus security policy statements. The 2026 Annual Security Report contains crime statistics for September 1, 2025 through December 31, 2025. Texas A&M University Victoria (TAMU-V) was previously the University of Houston Victoria. September 1, 2025, is the date the institution became part of the Texas A&M University System, and TAMU-V became responsible for all aspects of Clery Act compliance, including the disclosure of crime statistics, from that date forward. Information for previous years can be found in the University of Houston Victoria Annual Security Reports. The Annual Security Report and statistical information are compiled with input from various sources such as local law enforcement agencies, Student Affairs, and other campus personnel. All policies referenced in this report apply to all Texas A&M Victoria campuses unless otherwise specified.

Annual Security Report Notifications

Each year, an e-mail notification which provides website access to this report is sent to all current students, faculty, and staff. Upon request, individuals may obtain a written paper copy of the report at the Police Department located at 2705 Houston Highway, Suite 1122, Victoria, TX 77901, calling **361.570.4357**. The report is found at <https://www.tamuv.edu/police/annual-security-report/>.

Campus Law Enforcement Policies

Police Department Overview

UPD provides law enforcement services to all components of Texas A&M Victoria. The department is currently staffed by four police officers from Texas A&M University College Station through an intrasystem shared services agreement between Texas A&M University College Station and the Texas A&M University System. TAMU-V is in the process of hiring additional officers personnel to establish an independent campus police department following the transition from the University of Houston system.

Jurisdiction

Texas A & M College Station Police Department is the primary police authority for Texas A&M University Victoria. UPD police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education.

Arrest Authority

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as State police officers.

Working Relationships and Agreements

UPD maintains excellent working relationships with area law enforcement agencies including Victoria Police Department. Through these relationships, UPD may be provided information regarding student non-campus criminal activity, including student organizations with non-campus housing.

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

Monitoring Non-Campus Locations

When a Texas A&M student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively record or monitor criminal activity.

Reporting Crimes

Incident Reporting and Response

Criminal actions or any on-campus emergency should be reported immediately to UPD by dialing 911 from a campus phone, 911 from a cellular phone, or in person. If using a campus phone (landline) dial 911 to reach an emergency operator. Also, one of the many emergency telephones located throughout campus and residence hall entrances may be used. Campus elevators are also equipped with emergency phones. For non-emergencies dial **361.570.4357** or email **police@tamuv.edu**. Upon receipt of the call, the UPD Communications Center personnel can supply information or dispatch officers as necessary.

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

We cannot overemphasize the importance of prompt and accurate reporting of crime, including in situations where the victim is unable, or elects not to file a report. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed and the investigation headed in the wrong direction. If a crime or emergency is witnessed, promptly report it to UPD and be prepared to answer questions as accurately as possible. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime or have seen or received information of criminal activity or other emergency, please contact UPD immediately.

Reporting Criminal Offenses to University Officials: Campus Security Authorities

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to UPD and the appropriate police agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. A victim's inability to make a report themselves may result from trauma, injury, distance from campus, etc. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. Criminal offenses can also be reported to Campus Security Authorities.

Campus Security Authority is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Texas A&M Victoria has designated all employees as Campus Security Authorities. As Campus Security Authorities, all TAMU-V employees are required to promptly report all Clery Act crimes affecting the university community to UPD.

Anonymous Reporting

Any individual with information about criminal activity may submit a report through a secure and anonymous web-based reporting system. Anonymous reports can be made at: <https://app.convercent.com/en-us/Anonymous/IssueIntake/>

Crime reports provided to these and other campus security authorities are used by the school to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications. Campus security authority crime reports should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. enforcement authorities, if the individual chooses.

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

Confidential and Anonymous Reporting of Crimes

UPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the

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

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. However, campus security authorities who are Texas A&M University Victoria employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to the employee in the course and scope of their employment as soon as possible. These mandatory reports are required to be made to the Associate Vice President and Title IX Coordinator. Exceptions include confidential reporters described in the next paragraph. See the Sexual Assault, Dating Violence, Domestic Violence, and Stalking section of this report for more information.

At Texas A&M University Victoria, the following resources are considered confidential: Counseling Center Staff, the Employee Assistance Program and Remote students can connect with confidential counselors remotely using Therapy Assistance Online (TAO). The TAO program also offers self-guided resources. Campus Professional Counselors, when acting as such, are not Campus Security Authorities and are not required to report crimes for inclusion to the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. The rule-making committee defines counselors as:

Professional Counselors – The Counseling Center at TAMU-Victoria. An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. The Counseling Center is located in University Commons, Suite 2108, **361.570.4135** or **855.848.4279**, and at <https://www.tamuv.edu/counseling-center/>

Crimes can be reported anonymously by calling Crime Stoppers at 979-775-TIPS (8477). Reports submitted anonymously or with limited information may restrict the team's ability to follow up on the incident, however, the anonymous reporting option allows for two-way communication between the individual submitting the report and the team.

Missing Students

It is the policy of UPD to thoroughly investigate all reports of missing persons. In addition, this agency considers a missing child, and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed. Following are the procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours¹. Students, employees, or other individuals receiving missing student information should

¹ These requirements do not preclude the institution from determining a student is missing before a full 24 hours, or from initiating notification procedures

immediately contact police at 361.570.4357.

During the housing application and annual contract renewal processes, students living on campus are obligated to provide at least one emergency contact to the Residence Life. This information is registered confidentially to the extent allowed legally and may be accessible only to Residence Life staff, and other TAMU-V staff members with emergency response job responsibilities, in the case of emergencies involving students such as death, life threatening injuries or a missing person report.

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

1. Any official missing student report must be referred immediately to UPD with all information provided regarding the missing student so that an investigation can be initiated.
2. If the student has designated a contact person, UPD will notify the designated emergency contact(s) within 24 hours. If the student is under 18 years of age and is not emancipated, UPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UPD will inform the local law enforcement that has jurisdiction in the area that the student is missing within 24 hours.

Any official missing student report must be referred immediately to UPD at **361.570.4357** with all information available regarding the missing student so that an investigation can be initiated. UPD will notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UPD will inform the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

Timely Warning Policy

The circumstances in which a Timely Warning (Crime Alert) will be generated include, but are not limited to, the receipt of a report to UPD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The Assistant Chief(s) of Police (or designee) are responsible for determining if a Crime Alert will be issued. Crimes that may warrant a Crime Alert include, but are not limited to, arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Assistant Chief(s) of Police. The determination

as soon as it determines that a student is missing. In addition, the institution must comply with Suzanne's Law, a federal law requiring a person under the age of 21 to be entered into a national missing person database within two hours of the person being reported missing. Suzanne's Law provides that there shall be no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21.

will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether a serious or continuing danger to the campus community exists. If UPD or other campus security authorities are not notified of a crime in a manner that would allow the department to provide timely notice a Crime Alert may not be issued, depending on the circumstances.

UPD is responsible for the writing and issuance of Crime Alerts. Personnel authorized to write and/or issue (send) a Crime Alert are: Assistant Chief(s) of Police, or the supervising officer. Crime Alerts are issued through the university e-mail system to students, faculty and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Information regarding the Crime Alert may be forwarded to local media outlets through a formal press release. Crime Alerts contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Crime Alerts generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s), if available, when there is sufficient detail that would reasonably help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

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

Emergency Response and Evacuation Policy

Emergency Notification System

Everbridge is the University's emergency notification system. It gives the university the ability to communicate health and emergency information through text message and email to the entire campus community, TAMU-V does not segment emergency messaging even if the event is only impacting specific segments of the campus population.

Texas A&M University Victoria will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of TAMU-V to immediately notify the campus community, 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. UPD personnel determine whether a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to: law enforcement, fire department, National Weather Service, Facilities Services, and other campus officials.

Employees authorized to make a final determination of a significant emergency or dangerous situation and determine the content of an alert are: Assistant Chief(s) of Police, UPD Patrol Supervisors (or UPD officer designated by UPD Patrol Supervisor), and UPD Dispatchers. If time allows, final message content will be

approved at the highest level available. Upon notification from an authorized employee listed above, one of the individuals below will send the alert.

