

Tarleton State University
Stephenville Agriculture Center



2023

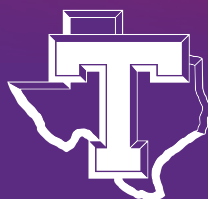
ANNUAL SECURITY REPORT AND ANNUAL FIRE SAFETY REPORT

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Campus Fire Safety Right-to-Know Act

ISSUED OCTOBER 1, 2023

This report contains crime and fire statistics for calendar years 2020, 2021 and 2022.



TARLETON
STATE UNIVERSITY
Member of The Texas A&M University System

Tarleton State University – Stephenville Agriculture Center

2023 Annual Security Report



Dear Tarleton Community:

Whether you are new to Tarleton State University (Tarleton) or have been a part of the Tarleton family for some time, we hope that you take the time to read our Annual Security and Fire Safety Report. This information has been prepared to increase your awareness of the current programs available to assist in protecting your safety and well-being.

Tarleton's University Police Department (UPD) is comprised of 16 full-time, state certified peace officers and 4 part-time, state certified officers who are all licensed under the authority of the Texas Commission on Law Enforcement (TCOLE). We also have a Crime Victims Liaison Officer, a Crime Prevention Officer, and self-defense instructors. Tarleton supports several services to promote a safer University community.

➤ **Online Training**

- All first-time in college and transfer students are required to complete online training on sexual assault prevention and substance abuse prevention. Tarleton is currently using programs provided by Get Inclusive, a recognized leader in prevention education. Students are assigned sexual assault prevention for undergraduates or sexual assault prevention for adult learners, depending on several factors.
- The training provides definitions, requires that students open and acknowledge the Texas A&M University System *Civil Rights Compliance regulation*, teaches students about being an active bystander, and provides information about on-campus, local, online, and national resources.

This is an educational program that deals frankly with the issues and choices that college students encounter. Additionally, students learn how to help keep their friends safe. Active bystander intervention is critical in addressing sexual assault on campuses throughout the nation, and this type of training is recommended by experts, including the White House Task Force.

- **A Campaign for a Safer Tarleton:** This initiative provides the campus community with pamphlets (available on-line) about safety related issues and programs including information about the UPD, self-defense programs, social media and on-line safety, Operation ID (RAPIDS), self-protection, Texans and Alcohol, travel tips, and vehicle burglaries. University police also make themselves available to student organizations to talk about the importance of responsible decision making regarding public safety.
- **Free On-campus Motorist Assists and Escorts:** The UPD provides members of our campus community with vehicle unlocks, jumpstarts and escorts to and from their vehicles upon request.
- **Campus Crime Stoppers:** This program provides a means of communication for members of the public to anonymously provide law enforcement agencies with information on crimes or suspects.
- **Survivor Advocacy:** Housed within Student Counseling Services, this program allows survivors to seek confidential support if they have been harmed. Your advocate can assist the student in making changes to housing or classes and assist students with seeking other resources including academic extensions or incomplete grades (K), if necessary. An advocate can also help students understand all their formal reporting options.
- **Crime Statistics:** Campus reportable crime and fire statistics may be found at the back of this publication, pages 80 - END.

Tarleton State University – University Compliance
Box T-0835, Stephenville, TX 76402
Phone: 254-968-9415
Email: wkstyron@tarleton.edu



CHAPTER 1
REQUIRED POLICY AND PROCEDURES UNDER THE
JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND
CRIME STATISTICS ACT

Policy for Preparing the Annual Security Report and Disclosure of Crime Statistics

The Tarleton State University Police Department (UPD), University Compliance, and the Clery Compliance Committee are responsible for preparing and distributing the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The Annual Security Report is published every year by October 1st. The report contains three calendar years of campus crime statistics and campus security policy statements in accordance with the Clery Act. This Annual Security Report and Disclosure of Crime Statistics supersedes any and all previously published versions of this document.

The UPD, University Compliance, Risk Management and Safety, and the Clery Compliance Committee compose the Annual Security Report and statistical information with input from various sources such as local law enforcement agencies, Division of Academic Affairs, Division of Finance and Administration, Division of Advancement and External Relations, Division of Enrollment Management, Division of Student Engagement and Success, Dean of Students Administrative Office, Student Counseling Services, and other campus officials.

All policy statements contained within this document pertain to all Tarleton campus locations unless otherwise noted.

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Why an Annual Security Report?

Enacted in 1990, the Crime Awareness and Campus Security Act was designed to assist students in making decisions which affect their personal safety and to ensure institutions of higher education provide students, prospective students, staff, and faculty the information they need to avoid becoming victims of campus crime. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions' obligations under this act. The Higher Education Act of 1998 was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act" (hereafter the Clery Act).

NACCOP Membership

Tarleton maintains an Institutional Membership with the National Association of Clery Compliance Officers and Professionals (NACCOP). NACCOP provides a professional association for Clery compliance officers and professionals to collaborate, share resources and best practices, and participate in professional development opportunities to support colleges and universities in their efforts to comply with the Clery Act.



Tarleton State University – Police Department
895 North Harbin Drive
Stephenville TX, 76402
254-968-9001

Timely Warnings

In the event that a situation arises, either on or off campus, involving a Clery reportable crime, that, in the judgment of the director of the UPD, constitutes an ongoing and continuing threat, a campus-wide “timely warning” will be issued.

The circumstances in which a Timely Warning will be generated include, but are not limited to, the receipt of a good faith report to the UPD or other Campus Security Authority (CSA) of a crime reportable under the Clery Act that poses a serious or continuing threat to the campus community. The Chief of Police, or his designee, is responsible for determining if a Timely Warning will be issued. A determination will be made on a case-by-case basis after due consideration of all available details of the crime, such as the nature of the crime, whether the incident is a “Clery Act reportable crime,” and whether or not a continuing threat to the campus community exists. UPD (or designee) is responsible for writing and issuing Crime Alerts for crimes occurring at University locations. Personnel authorized to write and/or issue (send) a Crime Alert are: UPD Chief of Police (or University official designated by the Chief of Police). An internal or external review among two or more authorized personnel may occur if time allows. It is important to note that in some cases law enforcement may need to withhold some information if releasing the information would compromise an ongoing investigation or the identity of the victim(s). Victim names and other identifying information of the victim(s) are never included in Timely Warnings. An institution is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

In an effort to provide timely notice to the University community, and in the event of a serious incident which may pose an on-going threat to members of the University community, a blast email ‘Timely Warning Notice’ will be sent to all students and employees. The alerts are generally written by the Chief of Police, or a designee, and distributed to the campus community.

Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the UPD may post a notice to provide the University community with more immediate notification on the UPD website at: <https://www.tarleton.edu/police>. In such instances, a copy of the notice may be posted in each residence hall, at the entrance to each academic building, at the Recreational Sports Building, and in the Barry B. Thompson Student Center.

The University annually requests that local area law enforcement agencies notify Tarleton UPD immediately about a serious crime that may cause an ongoing threat to the campus community. Anyone with information warranting a timely warning should report the circumstances to the following departments and/or individuals:

Tarleton’s Agriculture Center in Stephenville: Emergencies dial 9-1-1. For non-emergencies, contact University Police Department at 254-968-9001 or in person at the UPD office, (located at the corner of W. Frey St. and N. Harbin Dr.) at 895 N Harbin Dr., Stephenville, Texas 76402. For general police related questions during normal business hours, please call 254-968-9001. UPD is dispatched to police related calls by the Stephenville Police Department Dispatch.

Tarleton Stephenville Campus: Emergencies dial 9-1-1. For non-emergencies, contact University Police Department at 254-968-9001 or in person at the UPD office, (located at the corner of W. Frey St. and N. Harbin Dr.) at 895 N Harbin Dr., Stephenville, Texas 76402. For general police related questions during normal business hours, please call 254-968-9001. UPD is dispatched to police related calls by the Stephenville Police Department Dispatch.

Emergency Notification

Tarleton will, without delay, upon confirmation, and in taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the Chief of Police or designee, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however Tarleton will provide follow-up information to the campus community as needed.

University officials authorized to initiate Emergency Notifications include the Director of Risk Management & Safety (or their designee), the Emergency Management Coordinator, and the Chief of Police (or their designee). Tarleton's [Standard Administrative Procedure 34.07.01.T1.02 Emergency Notification Protocol](#) includes information related to [Code Purple](#) as well as authority to issue a timely warning. These University protocols guide immediate emergency response and evacuation procedures, including the use of [Code Purple](#). The protocols require authorized University officials to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, faculty or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency. Emergency messages include information detailing what has occurred and directions to the campus community regarding what to do next. (Director of Risk Management & Safety or designee, Emergency Management Coordinator or designee, and/or the Chief of Police, or designee, is responsible for determining the content of such notification.) [Code Purple](#) will be activated to provide a timely notification to all users through their Tarleton assigned email. Individuals who have entered their cell phone and carrier information into their associated [Code Purple](#) account will receive a text message. This emergency notification does not replace the timely warning requirement provided in the previous section. The emergency notification addresses a much wider range of threats (i.e. gas leaks, inclement weather, contagious viruses, etc.) A representative of the UPD or designee will continue the assessment of the situation and follow-up information or additional segments of the campus community may be notified if a situation warrants such an action. Once the situation is contained or the threat to the campus community has passed, an alert will be disseminated to the campus community using the same systems by which the initial alert was sent out.

The University's emergency preparedness, response, and evacuation protocols are published online and accessible at <https://www.tarleton.edu/safety/emergency-preparedness/>. All students and employees are highly encouraged to read and review these protocols regularly. [Code Purple](#), emergency response, and evacuation procedures are tested annually.

All faculty, staff, and students are automatically added to [Code Purple](#) based on their official Tarleton email address. Certain members of the local community may have access to the [Code Purple](#) notification system. Key members of the local area emergency response teams have been included in the [Code Purple](#) notification system. Students, faculty, staff, SSC employees and select TAMUS administrators, city, and county employees can identify additional individuals (parents, friends, other family members, etc.) they would want to receive an emergency notification from Tarleton's [Code Purple](#) by adding their information to the individual's account.

The Emergency Management Plan designates 911 as the initial contact for reporting all emergency situations and for response to and resolution of all emergencies. Upon receiving the report of an emergency, the responding officer will determine the appropriate level of response required and will communicate with appropriate personnel at the scene.

UPD officers, their supervisors, and key members of the Emergency Council (EC) have received training in the National Incident Management System (NIMS), Incident Command System for responding to critical incidents on Campus.

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A representative of the UPD, or designee, will determine if the situation warrants initiating a campus-wide alert utilizing Code Purple and if the EMC should be assembled. The University Control Center will monitor emergency communications and assist with notifications as instructed by the UPD representative.

Emergency Preparedness

During this reporting period (calendar year 2022), Tarleton, as an institution, participated in and hosted several exercises and drills to improve the University's response and evacuation capabilities to various threats to the campus community. A record of these activities is included in the following Emergency Response Preparedness Matrix.

EMERGENCY RESPONSE PREPAREDNESS MATRIX				
EXERCISE	DATE	TIME	ANNOUNCED (A) UNANNOUNCED (U)	DESCRIPTION
Fire Drills	Fire Drills were conducted on 01/27/2022, 03/15/2022, 11/16/2022, 11/18/2022		U	Fire drill and evacuation test performed at residential facilities
University Emergency Response	Law Enforcement Response to Active Shooter for ISD Educational Institutions 07/06/2022		A	Multiple Agencies
University Emergency Response: Table Top Exercise	01/27/2022		A	Bomb Threat and Evacuation Scenario
University Emergency Response	UPD ALLERT Exercises with Local Agencies 12/12/2022 Bomb Threat Table-top Exercise		A	Active Shooter and Bomb Threat Exercises

Procedures for Testing Emergency Response and Evacuation Procedures

An evacuation drill is coordinated by the Department of Environmental Health and Safety (EHS) and Residence Life (RL) for all residential facilities at the Stephenville campus. Thus, the emergency evacuation procedures are tested each year. Students are informed of the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. EHS does not tell residents in advance about the designated long-term evacuations because those decisions are affected by the time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, UPD, EHS, and RL staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of the drills is to prepare building occupants for an organized evacuation in case of an emergency. At Tarleton, evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants "practice" drill procedures and familiarize themselves with the location of emergency exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of the fire alarm system components. Any deficient equipment is noted so that appropriate repairs can be performed. Residents and other members of the campus community are provided follow up information regarding Tarleton's emergency response and evacuation procedures in conjunction with these drills.

Students receive emergency information and procedures during their hall meetings.

Shelter-in-Place Procedures

If an incident occurs and outside areas become dangerous due to weather, toxic or irritating substances, it is usually safer to stay indoors and shelter-in-place. Leaving the area may create an exposure to danger. Thus, to “shelter-in-place” means to make a shelter of the building students are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

If an incident occurs and the building is not damaged, students should stay inside the building they are in and seek an interior room until notification is received that it is safe to come out. If a building is damaged, students should take personal belongings (purse, wallet, Texan Card, etc.) and follow the evacuation procedures for the building (close the door, proceed to the nearest exit, and use the stairs instead of the elevators). Once students have evacuated, they should seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

How Students Will Know to “Shelter-In-Place”

A shelter-in-place notification may come from several sources, including Code Purple, the UPD, Residence Life staff members, other University employees, or other authorities, utilizing the University’s emergency communication tools.

How to “Shelter-In-Place”

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

1. Students who are inside should stay inside and collect any emergency shelter-in-place supplies and a telephone to be used in case of an emergency. If students are outdoors, they should proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Students should locate a room in which to shelter. It should be:
 - an interior room;
 - above ground level; and
 - without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Once students have located a room to shelter within, they should do the following:
 - Shut and lock all windows and close exterior doors.
 - Turn off air conditioners, heaters, and fans, if possible.
 - Close vents to ventilation systems as soon as possible. (University staff will turn off ventilation as quickly as possible.)
 - Make a list of the people in the room and ask someone (Residence Life staff, faculty, or other staff) to call the list in to the Control Center at 254-968-9265 so they will know where the student is sheltering. If only students are present, designate someone to call in the list.
 - Turn on a radio, TV, use a smart phone, etc. and listen for further instructions.
 - Students should make the surrounding shelter interior as comfortable as possible.

Annual Disclosure of Crime Statistics

The UPD, in conjunction with University Compliance, Risk Management & Safety and Student Engagement and Success prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The full text of this report is located on the Tarleton website at:

<https://www.tarleton.edu/site/documents/cleryact.pdf>

Additional information may be accessed by visiting the UPD website at <https://www.tarleton.edu/police>. This report is prepared in cooperation with the local law enforcement agencies surrounding each campus and alternate sites, the Division of Student Engagement and Success, the Division of Finance and Administration, the Division of Enrollment Management, and the Division of Academic Affairs. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest, and referral statistics include those reported to the UPD by designated campus officials (including, but not limited to directors, deans, department heads, designated Residence Life (RL) staff, Dean of Students Administrative Office staff, advisors to students and student organizations, athletic coaches, Campus Security Authorities (CSA) and local law enforcement agencies.

Texas Law (Section 161.041, Health and Safety Code) requires prompt, mandatory reporting to local law enforcement agencies by health care practitioners (such as those at the Student Health Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or are a result of assault or abusive conduct.

Student Counseling Services, Campus Survivor Advocate, and Student Health Center staff are informed on how to report crimes to the UPD on a voluntary or confidential basis. Student Counseling Services, Campus Survivor Advocate, or Student Health Center staff may report crimes anonymously to the UPD.

Each year, an email notification is sent by University Compliance to all students, staff, and faculty that provides the web site address to access this report. Copies of the report may also be obtained in the Department of University Compliance located in the Administration Annex I Building, Room 106, or by calling 254-968-9415.

Reporting of Criminal Offenses

Police

Crimes should be reported to the Police as follows:

LOCATION:	TYPE:	CONTACT NUMBER:
All Campuses	Emergencies	9-1-1
Stephenville Campus	Non-Emergencies	Tarleton State University Police 254-968-9001
Agriculture Center in Stephenville	Non-Emergencies	Tarleton State University Police 254-968-9001
Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around residence halls should be reported to the UPD.		

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Campus Security Authorities (CSA)

A CSA is a Clery-specific term that encompasses the following groups of individuals and organizations associated with an institution whose functions involve relationships with students: security and law enforcement officers, special events security staff, deans (or other senior student administrative personnel), coaches, residence hall staff, physicians or nurses in a campus health center, overseers and advisors to student clubs and organizations, and staff involved in student discipline and campus judicial proceedings.

When a CSA is told about a crime or an incident that may be a crime, and there is little or no reason to doubt the validity of the information, the CSA must notify the University Police by submitting a [Clery Crime Statistic Report Form](#) to police@tarleton.edu or in person at the office, (the corner of N. Harbin Dr. and W. Frey St.) at 895 N. Harbin Dr., Stephenville, Texas 76402. Notifications to the UPD should be made in a timely manner. Tarleton has developed the Campus Security Authority Manual for guidance in this reporting, which is located on the UPD web site at:

<https://www.tarleton.edu/police/clery-act.html>.

Tarleton has chosen to designate **all** employees as CSAs. CSAs are required to take annual training offered through TrainTraq in order to remain current on their responsibilities and reporting processes.

The following is a partial list of CSA contact information:

Tarleton State University – Agriculture Center in Stephenville

University Police Department (895 N Harbin Dr, Stephenville TX. 76402) Located at the corner of W. Frey St. and N. Harbin Dr.	254-968-9001
Title IX Coordinator (Gough Hall, 1202 Military Blvd., 1 st Floor, Stephenville, TX. 76402)	254-968-9754
Dean of Students, Dean of Students Administrative Office (Tarleton Center, Room 112)	254-968-9080

The following is a partial list of resource contact information:

(A complete listing of resource information for each campus may be found in Chapter 2 of this document.)

Tarleton Confidential Resources

Student Counseling Services	254-968-9044
Campus Survivor Advocate	254-968-9044

Off-Campus Social Service Resources

Cross Timbers Family Services	254-965-5516
H.O.P.E., Inc.	254-965-2700
Pecan Valley MHMR	254-965-7806
STAR Council on Substance Abuse	254-965-5515

Daily Crime Log

Each business day, the UPD Administrative Sergeant, or other trained personnel, publishes a Daily Crime Log for Tarleton that is available to the media, the public, and campus offices free of charge. This summary identifies the nature of the crime, location, date and time occurred, date the crime was reported to the UPD, and disposition. A printed copy of this report may be viewed at the University Police Department located at 895 N Harbin Dr, Stephenville TX. 76402. The copy is printed on a daily basis on working business days.

Limited Voluntary Confidential Reporting to Police

Tarleton's University Police Department (UPD) encourages anyone who is the victim of or witness to a crime to promptly report the incident to the police. Witnesses to a potential crime should report these incidents promptly in the event the victim elects to remain silent or is unable to make such a report. Police reports are public records under state law, therefore the UPD cannot hold reports of crimes in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Tarleton campus authorities.

Confidential reports of crime may also be made to Erath County Crime Stoppers at 254-965-2274 or Texas Crime Stoppers at 1-800-252-8477.