- UPD dispatchers
- Chief of Police
- Assistant Chief(s) of Police
- Director of Marketing and Communications
- Assistant Director of Marketing and Communications

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

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

Texas A&M University Victoria 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 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. The generation of an emergency alert message and activation of the notification system is the responsibility of the University Police and/or Emergency Management.

Disseminating Information to the Larger Community

In the event that a crisis occurs on university property, the Division of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the university, Marketing & Communications staff will ultimately be responsible for providing strategic direction and implementing protocols as outlined in the emergency operations plan. Marketing & Communications will work with University Police to prepare and disseminate internal and external messages, distribute news releases, alert local media, respond to media inquiries, update the emergency website and the main university website with pertinent information, and share timely information as appropriate via digital channels such as social media. In addition Marketing & Communications will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations.

Texas A&M University Victoria tests various aspects of our emergency operations plan on at least an annual basis through table-top exercises, full-scale exercises, continuity exercises, scheduled drills, and tests of the emergency notification system. These tests are documented with after action reports in accordance with FEMA's Homeland Security Exercise and Evaluation Program requirements. Testing reports and review documentation include a description of the exercise, the date the test was held, and the start and end time of the exercise. Tests may be announced or unannounced.

Texas A&M University Victoria publicizes its emergency procedures annually and in conjunction with a test through a campus-wide email. The emergency procedures include information about testing and related documentation.

Emergency Preparedness

- Be aware of your surroundings. Situational awareness means being cognizant of your environment and understanding how information, events, and your own actions can impact your safety. This heightened awareness will enhance your capability to protect yourself in current and future situations.
- Protect yourself. Use your best judgment based on the assessment of the situation to safeguard yourself and, if possible, assist others.
- Call for help. In any emergency, you can reach emergency services by dialing 9-1-1. When you speak to a dispatcher, please keep the following in mind:
 - Stay calm - The dispatcher will ask a series of important questions. Each question is designed to gather the necessary information to dispatch the appropriate resources to your location. Even as help is on its way, dispatchers will continue to ask questions to ensure that the responding units have the most up-to-date information.
 - Stay on the line - If the situation changes, you can provide the dispatcher with instant updates. If speaking is unsafe for you, remain on the line so the dispatcher can hear what is occurring. Additionally, the dispatcher may provide life-saving instructions, such as performing CPR, using an Epi-pen, or clearing an airway.
 - You can text - If speaking is not safe before calling 9-1-1, you may opt to send a text message. It is important to note that while texting 9-1-1 is not universally available, it is operational in Brazos County.
 - Called 9-1-1 by accident? If you inadvertently dial 9-1-1, do not hang up before speaking to a dispatcher. It is crucial to inform the dispatcher that there is no emergency.
- Follow emergency instructions. Following the directives issued by first responders, public safety personnel, and official university channels is essential to ensure your safety.
- Assist others. Once you have reached a safe location, please inform others of any potential hazards and provide assistance if doing so does not jeopardize your own safety.

Emergency Orders

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

During an emergency, officials may issue one of three directives: evacuate, shelter in place, or avoid the area.

Evacuation Procedures

You may be instructed to evacuate the premises during some hazardous conditions. Instructions may come from emergency alert systems, university officials, first responders, or other sources.

- Remain calm but act quickly.
- Secure your equipment and research in a safe, shutdown condition.
- If it will not delay your evacuation, take your belongings with you.
- Alert others as you leave the building.
- Leave the campus as directed.
 - If you are on foot, take the shortest, most direct route. You may leave campus by vehicle unless otherwise indicated.
 - If necessary, utilize public transportation outbound routes.
 - Please note that bus pick-up locations may be altered, and updates will be posted on the emergency website.
- Remember: do NOT call 9-1-1 during the evacuation unless you face an immediate, life-threatening emergency.
- Important Note: If you evacuate due to a fire, leave the building immediately and do not use elevators.

Shelter-in-Place Procedures

In certain scenarios, you may be instructed to shelter in place. Follow these steps if such a directive is given:

- Go indoors and remain there.
- Avoid areas with glass or windows.
- Use your phones, televisions, or radios to monitor for situation updates.
- Don't make phone calls so lines remain free for first responders.
- Do not leave your designated shelter until emergency or university officials instruct you to do so.

You may be required to seek or remain in a safe location during incidents involving active threats, severe weather, or hazardous material.

Hazardous materials include explosives, flammable and combustible substances, poisons, and radioactive materials. Many products containing hazardous chemicals are used and stored in homes regularly, and in a university research setting, these materials are handled daily. In the event of a release:

- Seek safe shelter indoors.
- Follow instructions from official sources.
- Close any vents or inlets that reach the outside and turn off ventilation systems if possible.
- Choose a room that can be easily sealed. If possible, ensure you have access to a water supply and bathroom.
- Hold a wet cloth loosely over your nose and mouth if you smell gas or vapor and breathe through it as generally as possible.
- Be prepared to evacuate if instructed to do so.

Avoid the Area

In some situations, you may be directed to avoid the area. This may necessitate finding alternate routes or avoiding certain locations altogether. Follow official communication channels for updates regarding when access to affected areas has been restored.

The Daily Crime Log

UPD publishes a Daily Crime Log that is available to the media, the public, and various campus offices free of

charge. This summary identifies the nature of the crime, location, date and time occurred, date the crime was reported to UPD, and disposition. The Daily Crime Log may be viewed via the UPD webpage at: <https://www.tamuv.edu/police/daily-crime-log/>.

Security of and Access to Campus Facilities

On-Campus Academic Buildings

Access – University Police are responsible for securing campus facilities. Please note the hours of operation for each of the following campus buildings:

- University West, University Center
University North, and University South
Monday – Friday 7:00 a.m. to 10:00 p.m..
- University Commons: Daily from 7 a.m to midnight
- Jaguar Hall, Jaguar Suites and Smith Hall
(Residence Halls): Monday – Friday 8:00 a.m. to 5:00 p.m.
- University Health and Wellness Center
Monday-Thursday 6:00am-10:00pm
Friday 6:00am-8:00pm
Saturday 10:00am-6:00pm
Sunday 2:00pm-10:00pm
- Petroleum College International: Monday – Friday 8:00 a.m. to 5:00 p.m.

Closing hours for any and/or all facilities may be altered at times to accommodate special university events, special lab hours, etc. For authorized access after hours, please contact UPD Dispatch at 361.570.4357. For authorized access, call Dispatch at 361.570.4357.

On-Campus Non-Academic Buildings

Access – University Police are responsible for securing campus facilities. Please note the hours of operation for each of the following campus buildings:

- Northwest Campus:
Monday – Friday 8:00 a.m. to 5:00 p.m.
- Facility Services:
Monday – Friday 8:00 a.m. to 5:00 p.m.

Security – Security is provided 24 hours a day by UPD personnel on patrol throughout the campus. For authorized access, call Dispatch at 361.570.4357.

On-Campus Residential Housing Facilities

Access – Resident students access their TAMU-V housing building and room through their Paw Pass. Paw Passes are used to identify the individual identified by name with a corresponding photo. Resident students are advised not to permit strangers or new acquaintances into their residence hall or room. Resident students should avoid using their Paw Pass to allow entrance to any individual waiting for access without their own Paw Pass.

If a student needs assistance in obtaining a new Paw Pass, please contact

Residence Life Business Operations
2705 Houston Highway, Jaguar Hall Front Desk
361.485.4499

Security – UPD provides patrol services to all on-campus locations, including residence halls. In addition, UPD security personnel provide onsite 24 hour security service for each university residence hall location.

Security Considerations in Maintenance of Campus Facilities

Facility Services maintains all buildings, grounds, and utility systems, including custodial and regular maintenance services throughout the University of Houston-Victoria. Students, faculty, and staff are encouraged to report maintenance problems such as missing or burnt out lights, doors and other access-ways that do not secure properly, and out of service elevators.