The purpose of a confidential report is to comply with a request to keep the matter confidential, while taking steps to ensure the safety of those involved. With such information, the University can do the following:

- keep an accurate record of the number of incidents involving students;
- determine where there is a pattern of crime with regard to a particular location, method, or assailant; and
- alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Such reports shall be provided to students and employees in a manner consistent with applicable laws, which is timely, that withholds the names of victims as confidential that will aid in the prevention of similar occurrences.

Facilities Maintenance

Facilities at all Tarleton campus locations are maintained in a manner which attempts to minimize hazardous conditions. UPD, other law enforcement agencies and public safety officials regularly patrol campuses and report lighting concerns and other unsafe physical conditions to the appropriate departments for correction. It is helpful when other members of the Tarleton community report equipment problems to UPD or to Facilities Services.

Security and Access

The Director of Campus Operations for Facilities assists with determining access to the Tarleton locations.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education as indicated in *Texas Education Code Section 51.204*. Texas Penal Code *Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are State statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*.

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The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

During business hours, the University will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key or magnetic ID card.

Emergencies may necessitate changes or alterations to any posted schedules.

Some, but not all parking areas are equipped with video surveillance at University locations and may or may not be actively monitored.

Police Officers generally are not assigned to specific academic or administrative buildings at all campus locations. Tarleton's UPD or other police authority patrols the location on a regular basis during the day and each evening including weekends.

Campus Police Authority and Jurisdiction

In accordance with Section 51.203 of the Texas Education Code, the UPD has complete police authority to apprehend and arrest anyone involved in illegal acts within any county where the TAMUS owns or controls property. If an offense or misconduct violates University rules and procedures and is committed by a University student, the UPD may refer the individual to the Dean of Students Administrative Office for disciplinary action.

The Fort Worth Campus maintains a police presence utilizing Fort Worth Police Officers who have complete police authority to apprehend and arrest anyone involved in illegal acts. These officers are contracted through an agreement with the UPD.

Tarleton prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing its core values of excellence, integrity, and respect.

Serious offenses such as sexual assault, domestic violence, dating violence, stalking, murder, aggravated assault, robbery, and motor vehicle theft are investigated by the UPD and information is shared with local law enforcement agencies. Often, joint investigative efforts with other law enforcement agencies are utilized to solve these serious crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at Justice, County, District, or Federal Court with the appropriate prosecuting attorney.

Tarleton maintains a close, working relationship with federal, state, and local agencies through collaborative meetings, joint training exercises, drills, certification training courses, and through providing support for large events on-campus and within the community. Through this cooperation with local law enforcement agencies, criminal activity engaged in by students at off-campus locations of student organizations is monitored and recorded. This information is provided to the Dean of Students Administrative Office for action or follow-up that may be required.

By mutual agreement with local agencies, the UPD has access to a Texas Law Enforcement Telecommunications System (TLETS) terminal and a National Law Enforcement Telecommunications System (NLETS) terminal. Through these networks, police personnel can access the National Crime Information Center (NCIC) as well as the Texas Crime Information Center (TCIC). These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information. In addition, the UPD is also a part of the City of Stephenville 9-1-1 System.

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Tarleton continues to foster relationships through the above-referenced activities and by providing representation on the Local Emergency Planning Committee (LEPC), the Local Emergency Operations Center (when activated) and by participating in the American Red Cross Volunteer Disaster Assistance program. Tarleton UPD has entered into a written agreement with the Stephenville Police Department to provide dispatch services to the UPD.

At this location, Tarleton's UPD provides police and patrol services. As stated above, the UPD has complete police authority within any county where the TAMUS owns or controls property.

General Procedures for Reporting a Crime or Emergency

Stephenville community members, students, staff, faculty, and campus guests are encouraged to report all crimes and public safety-related incidents to the Tarleton Police Department (UPD) in a timely manner. The UPD patrols the Tarleton Stephenville campus, the Agriculture Center in Stephenville as well as remote areas owned by the University that surround Stephenville.

For emergencies dial 9-1-1. For non-emergencies, contact University Police Department at 254-968-9001 or in person at the UPD office, (the corner of N. Harbin Dr. and W. Frey St.) at 895 N. Harbin Dr., Stephenville, Texas 76402. For general police related questions during normal business hours, please call 254-968-9001. UPD is dispatched to police related calls by the Stephenville Police Department Dispatch. Dispatchers are available at this phone number to answer calls 24/7.

For general campus information please contact the control center at 254-968-9265.

For all other Tarleton locations, members of each campus shall report all crimes and public safety-related incidents to the applicable law enforcement contact as listed in this Annual Security Report, pages 8-9.

Other contact information for Tarleton owned/controlled facilities is included in the appropriate section of this report. For other off-campus sites, report crimes to the proper local authorities and forward referrals to the UPD as needed.

Applicable UPD incident reports are forwarded to the Dean of Students Administrative Office for review and potential action. UPD officers investigate a report when it is deemed appropriate. Additional information obtained during the investigation is forwarded to the Dean of Students Administrative Office.

If assistance is required from outside law enforcement agencies, the UPD will contact the appropriate agency. If sexual assault, rape, domestic violence, dating violence, or stalking occurs, the UPD will offer the victim a variety of services. The UPD works closely with Student Counseling Services and Cross Timbers Family Services, which have trained members who are available to assist a victim 24 hours a day.

This publication contains information about on-campus and off-campus resources. This information is made available to provide Tarleton community members with specific information about the resources that are available in the event that they become the victim of a crime. The resource information is not provided to infer that those resources are "reporting entities" for Tarleton.

Crimes should be reported to the UPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime reported only to Cross Timbers Family Services would not be included in the Tarleton crime statistics as they are not a reporting agency.

The UPD encourages accurate and prompt reporting of all crimes to the campus police and the appropriate agencies as described above.

Confidential Reporting Procedures for Counselors

As a result of the negotiated rulemaking process which was followed by the passage of the law, the 1998 amendments to 20 U.S.C. Section 1092 (f) clarified the identity of those considered to be campus security authorities. Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be a CSA and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of common practice, counselors are encouraged, if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

For the purposes of the Clery Act, pastoral counselors are defined by the rulemaking process committee as an employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning with the scope of that recognition as a pastoral counselor.

For the purposes of the Clery Act, professional counselors are defined by the rulemaking process committee as “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.”

Anonymous Reporting Option

Anonymous reports may be submitted by non-employees to the University on the Title IX website at:

<https://www.tarleton.edu/titleix/>

Click on Reporting at the top of the page and then select “File A Complaint”. Complete the form. The complainant’s information is not required to complete this form. This is not an anonymous report to the University police.

Caution: Anonymously filed reports may limit the University’s effort to respond to the complaint.

Summary of Education Programs

Tarleton has a number of security awareness and educational programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. As each of the programs listed below are designed to target different areas and topics, the frequency and type of issues discussed may vary. Further information on this topic can be found in the Education and Prevention Programs section, located in the Violence Against Women Act (VAWA) chapter of this document (Chapter 2, Starting on page 30).

Security Awareness Programs

During orientations conducted prior to the start of a semester, students are informed about services provided by the UPD regarding safety awareness. The Residence Life staff members also schedule meetings to inform students about crime and personal safety.

When necessary, information is released to the University community through security alerts or crime alerts posted prominently throughout the campus and through computer memos sent via the University electronic mail system. These address safety and security measures associated with all types of crimes.

In cooperation with other University organizations and departments, the UPD presents alcohol and drug awareness programs periodically during the academic year. In addition to these programs, the UPD also conducts Operation I.D., employee safety programs, orientation programs for new freshmen/transfer students, and new employee orientations.

Crime Prevention Programs

The UPD offers self-defense training for students and employees. This is a comprehensive program that begins with awareness, prevention, risk reduction and avoidance, while progressing to the basics of hands-on defense training. Certified self-defense instructors teach the courses.

Other crime prevention programs include Safety Awareness, Identity Theft Prevention, personal safety programs of various kinds, and other programs requested by the campus community.

To enhance personal safety, especially after an evening class, community members are encouraged to walk with friends or a well-known acquaintance. On-campus escorts are also provided by police officers when requested. Students may call the UPD at 254-968-9001 during regular business hours or the Control Center at 254-968-9265 after hours.

Duck Camp and Transitions Week Programming

Students attending Duck Camp take part in brief sessions during which they learn about the dangers and prevention of sexual assault on a college campus. These interactive sessions include briefly discussing the dynamics of this form of violence, in particular that most assaults are committed by someone the victim knows in a social setting. Students are also introduced to the concept of being an active bystander.

During Transition Week, students participate in a session during which they learn more about sexual assault, being an active bystander, and they learn about campus-based resources including Title IX, Counseling, and Advocacy.

Get Inclusive Prevention Programming

All first-time in college and transfer students are required to complete online training on sexual assault prevention. Tarleton is currently using programs provided by Get Inclusive, a recognized leader in prevention education. Students are assigned Sexual Assault Prevention for Undergraduates or Sexual Assault Prevention for Adult Learners, depending on several factors.

- the training provides definitions, requires that students open and acknowledge the TAMUS Civil Rights Compliance policy, teaches students about being an active bystander, and provides information on on-campus, local, online, and national resources;
- how to build and maintain healthy relationships;
- how to respond to the threat or actuality of sexual assault, including making a report;
- how alcohol and drugs may reduce inhibitions and lead to a greater likelihood of sexual activity or even life-threatening actions; and
- how to avoid the sense of peer pressure that often leads to choices a student may later regret.

This is an educational program that deals frankly with the issues and choices that college students encounter. An additional benefit is that those who abstain from these activities learn how to help keep their friends safe. Active bystander intervention is critical in addressing sexual assault on campuses nationally, and this type of training is recommended by experts, including the White House Task Force.

In addition, all students participate in a post-test demonstrating what information they learned from the training.

New Student Orientation

Student Counseling Services and the UPD provide presentations to students and their families on the available University resources related to sexual assault, domestic violence, dating violence and stalking. Additionally, key topics are presented to increase awareness of these important issues.

Risk Management Training for Student Organizations

The Lance Zimmerman Department of Student Involvement & Family Relations provides risk management training to officers and advisors of student organizations each year. This training includes information regarding the terminology, definitions, and the resources that are available to report an incident and in obtaining support. This training module also includes information on domestic violence, dating violence, stalking, and other topics.

Off-Campus Criminal Activity

When a Tarleton student is involved in an off-campus offense, UPD officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Stephenville police officers routinely work and communicate with Tarleton police officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding the Stephenville campus. Tarleton does not operate any off-campus housing or off-campus student organization facilities; however, many students live in the neighborhoods surrounding the Stephenville campus. While the Stephenville Police Department has primary jurisdiction in all areas off-campus, UPD officers may respond to student-related incidents that occur in close proximity to campus. UPD officers have direct communication with the Stephenville Police Department, Fire Department, and ambulance services to facilitate rapid emergency response.

Alcoholic Beverages

The possession, sale, or furnishing of alcoholic beverages on the Tarleton campus is governed by statements in the Student Rules, in the Student Code of Conduct section, and Texas state law. Laws regarding the possession, sale, consumption, or furnishing of alcohol is controlled by the Texas Alcoholic Beverage Commission (TABC). The enforcement of alcohol laws on campus is the primary responsibility of the UPD. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Violators may be subject to University disciplinary action, criminal prosecution, and fine and imprisonment (or a combination). It is unlawful to sell, furnish, or provide alcoholic beverages to a person under the age of 21. The possession of alcoholic beverages by anyone less than 21 years of age is illegal. It is also a violation of the student code of conduct for anyone to possess or consume alcohol in any public or private area of campus without prior University approval. Organizations or groups violating alcohol or drug policies or laws may be subject to sanctions by the University. Additional clarification regarding alcohol and controlled substances policies can be found in the Student Code of Conduct.

Illegal Drugs

The Tarleton campus has been designated “Drug Free.” The unlawful possession, sale, manufacture, or distribution of any illegal drugs, controlled substances and/or drug paraphernalia is illegal under both state and federal laws. These laws are strictly enforced by the UPD. Violators may be subject to University disciplinary action, criminal prosecution, and fine and imprisonment (or a combination). The University reserves the right to employ an outside agency to assist in the detection of illegal drugs, controlled substances and/or drug paraphernalia.

Alcohol and Substance Abuse Information - Prevention Programs

Tarleton provides substance abuse prevention programs in compliance with the Drug Free Schools and Communities Act. All first-year students to the Stephenville campus complete Get Inclusive online training. Additionally, workshops addressing substance use and abuse have been provided in the residence halls, to classes, and to student groups. First Year Seminar instructors use “Get Inclusive” training as part of their curriculum. Get Inclusive data as well as state and national data; is used to identify and address the gaps between perception and reality in substance use including providing normative information, and they provide opportunities for skill-building. Prevention staff in 2019 began offering brief spring-break presentations that addressed substance use through a holistic wellness lens. Tarleton continued Safe LJT efforts which are focused in part on substance-abuse prevention including harm reduction. Prevention staff promote healthy norms and behaviors through a variety of other presentations and outreach efforts that are not exclusively substance-abuse prevention oriented. Details about Tarleton's Drug and Alcohol Abuse Prevention initiatives can be found in the campus Drug & Alcohol Abuse Prevention Report on Tarleton’s website at:

https://www.tarleton.edu/compliance/compliance/documents/Drug_and_Alcohol_Biennial_Report.pdf

Resource information is also available online, in brochures placed by the entrances to the Student Health Center and Student Counseling Services, and distributed to students during disciplinary proceedings.

In addition, other campus services include the following:

- Counseling Services: Student Counseling Services
- Referral Services: Student Counseling Services, Dean of Students Administrative Office, and the Department of People & Culture.

Legal Sanctions – Laws Governing Alcohol

The State of Texas sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinance violations of alcohol laws, including driving while intoxicated, or public intoxication, are available from Texas Alcoholic Beverage Commission (TABC) or Public Safety Office. They include the following:

1. Persons under age 21 found in possession of alcohol may have a maximum of \$500.00 fine imposed, Alcohol Awareness course, 8-12 hours of community services, and/or 30-day driver’s license suspension.
2. Anyone convicted of driving while intoxicated may be given a maximum of \$500.00, Alcohol awareness course, 20-40 hours community service, 60-day driver’s license suspension, and/or 30-day ineligibility for occupational license.
3. Adults and minors who provide alcohol to minors (a Class A misdemeanor) may be given a fine (\$4,000.00), maximum confinement of a 1-year, and/or license suspension of 180-day upon conviction.

Hazing Policies

Any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or University into disrepute for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization, student group, and University program.

Previously relied upon “traditions,” (including Corps of Cadets, fraternity/sorority, or any other student group or organization activity, practice or tradition) intent of such acts, or coercion by current or former student leaders of such groups, or former students will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one’s class rank or leadership position.
- Striking another student by hand or with any instrument.
- Any form of physical bondage of a student.
- Taking of a student to an outlying area and dropping him/her off.
- Causing a student to violate the law or a University rule such as indecent exposure, trespassing, violation of visitation, etc.
- Requiring consumption of beverages and/or food.

Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate University officials (The Vice President for Student Engagement and Success and/or the Assistant Vice President for Student Welfare and Dean of Students and/or the University Police Department) is also a violation under this section.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Vice President for Student Engagement and Success and/or the Assistant Vice President for Student Welfare and Dean of Students and/or the University Police Department, will not be charged with a violation of the hazing rule.

Hazing is also a violation of Texas state law.

State law defines hazing as “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, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization whose members are or include students at an educational institution.”

Hazing is a criminal violation under Texas law. A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failure to report his/her knowledge to the appropriate authority.

Additional information about Tarleton's hazing policies may be found here:

<https://www.tarleton.edu/studentrules/hazing.html>

Students' Rights and Responsibilities

Preface

The following statement of students' rights and responsibilities is intended to reflect the philosophical base upon which University Student Rules are built.

This philosophy acknowledges the existence of both rights and responsibilities, which is inherent to an individual not only as a student at Tarleton State University but also as a citizen of this country.

Students' Rights

1. A student shall have the right to participate in a free exchange of ideas, and there shall be no University rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.
2. Each student shall have the right to participate in all areas and activities of the University, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.
3. A student has the right to personal privacy except as otherwise provided by law, and this will be observed by students and University authorities alike.
4. Each student subject to disciplinary action arising from violations of University Student Rules shall be assured a fundamentally fair process.

Students' Responsibilities

1. A student has the responsibility to respect the rights and property of others, including other students, the faculty and University officials.
2. A student has the responsibility to be fully acquainted with the published University Student Rules and to comply with them, as well as federal, state, and local laws.
3. A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
4. A student has the responsibility to maintain a level of behavior which is consistent in supporting the learning environment of the institution and to recognize the University's obligation to provide an environment for learning.

University Disciplinary Procedures and Sanctions

General Rules and Procedures

Individuals who choose to enroll at Tarleton State University assume responsibility for following student rules and regulations reasonably imposed by the University. University student rules and regulations establish academic requirements and community expectations. Tarleton State University students should uphold University standards. The Student Conduct Code is a guide for students to understand roles, responsibilities and procedures when behavior is in question. Tarleton will use the Student Conduct Code as the official guide for addressing student behavior from an educational disciplinary approach or, in extreme circumstances, to sever the student from the academic community.

Any question on interpretation regarding the Student Conduct Code will be determined at the sole discretion of the Vice President for Student Engagement and Success or designee.

Any additions, deletions and/or changes to these Student Code of Conduct may occur over the course of the academic year. Significant revisions will be communicated through The J-TAC (Official student newspaper of Tarleton State University Since 1919), any appropriate University offices, and the Dean of Students Administrative Office webpage.

Disciplinary Procedures

A designated officer from the Division of Student Engagement and Success shall investigate and gather evidence regarding reported student (or organizational) misconduct.

NOTE: Tarleton has a separate procedure TAMUS Regulation 08.01.01. Civil Rights Compliance to address civil rights and sex-based misconduct complaints. This regulation is summarized within Chapter 2 of this document. This regulation outlines the procedures and sanctions specific to allegations of sexual misconduct including; domestic violence, dating violence, sexual assault, and stalking.

The Dean of Students Administrative Office shall evaluate the accuracy, credibility, and sufficiency of this evidence. The University uses the “preponderance of the evidence” standard for disciplinary decision making. The Dean of Students Administrative Office shall ensure that the requirements of due process are fulfilled.

The designated student conduct officer who performs these proceedings shall provide a prompt, fair, and impartial investigation and resolution; receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The Vice President for Student Engagement and Success (VPSES) may take immediate interim action when the individual believes that the presence of a student on campus poses a continuing threat to persons or property or presents a threat of disrupting the academic process. An administrative hearing will be scheduled as soon thereafter as practicable.

When a complaint is filed, the student or student organization named in the complaint, will be asked to appear before a designated officer from the Division of Student Engagement and Success, who will conduct an investigative meeting to discuss the alleged act(s) of misconduct and possible sanction(s).