Facility Services can be reached during normal business hours at 361.570.4545. After normal business hours, please report any such safety issues or concerns to UPD at 361.570.4357.

Residence hall staff make regular rounds of their assigned residence hall to check for maintenance problems and other potential safety hazards. All residence halls have maintenance personnel available 24 hours a day, 7 days a week.

Alcoholic Beverages, Illegal Drugs, and Weapons

Alcohol Policy

As an institution interested in the intellectual, physical and psychological well-being of the campus community, Texas A&M University Victoria deems it important to curtail the abusive or illegal use of alcoholic beverages. The Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on Texas A&M University System property, while on official duty, and/or as part of any Texas A&M University System activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the Texas A&M University System is not permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the Texas A&M University System must in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). Texas A&M University Victoria prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21, including within on-campus housing facilities

All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase's source of funds, purpose, and required documentation.

Consequences for policy violations could result in sanctions by the university and/or criminal charges/arrest by UPD or other law enforcement agencies for state law violations.

Illegal Drugs Policy

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

Weapons Policy

In accordance with [Texas Penal Code Ch. 46.03](#), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon ([Texas Penal Code 46.05](#)) on the physical premises of a school or postsecondary educational institution, on any grounds or building owned by and under the control of a school or postsecondary educational institution and on which an activity sponsored by the school or institution is being conducted, or in a passenger transportation vehicle of a school or postsecondary educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M Victoria (all land and buildings owned or leased by Texas A&M Victoria) or in a university vehicle, unless prohibited by state law, federal law, or university policy. More information can be found at: <https://www.tamuv.edu/handbook/firearms-fireworks-explosives>. Prohibited areas include, but are not limited to, the following campus premises where effective notice is provided under Section 30.06 of the Texas Penal Code: child-care facilities owned or operated by Texas A&M University Victoria, counseling centers, health care facilities, collegiate sporting events, premises where formal administrative hearings/investigations are being conducted, certain high-hazard research areas and laboratories as approved by the president, and any premises where the university, as directed by the President as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06 of the Texas Penal Code. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by Texas A&M University Victoria. Licensed peace officers are authorized by law to carry firearms at all times.

Prevention Education Programs

Texas A&M Victoria partners with Billy T. Cattan Recovery Outreach to provide drug and alcohol education programming across campus, including free tabling events and workshops on the impacts of drugs and alcohol.

Sexual Assault, Dating Violence, Domestic Violence, and Stalking

In accordance with federal law and [Texas A&M University System Regulation 08.01.01 Civil Rights Compliance](#) (System Regulation 08.01.01), Texas A&M University prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment² and sex-based misconduct³), complicity, and retaliation⁴. The policies apply whether this conduct occurs on or off campus⁵ and when it is reported to the university.

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

Individuals have the option of notifying on-campus and local law enforcement authorities to report sexual assault, dating violence, domestic violence, or stalking.

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

All Texas A&M University Victoria employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is

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

³ Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct.

⁴ Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

⁵ Off campus conduct applies if the conduct occurs outside the context of a university employment or education program or activity but creates a hostile environment for students, employees or third parties while on university grounds or other property owned or controlled by university or in any university employment or education program or activity.

experienced by, observed by or made known to an employee in the course and scope of their employment as soon as possible.⁶

Employees are not required to report conduct prohibited by this policy if the employee experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

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

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

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

Reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

Associate Vice President and Title IX Coordinator

Office of Civil Rights and Title IX (CR/T9)

979-458-8407 or civilrights@tamuv.edu

Website Reporting Form:

https://cm.maxient.com/reportingform.php?UnivofHoustonVictoria&layout_id=1

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

CR/T9 has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant⁷ may request assistance from and/or will be assisted by CR/T9 in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local

⁶ Exceptions include confidential employees and are described in the "Confidentiality/Privacy" section of this report.

⁷ The individual(s) who is alleged to have been subjected to discrimination

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

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

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

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

CR/T9 conducts an initial review and preliminary assessment of all reports/complaints that are received by CR/T9 to assess and address the safety and well-being of the complainant, respondent⁸, and the community. As part of the initial review, CR/T9 will take the following step: (1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with CR/T9, (2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. CR/T9 will offer the opportunity to request supportive measures to provide for the safety of the individual and campus community.

CR/T9 will also take steps to advise about (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in an investigation, (2) the university's procedures for investigation and options for formal and informal resolutions, and (3) the university's prohibition against retaliation. At this time, CR/T9 will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

CR/T9 provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;

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

Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking

- Go to a safe place as soon as you can.
- Contact the Police Department at 911.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.

Medical Treatment

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

Confidentiality/Privacy

Students and employees have the option to disclose incidents to confidential reporters who are employees designated or permitted by the university to receive complaints of discrimination, harassment, retaliation, and complicity and maintain confidentiality. Confidential reporters include, but are not limited to, licensed healthcare personnel and certain mental health providers (professional psychologists/counselors) who receive reports when acting the course and scope of their employment as part of their official employment. When an individual shares information with a confidential reporter, the

confidential reporter cannot legally disclose the communication to another person or the institution except under very limited circumstances. Such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the party poses an imminent danger to themselves or others; (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly; or (4) required by law.

Confidential reporters are required to provide general nonidentifying information as required to comply with the Clery Act or other applicable laws/regulations and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them, and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information⁹. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private¹⁰).

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

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

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

Although individuals reporting sexual assault are not required to file criminal charges, the following program

⁹ Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, email, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

¹⁰ Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim's name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

Resources, Rights, and Options

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint, if known, are informed about their resources, rights, and options in writing when CR/T9 receives notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures.

In addition to the Case Managers at CR/T9, the following are on-campus and community resources available to complainants, respondents, and others.

Campus Law Enforcement

2705 Houston Hwy

Victoria, TX 77901

(361) 570-4357

Police@tamuv.edu

Counseling and Mental Health

A&M Victoria Counseling Center

University Commons, Suite 2108

3006 N. Ben Wilson St.

Victoria, TX 77901

(361) 570-4135

counselingcenter@tamuv.edu

Midcoast Family Services

Domestic Violence & Sexual Assault Hotline

800) 870-0368 or (361) 573 HELP (4357).

Visa and Immigration Assistance

International Program Office

University West Building, Suite 228

3007 N. Ben Wilson St.

Victoria, TX 77901

(361) 570-4106

international@tamuv.edu

Institutional Rights and Options (Supportive Measures)

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

In all complaints of discrimination, harassment, and/or retaliation, CR/T9 promptly contacts the parties to discuss the availability of supportive measures, considers the parties' wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint. The university must maintain the privacy of any supportive measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the ability of the university to provide supportive measures.

CR/T9 is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, CR/T9 can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). CR/T9 will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through CR/T9 at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies.

CR/T9 can assist with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, CR/T9 considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. The university also provides reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university. Parties seeking a supportive measure should discuss their options with their CR/T9 case manager.

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

- Assistance in obtaining access to medical, mental health, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, victim advocacy, visa and immigration information, and financial aid guidance
- Extension of deadlines or other course-related adjustments, e.g., in cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to drop the course without any academic penalty
- Modifications of work or class schedules

- Campus escort services
- Mutual no contact restrictions between the parties as described below
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus or workplace
- Other similar measures

Mutual No Contact Restriction: A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the CR/T9 at 979-458-8407. CR/T9 may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in CR/T9's tracking system.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even anonymous contact are all potential violations of a mutual no contact restriction. Violations should be reported to CR/T9 and may result in further disciplinary action. Failure to comply with the terms of supportive measures such as mutual no contact restrictions may be considered a separate violation of system policies and regulations and university rules and procedures. CR/T9 will also consider an interim removal/restriction of the respondent from university geography, programs, or activities if the respondent is an immediate threat to the health or safety of the community or another individual. Both an interim removal/restriction for student respondents and an interim administrative action for employee respondents, such as a leave of absence, are described below.

Interim Removal/Restriction of Students: A student may not be expelled or suspended prior to a decision of responsibility for a violation(s) of a university rule, policy, regulation, code, or SAP except as provided below. Student Affairs staff may remove or restrict a student from an education program or activity on an emergency basis only after an individualized safety and risk analysis has determined that the student is an immediate threat to the physical health or safety of any other student or individual arising from the allegations. Student Affairs staff must provide the removed/restricted student with notice and opportunity to challenge the decision immediately following the removal/restriction. Upon being removed/restricted, the removed/restricted student must be granted the opportunity for a hearing within 5 business days to review whether or not the removal/restriction is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action.

During the interim removal/restriction, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

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

Interim Administrative Actions for Employees: In accordance with university rules and SAPs, CR/T9 may request that an employee be placed on leave, suspended with pay, reassigned and/or placed in another type of temporary status pending completion of the investigation and resolution process. CR/T9 may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

Confidentiality/Privacy of Accommodations and Supportive Measures: The university will maintain as private any accommodations or supportive measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or supportive measures. CR/T9 is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. CR/T9 uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Student Life, Residence Life, Transportation Services, Athletics, Scholarships and Financial Aid, Corps of Cadets, Student Activities, Division of Human Resources and Organizational Effectiveness, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, CR/T9 will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

Legal Rights and Options

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

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

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant’s address can be kept confidential. If the legal criteria

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

UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, UPD should be contacted immediately at (361) 570-4357. Violating protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

Criminal Trespass Warning: A criminal trespass warning is a supportive measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids them from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at (361) 570-4357 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

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

Investigations and Disciplinary Proceedings¹¹ for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation

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

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.

¹¹ For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Chief Risk, Ethics, and Compliance Officer will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Risk, Ethics, and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.
- The university's disclosure of information related to an investigation, the DA's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

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

If an employee reasonably believes that an incident constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking and that the incident is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, the employee must promptly report the incident to CR/T9. Students and third parties (including, but not limited to, anyone receiving services from the university, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to CR/T9. An employee is not required to report an incident in which that employee was a victim of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking. Once an individual discloses information to CR/T9, a complaint will be considered to be made with the university, and the institution's process is initiated regardless of whether the complainant chooses to pursue criminal charges.

Complaints are initially reviewed by CR/T9, not only to assess and address safety, but also to determine

whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.M1 and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment CR/T9 will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint¹² that details the nature and circumstances of the allegations, including the names of the complainants and respondents.

No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations, and/or whether or not a respondent poses a risk of harm to others. CR/T9 will consider the following factors when evaluating such requests:

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

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

If the university determines that the complainant's request cannot be honored, the complainant will be notified of the decision, and CR/T9 will take appropriate actions, including but not limited to, (1) offering

¹² A formal complaint is a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the university investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint. 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.

support services or academic adjustments and (2) initiating a formal investigation or informal resolution.

Informal Resolution

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

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

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

Formal Resolution

The allegations will be considered for investigation pursuant to the following procedures. CR/T9 reserves the right to resolve the complaint informally or through no resolution if the allegation does not rise to the level of conduct prohibited by System Regulation 08.01.01.

Upon receipt of a report, CR/T9 may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute a violation of System

Regulation 08.01.01; and/or

- An assessment of whether a complainant's request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation and/or Rule 08.01.01.M1; or, that an investigation will not occur due to the complainant's request for no resolution, CR/T9 may:

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

CR/T9 will notify the complainant of such action in writing. Complaints that have been dismissed or referred may be appealed in accordance with the appeal procedures section of this policy.

Once it has been determined that the university will proceed with a formal investigation, CR/T9 will appoint the Investigative Authority (IA)¹³ within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred.

The Associate Vice President and Title IX Coordinator (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy; and
- the appointed IA; the appointed Designated Administrator (DA) and Appellate Authority (AA).¹⁴

¹³ The IA is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts related to an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the IA will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of parties, witnesses, and evidence.

¹⁴ The DA is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The DA cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a DA in any case involving an allegation of discrimination or harassment based on sex. The AA is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties

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

If the respondent is an employee, the Associate Vice President and Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that CR/T9 is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.M1 or other university rules, SAPs, codes, or policies.

CR/T9 is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees' or students' time away from work or class to participate in the investigative process, making reports to university administrators, coordinating supportive measures, and undertaking any other tasks necessary to properly conduct the investigation.

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

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by CR/T9;
- Falsification, distortion, destruction, or misrepresentation of evidence or information;
- Disruption or interference with the orderly conduct of an investigation, interview, meeting, hearing or conference;
- Intentionally initiating or causing a false report to be initiated;
- Attempting to discourage an individual's proper participation in, or use of, the investigation and resolution process, disciplinary process, or legal process;
- Attempting to influence the impartiality of the IA, AA, or DA prior to, and/or during the course of the investigation and resolution process;
- Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
- Failure to abide by the terms of university administered sanctions;
- Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
- Failure to cooperate fully with the IA (applies to employees only).

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

During the investigation, the complainant and the respondent will have an equal opportunity to be heard,

who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Risk, Ethics, and Compliance Officer (civilrights@tamuv.edu) who may designate alternative individuals to fulfill any of these roles.

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

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor¹⁵ of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings or proceedings related to the investigation and resolution of the complaint. Proceedings will not limit the choice of advisor allowing a party to select any person to be an advisor, including legal counsel.

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

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

When the university is made aware that there is a concurrent criminal investigation, CR/T9 may inform the law enforcement agency that a university investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

¹⁵ An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions¹⁶ statement of the allegation(s)

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

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

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

The complainant and the respondent will be given 10 business days to review the final draft investigation report

¹⁶ The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

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

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

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

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

Circumstances may warrant extensions to the time frames in this section. The IA should send an extension request, if needed, to CR/T9. Both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If violation(s) are found, the DA may issue sanctions.

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

The university's Chief Risk, Ethics, and Compliance Officer will appoint a university official and/or a hearing officer to be the DA. The university official and/or hearing officer will render decisions in cases with allegations against employees, third parties, and students¹⁷

¹⁷ Exceptions: The chancellor or designee will serve as the DA in complaints against the University President or an employee who reports directly to the President; a Chief Operating Officer or an employee who reports directly to the Chief Operating Officer; or an employee who works in the

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

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

The DA will conduct a live hearing¹⁸ to allow the parties to question witnesses, submit evidence or information, and to allow the DA and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

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

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

Following the hearing, the DA will develop a draft result¹⁹ (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate

department of CR/T9. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

¹⁸ Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the DA can see and hear one another in real time during the course of the hearing.

¹⁹ Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If applicable, the DA will also include a decision as to whether the respondent violated any other university regulation, code, policy, SAP, or rule. If the DA determines that any regulations, policies, rules, SAPs, or codes have been violated, the DA will consider any information about impact, mitigation, aggravation, and the respondent's character (see factors listed in the Sanctioning Considerations section) and include a decision about sanctions. The DA will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the DA.

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

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the DA does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

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

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

²⁰ The decision of the DA will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

and/or stalking based on sex.

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. Written notice of the delay and the reason for the delay is provided to the complainant and the respondent by CR/T9 or designee.

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

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

The DA will review the unredacted final investigation report (see footnote 18), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 21), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

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

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 22). The final decision will include instructions for appealing the decision and/or sanctions.

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

respondent(s) should be notified of any extensions in writing.

Sanctioning Considerations

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

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

Sanctioning for Employees

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.M1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

Sanctioning for Students

If a student is found responsible for sexual harassment or sex-based misconduct, the student will be sanctioned in accordance with the Title IX Cumulative Student Sanctioning Matrix which is described in the following tables. Behavior examples identified in the table are not intended to represent an exhaustive listing of sexual harassment or sex-based misconduct. If a student is found responsible for engaging in any other form of prohibited conduct, or if the student is found responsible for violating any other university rule or System regulation, the DA will assign appropriate sanctions which may have educational, restorative, and rehabilitative components and/or may place a student in a probationary or review status or separate the student from the university.