In any disciplinary proceeding, the student or organization has the right to:

1. be apprised of the rule(s) allegedly violated and the alleged act(s) committed;
2. know the source of complaints;

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3. know the specific violation;
4. know the sanctions which may be imposed if a violation is substantiated;
5. be provided a list of witnesses, testimonies, and any other documents relevant to the case upon request prior to the formal hearing;
6. be accompanied by an advisor at any discipline hearing (for advisory purposes only, not for legal representation);
7. refrain from making any statement relevant to the charge(s);
8. know that any statement(s) made by the accused student(s) or organization(s) can be used against the accused;
9. have the complaint investigated and conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

If as a result of the investigation, the Student Engagement and Success officer determines that University disciplinary procedures are warranted, the student and/or student organization will be notified, in writing (via email), of the specific charge(s) being made against the student and/or student organization and the disciplinary procedures available for conducting a hearing on the charge(s). If the student and/or student organization's representative does not schedule a meeting with the Student Engagement and Success officer within five (5) University working days, a second letter is emailed to the individual(s) informing them of their failure to meet with a Student Engagement and Success officer in regards to charge(s).

Student Conduct Authority

The Vice President for Student Engagement and Success or his/her designee shall develop procedures for the administration of the student conduct system and for the implementation of Student Conduct Conferences that are consistent with provisions of the Student Conduct Code.

The Vice President for Student Engagement and Success or his/her designee shall determine the composition of Student Conduct Panel(s) and determine which Student Conduct Panel, Student Conduct Administrator and Appeal Panel shall be authorized to hear each matter.

Decisions made by a Student Conduct Panel and/or Student Conduct Administrator shall not be final until the appeal processes have been exhausted, waived, or time has expired.

The Vice President for Student Engagement and Success primary designees shall be the Dean of Students and the Dean of Students Administrative Office. The Dean of Students may make further delegation of this authority to, but not limited to, the Residence Life staff.

A designated officer from the Division of Student Engagement and Success, after fair and objective assessment, may impose any disciplinary sanction defined in the Student Code of Conduct. It shall be the responsibility of the designated officer from the Division of Student Engagement and Success to inform the student and/or student organization of the right to appeal any sanction and the procedures for doing so. The student and/or student organization will be provided a written statement of charges against them and the procedures for filing an appeal. Following disposition of the hearing, a written summary will be retained.

Cases in which the Student Engagement and Success designee is satisfied that a reasonable effort was made to notify the accused student and/or student organization of the charge(s), and of the time and place of the hearing, the University may conduct a disciplinary hearing at which the accused student and/or student organization is not present. The Student Engagement and Success designee will hear the evidence, weigh the facts and render an appropriate judgment.

Student Conduct Jurisdiction

The Student Conduct Code shall apply to conduct that occurs on University premises and/or at University sponsored activities or any other activity which adversely affects the University community and/or the pursuit

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of its objectives (mission). This action may be taken for either affiliated or non-affiliated activities.

The University may take action in situations occurring off University premises involving student misconduct demonstrating flagrant disregard for any person or persons or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group. Using his/her sole discretion, the Vice President for Student Engagement and Success or his/her designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus on a case-by-case basis.

The Code of Student Conduct Code applies at all locations of the University.

Disciplinary Sanctions

One or more of the following disciplinary sanctions may be imposed by the University upon students and/or student organizations. Sanctions for violation of institutional rules and procedures may be administered regardless of whether actions of the student(s) are also civil or criminal violations. Whenever disciplinary action leads to the student(s) leaving the University, grades will be assigned in accordance with the University grade policy and the academic calendar. Sanctions may include but are not limited to:

- Conduct Probation
- Disciplinary Probation, and prohibit privileges
- Bar against readmission or drop from current enrollment and bar against readmission
- Required participation in specific educational programs
- Restitution
- Suspension
- Expulsion
- Revocation of degree, denial of degree and/or withdrawal of diploma

Additional information may be found in the Tarleton State University Student Rules located on Tarleton's website at:

<https://www.tarleton.edu/studentrules/>

Sex Offenses and Relational Violence

Sexual Assault and Relational Violence Prevention and Response

Tarleton is committed to providing assistance to people harmed by sexual assault and/or relational violence and does so through a variety of services. A student has the option to notify appropriate law enforcement authorities, including on-campus and local police, and institutional personnel will assist the student in notifying these authorities, if the student requests such assistance. Students also have the right to not notify law enforcement authorities. Sexual assaults are non-consensual sexual acts involving force, manipulation or coercion are acts of aggression, violence, and power. Victims of sexual assault and/or relational violence are encouraged to contact the UPD immediately.

Additional information regarding Tarleton's Policies and Procedures for Sexual Misconduct and other Civil Rights allegations can be found in Chapter 2 of this report.

Sexual assault, relational violence, and consent are outlined and defined below:

Dating Violence

The terms "dating violence" means violence committed by a person:

- Who is or has been a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against and adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or suffer substantial emotional stress.

Sexual Assault

The term “sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object by a sex organ of another person, without consent of the victim.

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

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

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

Consent

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. - *TAMUS Regulation 08.01.01 Civil Rights Compliance*

Initial Response

Getting to a place of safety should be the first priority for any sexual assault, domestic violence, dating violence, and stalking victim. The second priority is to obtain necessary medical treatment. The UPD strongly advocates that a victim of sexual assault, domestic violence, dating violence, and stalking report the incident in a timely manner. An assault should be reported directly to a Tarleton police officer by dialing 254-968-9001 or through the Stephenville Police Department dispatch at 254-918-1273. Filing a police report with a Tarleton police officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

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- Ensure that a victim of sexual assault is aware that a sexual assault examination is available at the local hospital at no expense to the victim; however, filing a police report is not required to obtain this free examination.
- If a timely warning or immediate notification is issued based on information obtained from the report of a crime, the victim's name will be withheld.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally, a victim of sexual assault should not wash, douche, use the toilet, or change clothes prior to a medical examination). Time is a critical factor for evidence collection and preservation.
- Confirm the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention. Victims of relational violence also have access to free confidential counseling.

When a victim of sexual assault contacts the UPD, a criminal investigator will be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and/or through University channels. A Tarleton officer will advise the victim of options and support services available. Various counseling options are available from the University through Student Counseling Services and Survivor Advocate at 254-968-9044. Counseling and support services outside the University may be obtained through Cross Timbers Family Services at 254-965-5516.

Once an incident of misconduct, domestic violence, sexual assault, dating violence, and/or stalking has been reported, the University will follow the disciplinary proceedings for such cases involving misconduct as detailed in the *Student Rules* at <https://www.tarleton.edu/studentrules/>. The *Code of Student Conduct* provides disciplinary proceeding guidelines for students and hearings. A student alleged to have committed sexual assault could also face prosecution in state court as a separate process from any action taken by the University. After an alleged sexual assault, a student victim has the option to change their academic and/or on-campus housing arrangements; if such changes are reasonably available. These requests should be made through the Tarleton Title IX Coordinator.

Law Enforcement Reporting Procedures

Sexual assault - Rape: is 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. -*Violence Against Women Act (VAWA)*.

Sexual assault is a felony crime. The perpetrator can be a stranger, relative, acquaintance, or date. Although sexual assault is usually a crime committed against women, it can also happen to men.

Tarleton is committed to providing comprehensive sexual assault prevention programming. These programs are sponsored by the Division of Student Engagement and Success and The Department of People and Culture (formerly Employee Services), with the support of Student Counseling Services, UPD, as well as off-campus referral centers. Further information on this topic can be found in the Education and Prevention Programs section, located in the Violence Against Women Act (VAWA) chapter of this document (Chapter 2). Training emphasis is placed upon personal safety and awareness of one's surroundings.

Reporting Procedures

Victims are encouraged to report sexual assaults and/or attempted sexual assaults to the police. It is critical for the police agency to be informed as soon as possible after the incident so that appropriate steps, such as gathering of crucial evidence and information, can be taken. If a sexual assault occurs, call 911. If some time has elapsed since a sexual assault, contact the law enforcement agency where the sexual assault occurred. The University Title IX Coordinator can assist you in locating the appropriate law enforcement agency.

It is important that the victim preserve any evidence associated with domestic violence, dating violence, sexual assault, stalking, or when a protection order is sought.

Preservation of Evidence

To preserve evidence for an examination, a victim

- Should not shower, bathe or douche;
- Should not comb hair or wash hands;
- Should refrain from urination (if possible);
- Should not smoke, eat, brush teeth, or rinse mouth if oral contact took place; and
- Should not change clothes. A victim should carry a change of clothes in case what is worn needs to be kept for evidence. If clothes must be changed, a victim should place them in a **paper bag** (plastic destroys evidence).

The victim has the option of requesting a concealed identity or **pseudonym** during the investigation.

It is always a victim's choice as to whether to report a sexual assault, but reporting an assault (or attempted assault) is extremely important for the protection of both the victim and the community. Reporting an assault does not mean that the victim must follow through with prosecution. However, it does begin the legal process if the victim decides to prosecute at a later date.

Victims have the option to pursue the University disciplinary charges if the assailant is a Tarleton student or employee. Sexual assault is a violation of Tarleton's Student Code of Conduct and employment rules and procedures. The federally mandated standard of evidence used during any institutional conduct proceeding arising from a reported incident of domestic violence, dating violence, sexual assault, and/or stalking is Preponderance of Evidence (is it more likely than not that a violation occurred).

Whether or not the student wants to involve the UPD or the University, a medical examination is essential. A medical examination is necessary to take care of obvious and/or hidden physical injuries and will provide the opportunity for the victim to discuss with a physician potential pregnancy or communicable disease concerns. In addition, emergency room personnel are available to call the local rape crisis center so that a counselor can provide support and education.

What Happens When the Police are Called?