Texas A&M-Victoria Title IX/Sex-based Misconduct Student Sanction Matrix¹

SANCTION RANGE

Stage 1: Reprimand/Restrictions/Review

Stage 2: Probation

Stage 3: Suspension

Stage 4: Expulsion

Sexual Harassment Examples

SEVERE, PERSISTENT AND OBJECTIVELY OFFENSIVE	1	2	3	4
Sexual innuendos, jokes, remarks, questions				
Sexual gestures and/or gifts of a sexual nature				
Display of sexually explicit visual material				
Unwelcome kissing or non-fondling sexual touching				
Offering to trade an educational benefit for a date or sexual favor				

Sex-based Misconduct Examples

SEVERE, PERSISTENT OR PERVERSIVE	1	2	3	4
Sexual innuendos, jokes, remarks, questions				
Sexual gestures and/or gifts of a sexual nature				
Display of sexually explicit visual material				
Unwelcome kissing or non-fondling sexual touching				
Allegations of sexual harassment, sexual assault, dating violence, domestic violence and/or stalking based on sex that are dismissed from the Title IX process under 08.01.01, Section 4.2.10 (d) and (e)				
Offering to trade an educational benefit for a date or sexual favor				

Stalking Examples

BEHAVIOR	1	2	3	4
Repeated, unsolicited phone calls, emails, texts, and/or gifts to another person and/or their family/household				
Repeatedly following another person or conducting surveillance of another person and/or their family/household				
Repeated, unsolicited visits to another person's home, business, and/or class, and/or that of their family/household				
Repeated, unsolicited contact or attempts to contact via social media				
Assuming another's identity in order to make contact with complainant				

Retaliation Examples

BEHAVIOR	1	2	3	4
Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking				
Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking				

¹ Conduct identified in the matrix is not intended to represent an exhaustive listing of prohibited behaviors.

Definitions of Title IX Cumulative Sanctions:

Restitution: Compensation for loss, theft, deception, damage or injury, which may take the form or appropriate work service and/or monetary or material replacement.

Educational Programs or Assignments: Sanctions designed to develop and/or expand a student's understanding of a University rule or policy and/or support the student's learning in relation to the rule or policy that was violated.

Reprimand: An official written notification retained in a student's disciplinary file designed to inform the student that their behavior has been unacceptable.

Warning: A sanction which advises a student that they have engaged in behavior that is unbecoming of a member of the University community. A warning may include a requirement to meet with a designated University official. This sanction remains in effect for a specified period of time, after which, it may be removed from the student's conduct record at the student's request. Any further misconduct during a sanction of warning may result in additional disciplinary action.

Revocation of Admission and/or Degree: may be imposed for fraud, misrepresentation, or other violations of University rules in obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

Other Sanctions: May include, but are not limited to: dis-enrollment, referral for mandatory assessment by a qualified licensed professional, no contact orders, monetary fines, community service, disciplinary room change for residential students, deferred eviction, and/or ban or removal from University housing facilities. Students may also be required to meet periodically with a person designated by the Hearing Officer. Students found responsible for committing acts of sexual harassment, sexual assault, and dating violence, domestic violence, stalking based on sex, and/or any other sex-based misconduct 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.

Disciplinary Probation: A sanction in which students are considered "not in good standing" with the University. Any further misconduct while on probation may result in additional disciplinary action up to and including expulsion from the University. Students under the sanction of probation may be subject to additional restrictions identified by the Senior Director of Residence Life & Judicial Affairs. A sanction of probation is imposed for a definite period of time. Probation will be noted on the student's permanent record during the period of probation.

Deferred Suspension: Allows a sanction of suspension to be deferred to a specific date in the future. If a student is found in violation of any University rule while under the sanction of deferred suspension, the suspension may be implemented immediately and additional conduct sanctions appropriate to the new violation(s) may be imposed. Students under the sanction of deferred suspension may be subject to additional restrictions identified by the Senior Director of Resident Life & Judicial Affairs. Failure to comply with the additional restrictions established by the Senior Director of Residence Life & Judicial Affairs will be considered additional conduct violations.

Suspension: Prohibits the student from attending the University, enrolling in any University courses, and being present on University grounds without the permission of the Senior Director of Residence Life & Judicial Affairs for a specified period of time. A student suspended for prohibited conduct is not guaranteed readmission to the University, but shall petition the Senior Director of Resident Life & Judicial Affairs to review the student's eligibility for readmission. Suspension will be notes on the student's permanent record. A student who has been suspended from any Texas A&M University System component shall be ineligible to enroll at any other System component during the period of suspension.

Expulsion: Permanently separates the student from the University and prohibits the student from ever attending the University, enrolling in any University courses, and/or being present on University grounds without the permission of the Senior Director of Residence Life & Judicial Affairs. Expulsion will be noted on the student's permanent record. A student who has been expelled from any Texas A&M University System component shall be ineligible to enroll at any other System component during the period of expulsion.

Mandatory Suspension: Students found responsible for committing acts of domestic/dating violence or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predatory behaviors for the purpose of carrying out these acts shall be

subject to a minimum sanction of permanent expulsion.

Students found responsible for committing acts of domestic violence and/or non- consensual 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 (including student government), ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive a university-administered scholarship.

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

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

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

Appeals must be submitted in writing and must include a statement outlining the basis for the appeal²¹ and any evidence which supports the appeal. Appeals must be filed at the location and within the timeframe dated in the DA's written notice of the decision (within 5 business days of notification of the decision). Decisions made by the DA shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when all parties choose not to appeal.

To be a valid appeal, the appeal must: (1) be filed at the location and within the time frame stated in the DA's written notice; (2) identify one of the bases for appeal (see footnote 25); and (3) provide credible information or evidence substantiating the identified bases for appeal.

If the AA determines that an appeal is not valid, the AA will provide simultaneous written notice to the parties and CR/T9 that no valid appeal was filed and that the decision of the DA is final and the case is closed.

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

²¹ Results (decision and/or sanctions) or dismissal of a complaint can be appealed on any of all of the following bases, as applicable: (a) A procedural irregularity that affected the outcome; (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new evidence must be provided at the time of the appeal through the designated mechanism for filing an appeal; (c) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or (d) The appropriateness or severity of the sanctions. If an employee was found to have sexually harassed another member of the university or agency community, the appropriateness or severity of the sanction cannot be appealed.

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

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

- Affirm the DA's decision on responsibility and, if applicable, the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, appears to be relevant and could have significantly affected the outcome of the decision on responsibility, dismissal of the complaint, or the sanctions. The DA will reconvene the hearing for the limited purpose of considering the new evidence. The DA will issue a new decision which may be appealed by the parties in accordance with the previously described appeal procedures.
- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred in the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the Investigative Report, as appropriate. The IA will then submit the amended investigative report to the parties for review and response and then to the DA for a new decision in accordance with formal resolution procedures. If the procedural error occurred in the resolution phase, the DA will correct the procedural error or omission and then issue a new decision in accordance with the formal resolution procedures. The new decision of the DA may be appealed by the parties in accordance previously described appeal procedures.
- Remand the complaint to 1) CR/T9 or 2) SECO with the instruction to remedy a bias by the IA or DA or the Title IX Coordinator. If bias was present in the IA, CR/T9 will appoint a new IA to review the investigation, collect additional evidence or information as appropriate, and follow the investigation requirements as outlined in the formal resolution procedures. A new report will be written and provided to the DA for a new hearing. If the bias was present in the DA, CR/T9 will appoint a new DA to re-hear the case with the existing investigation. If the bias was present in the Title IX Coordinator, SECO will appoint a new staff member to address the influence of the Title IX Coordinator on the case.
- Modify the decision on sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances.²² The AA will impose new sanctions, which are final.

Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the AA will render a written decision simultaneously to the parties that includes a rationale for the decision as to each of the grounds appealed, changes occurring based on appeal, and when such results become final (see footnote 22).

To the extent reasonably possible:

²² If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision which modifies the sanctions.

- For student respondents: The AA will provide the written decision simultaneously to the parties and CR/T9 within 10 business days following the 3 business day review deadline. AAs are exempt from obtaining OGC review of decisions for student respondents prior to issuance but may request assistance from OGC and SECO when needed.
- For employee or third-party respondents: The AA will provide a draft decision to OGC for review within 5 business days following the 3 business day review deadline. System Office officials will provide its review of the draft decision to the AA within 5 business days. To the extent possible, the AA will provide a final written decision simultaneously to the parties and CR/T9 within 5 business days of receipt of the review from the System Office. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed.

The decision of the AA is considered be final and binding on all involved parties. Circumstances may warrant extensions to the timeframes outlined in this section. The AA may send an extension request to the office or individual who appointed them with a rationale for an extension. If the extension is granted, the AA will notify the parties and CR/T9 in writing.

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

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

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the code of conduct for student grievances.

Extensions

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

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to DREC for review and approval by the Chief Risk, Ethics, and Compliance Officer or designee. CR/T9 will simultaneously notify the complainant

and respondent in writing of any extensions and the reason for the extensions.

Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process²³ under federal law. However, at the discretion of the Title IX Coordinator, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

Mandatory dismissals

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

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

Discretionary dismissals

The university may dismiss a formal complaint for the purposes of sexual harassment under Title IX if the complainant notifies the 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

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

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

Primary Prevention and Awareness Programs

²³ Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university including Deputy Title IX Coordinators, the Chief Risk, Ethics and Compliance Officer, the Director of Employee Relations, the Vice President for Human Resources, Faculty Affairs, the Office of the Provost, the Vice President for Student Affairs or designee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

The university engages in primary prevention programs that are directed at incoming students and new employees.

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

Primary prevention and awareness programs offered by the university include the following:

All new employees receive face-to-face training about sexual misconduct and anti-discrimination policies. Advanced sessions are available to staff, faculty, supervisors, student leaders and campus organizations upon request.

All incoming students are required to complete an online module titled "Sexual Assault Misconduct Training" and attest to its completion.

Ongoing Prevention and Awareness Campaigns

The university engages in ongoing prevention and awareness campaigns that are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution's primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. The campus hosts a Demin Day event each April as part of Sexual Assault Awareness Month. In recognition of Domestic Violence Awareness Month each October the campus hosts a Clothesline Project display and "The Glow" 5k run which includes a large resource fair.

Bystander Intervention and Risk Reduction

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

the following strategies to intervene safely and effectively:

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

Sexual assault is never a victim's fault. However, there are ways that may reduce the risk of being sexually

assaulted including being prepared, alert, and assertive. Consider the following tips:

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

We are reminded to think about relationships, specifically relationships that may be, or become abusive.

Be aware of the signs:

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

Hazing

In accordance with federal law, [Texas A&M University System Policy 07.01 Ethics](#) (System Policy 07.01), and the [Texas A&M University Victoria hazing policy](#) Texas A&M University Victoria prohibits hazing and related retaliation. The following are statements of policy that address hazing and related retaliation. The policies apply whether the conduct occurs on or off campus³⁰ and when it is reported to the university.

Institutional Definitions of Hazing

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

1. is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph
4. , that subjects the student to an unreasonable risk of harm or that adversely affects the mental

- or physical health or safety of the student;
5. is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
 6. involves coercing, as defined by Section 1.07, Penal Code, the student to consume:
 1. a drug; or
 2. an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.³¹

Procedures for Reporting Hazing

The prevention of hazing is the responsibility of every member of the university community. Students and employees with firsthand knowledge of hazing are required to report the misconduct to the appropriate official at the institution or to a peace officer/law enforcement agency in accordance with System Policy 07.01 and Texas state law. Complaints should be submitted as soon as possible after the event takes place. Failure to report is a violation of policy and Texas state law.

Hazing can be reported to UPD at 361.570.4357 or to the Senior Director of Residence Life & Judicial Affairs at 361.485.4409. Any member of the university community may submit a written allegation of hazing via the anonymous reporting form at . reviews reports and determines whether disciplinary action should proceed. Students accused of misconduct receive written notice describing the allegations and the responsive policies allegedly violated. Notice may be delivered by university email, mail, or hand delivery. Failure to respond can itself constitute a conduct violation and does not stop the process from moving forward.

The student must contact the Hearing Officer within five business days to schedule a procedural interview. The interview provides information about the case, the Code of Conduct, and their rights and responsibilities. Failure to participate in this generally results in the matter moving directly to a disciplinary conference.

Within five business days after the procedural interview, the student may choose either:

1. A Disciplinary Conference with a Hearing Officer, or
2. A hearing before the University Hearing Board.

A Disciplinary Conference is conducted by a Hearing Officer. The student may have an advisor present, including an attorney acting in an advisory role. The Hearing Officer gathers evidence, interviews witnesses, and reviews documents. A written decision is typically issued within ten business days after the investigation concludes. Conversely, a University Hearing Board is composed of students and faculty/staff members. The student may bring an advisor to the hearing, review evidence, present information, and question witnesses.

In either procedure, the university must prove a policy violation by a **preponderance of the evidence** standard, meaning it is more likely than not that the policy violation occurred. Hearings are recorded, and the Board makes findings and sanction recommendations. Depending on the severity of the violation, sanctions may include:

- Warning
- Reprimand
- Educational assignments or programs

- Restitution
- Disciplinary probation
- Deferred suspension
- Suspension
- Expulsion
- Revocation of admission or degree
- Other restrictions such as no-contact orders, housing removal, activity restrictions, community service, fines, or required assessments.

Students may appeal the result of the disciplinary conference or hearing based only on:

- New evidence,
- Insufficient evidence,
- Significant procedural error, or
- Excessively severe sanctions.

Appeals must generally be submitted within ten business days of the decision. The appellate decision is final.

Hazing complaints often involve student behavior, however, individuals may submit a complaint against an employee for an alleged violation of university policy including hazing. Such hazing complaints will be referred to Human Resources.

Individuals subjected to hazing have the option to pursue criminal charges by notifying UPD or the local police agency in the jurisdiction where the hazing behavior occurred. Mandatory reporters may also report to UPD.

Texas law imposes criminal penalties that vary based on the severity of the conduct and resulting harm:

- Failure to report hazing or hazing without serious bodily injury may be a Class B misdemeanor.
- Hazing that results in serious bodily injury may be a Class A misdemeanor.
- Hazing that results in death may be a felony.

Organizations can also face substantial fines and sanctions.

State Definitions of Hazing

Students must adhere to all local, state, and federal laws and regulations including hazing defined by Texas state law in the [Texas Education Code Subchapter F. Hazing, Sections 37.151 – 37.157](#):

Sec. 37.151. Definitions In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
 - (A) is registered in or in attendance at an educational institution;

- (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
 - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (1) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.
 - (2) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:
 - (A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - (B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
 - (E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:
 - (i) a drug; or
 - (ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

Sec. 37.152. Personal Hazing Offense

- (a) A person commits an offense if the person:
 - (1) engages in hazing;
 - (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
 - (3) recklessly permits hazing to occur; or
 - (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency.
- (b) The offense of failing to report is a Class B misdemeanor.
- (c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
- (d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
- (e) Any other offense under this section that causes the death of another is a state jail felony.
- (f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the

same conditions imposed on a person placed on community supervision under Chapter [42A](#), Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Sec. 37.153. Organization Hazing Offense

- (a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
- (b) An offense under this section is a misdemeanor punishable by:
 - (1) a fine of not less than \$5,000 nor more than \$10,000; or
 - (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Sec. 37.154. Consent Not a Defense

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

Sec. 37.155. Immunity from Prosecution or Civil Liberty Available

- (a) In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.
- (b) Any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:
 - (1) reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and
 - (2) cooperates in good faith throughout:
 - (A) any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution; or
 - (B) any law enforcement agency's investigation regarding the incident, as determined by the chief or other appropriate official of the law enforcement agency designated by the law enforcement agency.
- (c) Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.
- (d) A person is not immune under Subsection (b) if the person:
 - (1) reports the person's own act of hazing; or
 - (2) reports an incident of hazing in bad faith or with malice.