- Police units will respond immediately.
- The police will properly gather all evidence.
- An ambulance or a police officer will transport the victim to the emergency room of the local hospital.
- A specially trained criminal investigator will interview the victim. In **ALL** cases the victim will be treated with compassion, consideration, understanding, and patience during the interview. The officer will make every attempt to maintain the privacy of the victim. A survivor advocate can be made available during this portion of the process.
- The officer will give the victim a Crime Victim's Compensation packet or the officer will call the Crime Victim Liaison to assist with the Crime Victim's Compensation information, support for the victim, and/or to aid in making referrals to other agencies.
- The Crime Victim Liaison will contact the victim within seven days by phone, mail or a meeting.
- The Crime Victim Liaison will remain in contact with the victim throughout the criminal process and will provide support.
- Information and evidence obtained by the police can be used in University disciplinary action if the assailant is a student regardless of whether or not criminal charges are filed.
- Information obtained by the police will be used by the Chief of Police, or designee, to determine if an emergency notification or timely warning should be distributed to the campus community.

- Once UPD is notified, Tarleton's Title IX Coordinator will be notified.

Availability of Pseudonym for Criminal Investigations

In accordance with the Texas Code of Criminal Procedures, Article 57, victims may use a pseudonym to protect their identity when reporting to Texas law enforcement agencies. A pseudonym is a set of initials, or a fictitious name, chosen by the victim to be used in all public files and records concerning the sexual assault. Article 57 of the Texas Code of Criminal Procedures was also amended to add pseudonym availability to victims reporting an offense of stalking. This new availability took effect on September 1, 2015.

Seeking Counseling and Support

If an individual has been sexually assaulted or the victim of domestic violence, dating violence, and/or stalking, the individual may experience a wide range of emotions such as shock, denial, fear, depression, anger, guilt, and/or embarrassment. Any of these feelings can occur immediately or may not surface until months, or even years after the assault. Recovery from sexual assault is a long-term process. Immediate support and crisis intervention are essential. Many times, counseling can make a major difference in the sexual assault survivor's eventual psychological adjustment. Obtaining counseling does not obligate a student to report the sexual assault to the police or to the University.

Additional Law Enforcement Information

In Texas, sexual assault (rape) is an offense that ranges from a second-degree felony to a first-degree felony punishable by a sentence ranging from two to ninety-nine years in prison and a fine of up to \$10,000. Contact the law enforcement agency handling the case or the Erath County District Attorney's office for more information.

Adjudication of Criminal Offenses

Victims of sexual assault, dating violence, domestic violence, and/or stalking have the option of notifying on-campus and local law enforcement authorities. Victims are notified of their right to report the incident to the UPD immediately, but victims also have the right to decline to notify such authorities. Reports of crimes can be filed with the agency where the incident occurred. If you require assistance in contacting the agency in your area, please contact the Title IX Coordinator or the UPD.

It is the policy of the UPD to conduct investigations of all sexual assault, dating violence, domestic violence, and stalking complaints reported to them with sensitivity, compassion, patience, and respect for the victim. The UPD is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist a victim in securing medical attention; participate in evidence preservation and collection, conduct investigations; and inform the victim of legal and administrative options both on and off campus. Investigations are conducted in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure and the Erath County District Attorney's Office. Law enforcement will help victims understand the process of obtaining protection orders, no contact orders, restraining orders, or similar lawful orders issued by the courts or the institution.

Reports of all domestic violence, dating violence, sexual assault and stalking made to the UPD will automatically be referred to the Tarleton Title IX Coordinator for assessment regardless of whether or not the complainant chooses to pursue criminal charges.

Title IX Reporting

Individuals may also report a sex offense, domestic violence, dating violence, and/or stalking to the University's Title IX Coordinator. This individual is responsible for coordinating the University's compliance efforts regarding Title IX. The Title IX Coordinator is located in Gough Hall at 1202 Military Blvd, Stephenville, Texas 76402 and can be reached at (254) 968-9754.

Anonymous reports may be submitted by non-employees to the University on the Title IX website at:

<https://www.tarleton.edu/titleix/>

Click on Reporting at the top of the page and then select "File A Complaint." Complete the form. The complainant's information is not required to complete this form.

Caution: anonymously filed reports may limit the University's effort to respond to the complaint.

The complainant is provided the option to have the Campus Advocate receive a notification of the complaint by the Title IX Coordinator.

If the individual wishes to contact law enforcement after contacting the Title IX Coordinator, the individual will be assisted by the coordinator or their designee in the notification of the appropriate jurisdictional authority.

<https://www.tarleton.edu/titleix/Policies-Definitions.html>

For a complete copy of the Texas A&M University System (TAMUS) Regulation governing sexual misconduct, review Regulation No. 08.01.01 Civil Rights Compliance located at:

<https://policies.tamus.edu/08-01-01.pdf>

For a complete copy of Tarleton's rule governing sexual misconduct, review Rule No. 08.01.01.T1 Civil Rights Compliance located at:

https://www.tarleton.edu/policy/documents/08_01_01_T1.pdf

Additional information regarding Tarleton's Policies and Procedures for Sexual Misconduct and other Civil Rights allegations can be found in Chapter 2 of this report.

Emergency Contact Registration and Missing Student Protocol

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, the individual should **immediately** notify the UPD at 254-968-9001 or in person at the UPD office, (at the corner of Harbin Dr. and Frey St.) at 895 North Harbin Drive, Stephenville, Texas 76402. UPD is dispatched to police related calls by the Stephenville Police Department Dispatch. UPD will generate a missing person report and initiate an investigation.

Tarleton requests that all new students voluntarily provide emergency contact information to Residence Life (RL) at the beginning of each year. Students may contact their RL staff to request that this form be updated.

In addition to registering an emergency contact, students residing in on-campus housing have the option to complete a Personal Data Sheet, listing a “Missing Person Contact,” to be used in the event the student is determined to be missing for more than 24 hours. This information will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Tarleton must notify a custodial parent or guardian within 24 hours of the determination that a student is missing if the student is under the age of 18 and not emancipated. Any additional contact person designated by a student under the age of 18 will also be notified within 24 hours of the determination that the student is missing.

Tarleton will notify local law enforcement agencies within 24 hours of a determination that a student is missing unless the local law enforcement agency was the entity that made the determination a student was missing. This notification is made regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

If a Tarleton student living in University-operated housing is suspected to be missing from campus, this information should be immediately reported to UPD by the notifying individual. The UPD will generate a missing person report and initiate an investigation.

Steps in the process of determining if a student from University-operated housing is missing include the following:

- RL personnel will immediately check the assigned room in University-operated housing to determine if the student is present;
- RL personnel will obtain the secured Personal Data Sheet information, and will attempt to contact the student via their personal cell phone;
- RL personnel will attempt to contact the student at all applicable numbers available from the Personal Data Sheet;
- RL personnel will contact the UPD if none of the above three items result in contacting the student in a reasonable, timely manner; and
- RL personnel will contact the Missing Person Contact designee of the student if advised to do so by the UPD.

All reports of missing students made to the residence hall staff and/or the UPD will be investigated. If the investigation determines that the student has been missing over 24 hours, the University will within the next 24 hours:

- Notify the individual identified as the student’s emergency contact person;
- Notify a parent or guardian, if the student is under 18 years of age; and
- Notify the appropriate law enforcement agency of the determination that a student is missing.

Carry of Firearms on Campus

Senate Bill 11, passed by the 84th Texas Legislature

On August 1, 2016, the “Campus Carry” law – Senate Bill 11 passed by the 84th Texas Legislature and signed by Gov. Greg Abbott -- took effect at Tarleton. Tarleton’s rule was approved by the TAMUS Board of Regents after extensive consultation with faculty, staff, and students. The rule conforms to the new law while supporting the University’s educational mission, protecting the rights of citizens, and promoting the safety and security of the University community.

For further information please see the attached hyperlink for Tarleton's Rule on Carrying Concealed Handguns on Campus: https://www.tarleton.edu/policy/documents/34_06_02_T1.pdf

Facts about the Law

The law does NOT allow open carry on campus. *SB 11 deals only with the concealed carry of handguns by people who have a license to carry (LTC). It is now — and will still be — illegal to display a firearm in campus buildings, or on campus streets, sidewalks, walkways, etc.*

A person must have a license to carry a concealed handgun on campus. *SB 11 authorizes concealed campus carry only by "license holders," that is, people who received the state-mandated training and met other statutory requirements for a license to carry a concealed handgun.*

One must be 18 to obtain a license to carry.

The law makes it a crime for a license holder to carry a concealed handgun while intoxicated. *This is a class A misdemeanor, punishable by up to one year in jail. Police officers may act upon any trace of alcoholic consumption.*

Theft Prevention



Although the statistical reporting of theft offenses is not required by the Clery Act, Tarleton believes the University community should be aware of and guard against the theft of their property.

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 is our initiative to reduce or eliminate the opportunity for a crime to occur.

Protect Your Property

Protect your property by being aware and observant during your daily activities. If a student feels the actions of a person appear suspicious, take the time to notify the police. UPD would much rather receive the call and determine later there was no problem, than to not be informed when a crime is being committed.

Students should protect property by being an active participant of "Operation Identification." Students can record the make, model, and serial number of property. Students can also engrave their driver's license number with the prefix from the state of issuance. More information may be found at:

<https://www.tarleton.edu/police/documents/brochures/OperationID.pdf>

Students should gather this information and secure it in a safe place. Should the student be victimized, this information can be entered in the state and national database of stolen property. The UPD can assist students in the engraving of their property.

The following are examples of activities that may help deter the opportunistic thief from taking advantage of students.