Sec. 37.156. Offenses in Addition to Other Penal Provisions

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

Sec. 37.157. Reporting by Medical Authorities

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

- (1) may report the suspected hazing activities to police or other law enforcement officials; and
- (2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Criminal Penalties for Hazing

Student and employee conduct constituting hazing or failure to report hazing may be a violation of Texas state law. Under the Texas Education Code, penalties for hazing include: Class B misdemeanor for failure to report hazing or for hazing that does not result in serious bodily injury; Class A misdemeanor for hazing that results in serious bodily injury; State jail felony for hazing that results in a death.

Retaliation

Any retaliatory action taken against a student or employee for filing a complaint or participating in this procedure is strictly prohibited.

Hazing Prevention and Awareness Programs

Mandatory hazing awareness and prevention training is provided to student organization officers each semester.

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

Other Considerations

Prohibition of Retaliation

Texas A&M University Victoria prohibits retaliation. No officer, employee, or agent of TAMU-V, may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

Victim Notification

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

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation

of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

Sex Offender Registry

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required to register by law. The DPS Texas Public Sex Offender Registry website is found at: <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the main campus of Texas A&M University. Notification comes from the Brazos County Sheriff's Sex Offender Registration Office.

Definitions of Clery Act Offenses

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

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

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

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

Consent:

Texas A&M University System Regulation

System Regulation 08.01.01, Civil Rights Compliance provides guidance in complying with local, state and

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

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

Texas Penal Code

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

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

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

- (a) A person commits an offense if:
 - (1) the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
 - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
 - (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
 - (2) the actor compels the other person to submit or participate by threatening to use force or

- violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
- (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
 - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
 - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
 - (6) the actor knows that the other person is intoxicated or impaired by any substance to the extent that the other person is incapable of consenting;
 - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
 - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
 - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
 - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
 - (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
 - (a) "Consent" has the meaning assigned by Section [1.07](#).
 - (2) "Spouse" means a person who is legally married to another.
 - (3) "Health care services provider" means:
 - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
 - (B) a chiropractor licensed under Chapter 201, Occupations Code;
 - (C) a physical therapist licensed under Chapter 453, Occupations Code;
 - (D) a physician assistant licensed under Chapter 204, Occupations Code;
 - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code; or
 - (F) a massage therapist licensed under Chapter 455, Occupations Code.

- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section 505.002, Occupations Code;
 - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
 - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
 - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
 - (E) member of the clergy;
 - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
 - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (1) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
 - (2) "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.
 - (a) 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.
 - (b) 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.
 - (c) An offense under this section is a felony of the second degree, except that an offense under this section is:
 - (1) a felony of the first degree if the victim was:
 - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#); or

- (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
- (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

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

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
 - (1) touches the anus, breast, or any part of the genitals of another person;
 - (2) touches another person with the anus, breast, or any part of the genitals of any person;
 - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
 - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor, except that the offense is:
 - (1) a state jail felony if it is shown on the trial of the offense that:
 - (A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or
 - (B) the defendant is a health care services provider, or a mental health services provider and the act is:
 - (i) committed during the course of providing a treatment or service to the victim; and
 - (ii) beyond the scope of generally accepted practices for the treatment or service; or
 - (2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B); or

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

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

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

- (4) a felony of the third degree if the offense is committed by an actor who is committed to a civil commitment facility, against:
 - (A) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:
 - (i) while the officer or employee is lawfully discharging an official duty; or
 - (ii) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or
 - (B) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:
 - (i) while the person or employee is engaged in performing a service within the scope of the contract; or
 - (ii) in retaliation for or on account of the person's or employee's performance of a service

within the scope of the contract.

- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.
- (d) In this section:
 - (1) "Disabled individual" and "elderly individual" have the meanings assigned by Section 22.04.
 - (2) "Health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

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

- (a) A person commits an offense:
 - (1) if the person:
 - (A) intentionally or knowingly:
 - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
 - (i) causes the penetration of the anus or sexual organ of a child by any means;
 - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
 - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
 - (2) if
 - (A) the person:
 - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
 - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02](#)(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
 - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02](#)(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
 - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
 - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
 - (vi) with the intent of facilitating the commission of the offense, administers or

- provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
 - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
 - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
- (1) "Child" has the meaning assigned by Section 22.011(c).
 - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
 - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).
- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
- (1) the victim of the offense is younger than 10 years of age at the time the offense is committed; or
 - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

Prohibited Sexual Conduct is defined in the [Texas Penal Code, Section 25.02](#) as follows.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
 - (1) the actor's ancestor or descendant by blood or adoption;
 - (2) the actor's current or former stepchild or stepparent;
 - (3) the actor's parent's brother or sister of the whole or half blood;
 - (4) the actor's brother or sister of the whole or half blood or by adoption;
 - (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
 - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:
 - (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
 - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

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

Dating Violence is defined in the [Texas Family Code, Section 71.0021](#) as follows.

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

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

Family Violence is defined by the [Texas Family Code, Section 71.004](#) as follows.

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

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

Stalking is defined in the [Texas Penal Code, Section 42.072](#) as follows.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other person, knowingly engages in conduct that:
 - (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
 - (A) bodily injury or death for the other person; or
 - (B) that an offense will be committed against:
 - (i) a member of the other person's family or household;
 - (ii) an individual with whom the other person has a dating relationship; or
 - (iii) the other person's property;
 - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship:
 - (A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship, or the other person's property; or
 - (B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
 - (3) would cause a reasonable person under circumstances similar to the circumstances of the other person to:
 - (A) fear bodily injury or death for the person;
 - (B) fear that an offense will be committed against a member of the person's family or household or an individual with whom the person has a dating relationship;
 - (C) fear that an offense will be committed against the person's property; or
 - (D) feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
 - (1) the laws of another state;
 - (2) the laws of a federally recognized Indian tribe;
 - (3) the laws of a territory of the United States; or
 - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
 - (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
 - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code. [Sec. 42.07. Harassment.](#)
- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
 - (1) initiates communication and in the course of the communication makes a comment, request,

- suggestion, or proposal that is obscene;
- (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
 - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
 - (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
 - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern;
 - (9) tracks or monitors the personal property or motor vehicle of another person, without the other person's effective consent, including by:
 - (A) using a tracking application on the person's personal electronic device or using a tracking device; or
 - (B) physically following the other person or causing any person to physically follow the other person; or
 - (1) makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
 - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
 - (B) a communication made to a pager.
 - (1) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
 - (2) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
 - (3) "Utility" has the meaning assigned by Section 22.01(e).
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:
- (1) the actor has previously been convicted under this section; or

- (2) the offense was committed under Subsection (a)(7) or (8) and:
 - (A) the offense was committed against a child under 18 years of age with the intent that the child:
 - (i) commit suicide; or
 - (ii) engage in conduct causing serious bodily injury to the child; or
 - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code; or
 - (1) the offense was committed against a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency.
- (d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001](#), Civil Practice and Remedies Code.
- (e) For purposes of Subsection (a)(9), it is presumed that a person did not give effective consent to the actor's conduct if:
 - (1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under one of those provisions; or
 - (2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

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

Hazing: Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Examples of conduct that cause or create such a risk include whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity; causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The term student organization means an organization at an institution of higher education (such as club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

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

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

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

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

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

Gender Identity: A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals (a person who does not conform to the gender-based expectations of society).

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

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

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

Additional Hate Crime Definitions:

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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

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

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

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

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

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

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

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

Definitions of Clery Act Locations

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

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

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

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

Texas A&M University Victoria - Reportable Crimes

The following statistics include alleged incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the parties are members of the campus community and regardless of whether the individual(s) chooses to move forward with criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies responded with data included in the reportable crimes tables below. Other agencies did not respond to the institution's request for statistics. As previously noted, Texas A&M Victoria was previously the University of Houston Victoria. The statistics listed below represent the Clery Act crimes reported between September 1, 2025 and December 31, 2025. Crime statistics for previous years can be found in the University of Houston Victoria's previous Annual Security Reports.

Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Non-Campus Property	Public Property
Murder/Negligent Manslaughter	2025	0	0	0	0
Non-negligent Manslaughter	2025	0	0	0	0
Rape	2025	0	0	0	0
Fondling	2025	0	0	0	0
Incest	2025	0	0	0	0
Statutory Rape	2025	0	0	0	0
Robbery	2025	0	0	0	0
Aggravated Assault	2025	1	0	0	0
Burglary	2025	1	0	0	0
Motor Vehicle Theft	2025	0	0	0	0
Arson	2025	0	0	0	0
Hazing	2025	0	0	0	0
VAWA Dating Violence	2025	0	0	0	0
VAWA Domestic Violence	2025	0	0	0	0
VAWA Stalking	2025	2	0	0	0
Arrests: Liquor Law Violations	2025	1	0	0	0
Arrests: Drug Law Violations	2025	0	0	0	0
Arrests: Weapons Law Violations	2025	0	0	0	0
Referrals: Liquor Law Violations	2025	0	0	0	0
Referrals: Drug Law Violations	2025	0	0	0	0

Referrals: Weapons Law Violations	2025	0	0	0	0
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*There were no hate crimes or unfounded crimes during the 2025 reporting period.

Crime Prevention and Security Awareness

It is important for all of us to understand our role in the reduction of crime. A conceptual aid often employed by crime prevention practitioners is referred to as the Crime Triangle. For any crime to occur three elements must be present: desire, ability, and opportunity.



Members of the university community easily recognize there is little that can be done to control the criminal's ability and desire. The university community's greatest strength in the prevention of crime is our initiative to reduce or eliminate the opportunity for a crime to occur.

A primary goal of UPD is the prevention of crime before it occurs. Because UPD officers cannot be everywhere all the time, they need the help of all members of the university community to take an active role in their personal safety and property protection. Crime prevention is important to the campus community. Reporting any crime or suspected crime immediately is helpful to UPD and may prevent someone else from becoming a victim of a more serious crime.

UPD typically offers a variety of crime prevention programs, safety programs, and services to Texas A&M University students, employees, and community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Personal Safety Awareness – scheduled upon request
- Theft/burglary Prevention – scheduled upon request
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to UPD
- Residential and Office Security Surveys – scheduled upon request
- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness– scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Micromobility Registration – see description below
- Easy Child ID Safety Program – scheduled upon request

Annual Fire Safety Report For Student Housing

How to Report a Fire For any open flame, smoke, or signs of fire, immediately dial 911. Notifying University Officials of a Past Fire To report a previous fire or signs of fire damage on any of the University of Houston-Victoria campuses, please contact Assistant Fire Marshal at 361.570.4245 or UPD at 361.570.4357. Fire and Life Safety Fire and Life Safety involves everyone in every area of the university and refers to the prevention of fire, accidents, injury, and property damage. Through inspections, fire safety equipment is checked and maintained; food safety standards are adhered; and safety concerns such as frayed electrical cords, trip hazards, broken or inappropriate equipment and fire hazards are identified and removed. Through design and plan review, architects and engineers are assisted in ensuring that fire and life safety measures are built into areas under construction. Through emergency management, assistance is available to develop specific evacuation plans. Through training, classes are available for evacuation planning, fire and life safety, fire extinguishers, and food safety. Definitions For the purposes of this report, a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.	Portable Electrical Appliances, Smoking and Open Flames in Residential Housing Facilities Space Heaters – Space heaters are not allowed on campus by order of the Fire Marshal’s office. The risk of space heaters is high. The risk of a space heater fire are compounded by the use of space heaters that do not have the required built in safety features, the use of extension cords, and the overloading of circuits and tripped breakers due to the high amperage necessary to start-up the devices. Medical exceptions to the space heater prohibition will be granted on a case-by-case basis with a letter from a treating physician. Safe alternatives to space heaters include electric blankets and heating pads. Questions regarding this policy should be directed to the Office of the Assistant Fire Marshal at 361.570.4245. Prohibited Electrical Appliances – Open coil heating or cooking devices, including toaster ovens, hot plates, extension cords, multi-plug adaptors, string lights (such as Christmas lights) unless battery operated, and hoverboards. Smoking and Open Flames – Open flames in residence halls, such as candles, incense, and fire-works are prohibited. The University of Houston-Victoria allows the use of tobacco products and electronic cigarettes or vape pens at specific locations. Smoking is not allowed inside dorm rooms or any building.
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Fire Safety Systems and Evacuation Drills in Residential Housing Facilities

Fire Safety Amenities in TAMU-V Residential Facilities							
Building	24/7 UHPD Monitoring	Sprinkler System	Smoke Detection	Voice (Public Address)	Fire Ext	Evacuation Plans and Placards	Evacuation Drills per Year
Jaguar Hall	Yes	Yes	Yes	Yes	Yes	Yes	2
Jaguar Suites	Yes	Yes	Yes	Yes	Yes	Yes	2
Smith Hall	Yes	Yes	Yes	Yes	Yes	Yes	2

Fire Statistics in Residential Housing Facilities

2023 Statistics and Information Regarding Fires in Residential Facilities									
Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment	Number of deaths related to a fire	Value of property damage caused by fire	UPD Case Number
Jaguar Hall	0	-	-	-	-	-	-	-	-
Jaguar Suites	0	-	-	-	-	-	-	-	-
Smith Hall	0	-	-	-	-	-	-	-	-

2024 Statistics and Information Regarding Fires in Residential Facilities									
Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment	Number of deaths related to a fire	Value of property damage caused by fire	UPD Case Number
Jaguar Hall	0	-	-	-	-	-	-	-	-
Jaguar Suites	0	-	-	-	-	-	-	-	-
Smith Hall	0	-	-	-	-	-	-	-	-

2025 Statistics and Information Regarding Fires in Residential Facilities									
Facility	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of injuries requiring treatment	Number of deaths related to a fire	Value of property damage caused by fire	UPD Case Number
Jaguar Hall	0	-	-	-	-	-	-	-	-
Jaguar Suites	0	-	-	-	-	-	-	-	-
Smith Hall	0	-	-	-	-	-	-	-	-

Evacuation Procedures in Residential Housing in Event of Fire

The key to a successful evacuation is planning. Each resident must familiarize themselves with their respective residence hall's evacuation plan.

Each residence hall's evacuation plan is posted on each floor of the following residence halls:

- ♦ Jaguar Hall
- ♦ Jaguar Suites
- ♦ Smith Hall

Residents should also consider the following:

- ♦ Know at least two exists other than the elevators;
- ♦ Know UHV emergency numbers **361.570.4357** or

911 (from any campus phone);

- ♦ Participate in all fire drills and take them seriously;
- ♦ Know your meeting place outside;
- ♦ Remain outside the building until allowed back in by UPD officers or the Assistant Fire Marshal;
- ♦ Stop whatever you are doing in the event of a fire alarm, smoke, or open flame;
- ♦ Grab your personal possessions quickly;
- ♦ Do not take time to gather more things than you can quickly find;
- ♦ DO NOT WAIT! Walk to the nearest exit;
- ♦ If your nearest exit is blocked, move immediately to another exit;
- ♦ If a Fire Alarm sounds, everyone is required to evacuate the building.

Policies for Fire Safety Education and Training Programs provided to Students and Employees

The Office of the Fire Marshal shall be primarily responsible for training residential life employees, residence assistants, and students in basic fire prevention training. This training includes what to do in a fire emergency, including occupant notification common fire hazards found in residence hall rooms, and importance of building fire safety features.

Plans for Future Improvements in Fire Safety

All residential facilities have complete and modern fire alarm systems that communicate autonomously through a third-party monitoring agency and the University of Houston Police Department dispatch in the event of a triggered fire alarm. All residential facilities meet current fire and life safety codes – there are currently no additional improvements to the fire and life safety systems planned.

Fire Log Information

The Texas A&M-Victoria Assistant Fire Marshal's Office maintains a daily fire incident log, available 8 a.m.– 5 p.m. Monday through Friday, in the West Building, Office 107.