- Close and lock doors when you leave your residence hall rooms or offices.
- Secure personal property (backpacks, textbooks, purses etc.) while attending class or other activities.
- Secure property in your office or cubicle. Secure valuables in a locked desk or cabinet while out of the office.
- Promptly report the presence of strangers in buildings and residence halls. Do not disable or prop open card reader doors or allow strangers to follow you into buildings and residence halls.
- Secure and attend to personal property while in dining facilities or libraries.
- Secure and attend to personal property while participating in activities in a recreational facility or on a sports field.
- Promptly report and cancel a lost or stolen Texan card, credit card or debit card to prevent unauthorized use.
- Secure laptop computers or other computer handheld devices.
- Cover up or otherwise conceal personal property left in parked vehicles. Store items securely in the trunk or remove it for safekeeping.



TARLETON
STATE UNIVERSITY
Member of The Texas A&M University System

CHAPTER 2:

REQUIRED POLICIES AND PROCEDURES UNDER THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY PROCEDURE AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

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

<https://www.tarleton.edu/titleix/Policies-Definitions.html>

For a complete copy of the Texas A&M System University (TAMUS) Regulation governing sexual misconduct, review Regulation No. *08.01.01 Civil Rights Compliance* located at:

<https://policies.tamus.edu/08-01-01.pdf>

For a complete copy of Tarleton's rule governing sexual misconduct, review Rule No. *08.01.01.T1 Civil Rights Compliance* located at:

https://www.tarleton.edu/policy/documents/08_01_01_T1.pdf

Kandace Stone, Tarleton's Title IX Coordinator, may be contacted by calling 254-9754, in person by visiting the People & Culture office located in Gough Hall, [1202 Military Blvd.](#), Stephenville, Texas 76402 or by email at kstone@tarleton.edu.

Definitions

Consent as defined by the Texas A&M University System and by Tarleton

Consent - 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.

Remember, silence, passivity, or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn at any point during sexual activity.

Consent as defined by the State of Texas

Consent is defined by The State of Texas in the Texas Penal Section 22.011 that

(b) A sexual assault is without the consent of the other person if:

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

Sex Offenses as defined by the Texas A&M University System and by Tarleton

Coercion – the act, process, or power of compelling a person to take an action, make a choice, or allow an act to happen that they would otherwise not choose or give consent.

Incapacitated – a state in which a person, due to a disability, the use of alcohol or drugs, being asleep, or for any other reason, is not capable of making rational decisions about consent to sexual activity and recognizing the consequences of their decision.

Predation – an intent to engage in acts of misconduct prior to their occurrence demonstrating premeditation, planning or forethought, and is reflected in communicated intent (physical, verbal, visual, or written), threats directed at a party, attempts to incapacitate a party, attempts to isolate a party, utilizing physical force or violence, or other actions that a reasonable person would construe as a pre-meditation to engage in actions that are unwanted by/against the recipient. Committing any of these actions with an individual under the age of consent is also considered predatory.

Quid pro quo sexual harassment – “this” for “that;” i.e., unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action. Quid pro quo sexual harassment is explicitly prohibited under this regulation. Aiding another in the commission of quid pro quo sexual harassment is also prohibited under this regulation.

Retaliation – 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 made 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 Section 2.1 of this regulation. 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 this regulation. Aiding another in the commission of retaliation is also prohibited under this regulation.

Sexual assault – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as:

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

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

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

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

Sexual assault is explicitly prohibited under this regulation. Aiding another in the commission of sexual assault is also prohibited under this regulation. Sexual assault is a form of sexual harassment or sex-based misconduct.

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

Sexual exploitation – 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, sexually-based stalking, 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.

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

Sex Offenses as defined by The State of Texas

Sex Offenses as defined by The State of Texas provides the following definitions for sexual offenses.

Sec. 21.01. DEFINITIONS. In this chapter:

- (1) "Deviate sexual intercourse" means:
 - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
 - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Sec. 22.011. SEXUAL ASSAULT.

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

- (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (2) 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;

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- (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a) (1) is without the consent of the other person if:
 - (1) the actor compels the other person to submit or participate by the use of physical force or violence;
 - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
 - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
 - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
 - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
 - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
 - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
 - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.
- (c) In this section:
 - (1) "Child" means a person younger than 17 years of age.
 - (2) "Spouse" means a person who is legally married to another.
 - (3) "Health care services provider" means:
 - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
 - (B) a chiropractor licensed under Chapter 201, Occupations Code;
 - (C) a physical therapist licensed under Chapter 453, Occupations Code;
 - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
 - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
 - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
 - (A) licensed social worker as defined by Section 505.002, Occupations Code;
 - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
 - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
 - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
 - (E) member of the clergy;
 - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
 - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

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

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

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

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

(2) that:

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

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

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

(B) the victim:

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

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

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

Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

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

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

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

(B) 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;

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- (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) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;
- (B) the victim is younger than 14 years of age; or
- (C) the victim is an elderly individual or a disabled individual.

(b) In this section:

- (1) "Child" has the meaning assigned by Section 22.011(c).
- (2) "Elderly individual" and "disabled individual" have the meanings assigned by Section 22.04(c).

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

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

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

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

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

Sex Assault as defined by Violence Against Women Act (VAWA)

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

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

Fondling: The touching of the private 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 his/her temporary or permanent mental incapacity.

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

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

Interpersonal Violence Offenses as defined by the Texas A&M University System and by Tarleton

Dating violence – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (a) The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (b) For the purposes of this definition:
 - (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (2) Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)]
- (c) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- (d) Dating violence is explicitly prohibited under this regulation. Aiding another in the commission of dating violence is also prohibited under this regulation. Dating violence is a form of sexual harassment or sex-based misconduct.

Domestic violence – a felony or misdemeanor crime of violence committed by:

- (a) a current or former spouse or intimate partner of the victim;
- (b) a person with whom the victim shares a child in common;
- (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 U.S.C. 12291(a)(8)]

Domestic violence is explicitly prohibited under this regulation. Aiding another in the commission of domestic violence is also prohibited under this regulation. Domestic violence is a form of sexual harassment or sex-based misconduct.

Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) fear for the person's safety or the safety of others; or
- (b) suffer substantial emotional distress.

For the purposes of this definition:

- (a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

Stalking is explicitly prohibited under this regulation. Aiding another in the commission of stalking is also prohibited under this regulation. Stalking based on sex is a form of sexual harassment or sex-based misconduct.

Interpersonal Violence Offenses as defined by Violence Against Women Act (VAWA)

Domestic Violence: The term “domestic violence” as defined by Violence Against Women Act (VAWA) means:

- 1) Felony or misdemeanor crimes of violence committed—
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

According to the **State of Texas**, domestic violence includes all the above and may also include violence committed against a roommate or co-habitant.

Dating Violence: The term “dating violence” as defined by VAWA means violence committed by a person;

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 3) For the purposes of this definition-
 - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- 4) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The **State of Texas** does not have a formal definition of dating violence codified within its penal code, code of criminal procedures, or local codes.

Stalking: The term “stalking” as defined by VAWA means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (i) fear for the person’s safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
 - (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

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- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

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

The **State of Texas** does not have a formal definition of stalking codified within its penal code, code of criminal procedures, or local codes.

Sexual Misconduct definitions as defined by Local Jurisdiction

Local jurisdictions (county governments and municipalities) adhere to the same definitions used by the State of Texas concerning dating violence, domestic violence, sexual assault, and stalking.

Additional Sexual Misconduct definitions passed by the State of Texas in 2019

S.B. 212, 2019-2020, 86 Legislature, Sec 51.251 States:

A complete copy may be obtained here: <https://legiscan.com/TX/text/SB212/id/2025353>

- (1) "Dating violence," "sexual assault," and "stalking" mean dating violence, sexual assault, or stalking, as applicable, that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)).
- (2) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:
 - (A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
 - (B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

H.B. 1735, 2019-2020, 86 Legislature, Sec 51.281 States:

- (1) "Dating violence," "sexual assault," and "stalking" have the meanings assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)(6)(A)).
- (2) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003.
- (3) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:
 - (A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
 - (B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

A complete copy may be obtained here: <https://legiscan.com/TX/text/HB1735/2019>

EDUCATION AND PREVENTION PROGRAMS

Tarleton engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. These programs include both primary prevention and awareness programs directed at incoming students and new employees, as well as, ongoing prevention and awareness campaigns directed at students and employees that are:

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

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

- a. Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Define, using definitions provided both by the Department of Education as well as state law, what behaviors constitute domestic violence, dating violence, sexual assault, and stalking;
- c. Define what behaviors and actions constitute consent to sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- d. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- f. Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Tarleton has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and presenting information and materials during new employee orientation.

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Primary Prevention and Awareness Programs for All Incoming Students

The Tarleton offered the following **primary prevention and awareness programs for all incoming students** in 2022:

Program Name	Location	Prohibited Behavior Addressed	Primary Audience
Sexual Assault Prevention for Undergraduates and Sexual Assault Prevention for Adult Learners Spring, Summer, Fall	Online	Sexual assault, stalking, intimate partner violence, intersection of substance abuse and violence	All First-time students, transfer students, all locations
Bystander Training for T-week Fall Semester	Stephenville campus	Sexual assault, stalking, intimate partner violence through bystander intervention approach; more in-depth than Duck Camp	All first-time students, transfer students

Primary Prevention and Awareness Programs for All New Employees

Tarleton offered the following **primary prevention and awareness programs for all new employees** in 2022:

Program Name	Location	Prohibited Behavior Addressed	Primary Audience
RL Title IX Training Fall Semester	Stephenville campus	Sexual Assault prevention, trauma, and the intake of Title IX Complaints	Residence Life Staff
Creating a Discrimination Free Workplace Newly Hired Employees and annual training for current	Online	Sexual Harassment and Discrimination	Employees
Annual Title IX Faculty / Staff Training Newly Hired Employees and annual training for current	Online	Title IX and reporting responsibilities	Employees
New Faculty Training Ongoing throughout year	Stephenville and via online streaming	Title IX and reporting responsibilities	New Employees
New Employee Training Ongoing throughout year	Stephenville and via online streaming	Title IX and reporting responsibilities	New Employees
New Graduate Assistant Training Prior to each Semester	Stephenville and via online streaming	Title IX and reporting responsibilities	New Employees / Grad Assistants

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Ongoing Awareness and Prevention Programs for Students & Employees

Tarleton offered the following **ongoing awareness and prevention programs** for **students and employees** in 2022:

Program Name	Location	Prohibited Behavior Addressed	Primary Audience
SAAM Outreach April	Stephenville campus, Fort Worth Campus, online	Sexual assault, harassment, stalking, intimate partner violence. Tabling, presentations, extensive social media content, yard signs, sandwich boards, banners, pledges – multiple points of contact and locations, content provided in a variety of formats throughout the month	General student body, student athletes, faculty, staff
RL Title IX Training August	Stephenville campus	Sexual Assault prevention, trauma, and the intake of Title IX Complaints	Residence Life Staff
Bystander Student Training Multiple dates in fall and spring	Stephenville	Sexual assault, IPV, harassment, stalking	Upper-level students and target groups including RLs, ROTC, Freshman Representative Council
Healthy Relationships programming February	Social Media	IPV, mental health. Tabling, social media posts, & workshops	General student body
Random Acts of Kindness Week February	Stephenville Social Media	Mental health & Bullying prevention. Tabling, social media posts, & workshops	General student body
Sleep Awareness Week March	Stephenville Social Media	Mental health. tabling, social media posts, & workshops	General student body
Prevention presentations (Presentations for classes, groups by SAVP staff) Ongoing throughout year	Stephenville campus	Sexual assault, IPV, stalking, harassment	FYS courses, academic classes, student organizations
Title IX Workshops (Sexual Assault Prevention Training for Departments) Throughout year as requested	Stephenville Upon request at various locations	Sexual Harassment and Discrimination, gender equity issues, Title IX process information	Employees: Staff meetings, ROTC, & Athletic Coaching Staff
Creating a Discrimination Free Workplace Annual training	Online	Sexual Harassment and Discrimination	Employees
Annual Title IX Faculty / Staff Training Annual training	Online	Title IX and reporting responsibilities	Employees
Self Defense Training Spring & Fall semesters	Stephenville Upon request at various locations	Sexual Assault Prevention and abilities to manage aggressive behavior	Students / Employees / Community
ALLERT Civilian Response to Active Shooter Event (CRASE) Throughout each semester	Stephenville, Ft. Worth Campus	Civilian response to an active shooter in the college setting	Students / Employees / Community
Self-Defense Training Ongoing throughout year	Stephenville campus	Sexual Assault and Harassment Prevention training for Military Personnel	ROTC
Risk Management for Student Organizations Fall semester	Stephenville Campus & Online	In-person training regarding Alcohol Use, VAWA Offenses, Hazing, Travel	Student Organizations

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Hazing Prevention Consortium (HPC) Throughout each semester	Stephenville, Ft. Worth Campus	Three-year partnership between the HPC member and the Stop Hazing Team of research and prevention experts.	General student body, student athletes, faculty, staff
Hazing Prevention Social Media Campaign September	Online	Hazing Awareness and Prevention	General student body, student athletes, faculty, staff
Do-Nut Haze September	Stephenville Campus	Tabling, giveaways, and donuts & coffee visiting with students to bring awareness to Hazing and reporting options	General student body, student athletes
Reach Act–Take Action September	Stephenville Campus	Tabling, opportunity to write letters to representatives in support of the Federal Reach Act.	General student body, student athletes, faculty, staff
These Hands Don't Haze September	Stephenville Campus	Tabling, creating banners in support and to raise awareness for Hazing Prevention	General student body, student athletes, faculty, staff
Gallery Walk Through of Hazing Articles September	Stephenville Campus	Large print articles noting New York Times articles of hazing incidents across the nation, bring awareness to the harmful nature of hazing	General student body, student athletes, faculty, staff
Movie in the Ballrooms September	Stephenville Campus	Hazing Awareness and Prevention video provided by HPC	Student Organizations
Suicide Prevention & Mental Health Social Media Campaign September	Online	Suicide Prevention and Metal Health Awareness	General student body, student athletes, faculty, staff
Suicide Prevention Awareness Tabling September	Stephenville Campus	Tabling, giveaways, and visiting with students to bring awareness to Mental Health and available support	General student body
Bullying Prevention Social Media Campaign October	Online	Bullying Awareness and Be Kind Campaign	General student body, student athletes, faculty, staff
Domestic Violence Prevention Social Media Campaign October	Online	Domestic Violence Awareness and Be Kind Campaign	General student body, student athletes, faculty, staff
Wear Blue Day – Bullying Awareness October	Stephenville and Fort Worth Campuses	Wear blue in support of bullying awareness	General student body, student athletes, faculty, staff
Wear Purple Day – Domestic Violence Awareness October	Stephenville and Fort Worth Campuses	Wear purple in support of bullying awareness	General student body, student athletes, faculty, staff
World Smile Day October	Stephenville and Fort Worth Campuses	Be kind to those around you campaign.	General student body, student athletes, faculty, staff
Bullying and Domestic Violence Prevention Awareness Tabling October	Stephenville Campus	Tabling, giveaways, and visiting with students to bring awareness to Bullying and Domestic Violence and available support	General student body, student athletes, faculty, staff
Human Labor Trafficking Symposium October	Fort Worth Campus	Human Trafficking Response and Prevention Symposium	Faculty
Adult Mental Health First Aid October & November	Stephenville Campus	free online certification course in Adult Mental Health First Aid. In partnership with MHMR Tarrant County	General student body, student athletes, faculty, staff
Mental Health Awareness Tabling November	Stephenville Campus	Tabling, giveaways, and visiting with students to bring awareness to Mental Health and available support	General student body, student athletes, faculty, staff

Additional Awareness and Prevention Programs

Faculty/Staff Title IX Training

A training system was implemented in 2015 across the Tarleton campus for faculty and staff to receive further training in the area of Title IX. This training consists of an annual on-line course mandated for those considered under Title IX as being “responsible employees”.

UPD Training

All University police officers were required to complete TCOLE training course 470, A Trauma Informed Approach to Sexual Assault Investigations.

Bystander Intervention Program

Bystander intervention is taught to students using evidence-based programing that addresses sexual violence, intimate-partner violence, and stalking through a bystander lens. Students have the opportunity during training to learn and practice reactive and proactive bystander skills. The content is solution-focused and hope-oriented, so students complete training with an understanding that they can make a meaningful contribution to the safety and overall culture of their community. Training is typically offered throughout spring and fall semesters.

Community Collaboration

Cross Timbers Family Services

Tarleton State University and Cross Timbers Family Services, the local victim’s services agency serving Erath and surrounding counties, have a long history of collaboration. In 2020, some of those efforts included:

- DVAM and SAAM outreach: CTFS was on campus during outreach efforts to promote campus messaging and services for survivors
- CTFS and Tarleton advocacy staff regularly consult and refer back and forth when a student needs support both on and off campus

In 2021 a MOU was signed joining local persecutors, victim service providers, University Title IX, and local police departments together to better facilitate on-going cooperation and collaboration around the areas of sexual misconduct and domestic violence. A copy of this document “2021 Local Agency MOU” may be found here:

<https://www.tarleton.edu/titleix/guides-reports-notice.html>

Victims’ Advocate Services

The availability of an advocate allows students to seek confidential support if they have been harmed.

Tarleton Survivor Advocacy Program

Tarleton’s Survivor Advocate Program is unique in that the advocates are embedded in Student Counseling Services and have mental health training. Advocates are either enrolled in a graduate program, are licensure-eligible, or are provisionally or fully licensed (licensed professional counselor, licensed master or clinical social worker, etc.) This allows the advocates to provide a full range of services for survivors including crisis management, psychoeducation, counseling, and advocacy services. Like the full-time clinicians in Student Counseling Services, advocates are required to engage in extensive training and continuing education opportunities and adhere to a code of ethics.

What do Campus Survivor Advocates do?

- o Provide confidential support to survivors.
- o Help with immediate safety needs and safety planning.
- o Explain reporting options, including reports to the University (Title IX) or law enforcement.

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- Provide support through Title IX and/or criminal processes if a survivor chooses to pursue them.
- Explain medical options; help survivors access medical care.
- Help connect with community resources such as Cross Timbers Family Services.
- Assist with on-campus accommodations.
- Provide psychoeducation on trauma.
- Help survivors prepare for discussions with loved ones.

Who do Campus Survivor Advocates serve?

Survivors:

- Any student who has dealt with sexual assault, domestic violence, harassment, and / or stalking.
- It doesn't matter when the harm occurred - sometimes students struggle with something that happened before arriving at Tarleton.

Faculty / Staff Consultations:

- We can visit about students of concern, how to support survivors, etc.
- We can provide information, presentations, materials, etc. for your classes.

Why do Campus Survivor Advocates serve?

- Trauma disrupts every facet of a person's life.
- It can be challenging to concentrate on academics when wrestling with the aftermath of violence.
- We want to keep our survivors in school, working toward their dream of an education.
- Violence is wrong. Period. Survivors deserve support with getting their lives back on track and healing from harm. We can help with that process.
- BECAUSE YOU MATTER!

In addition to direct services, the campus advocates sit on several committees including the University Title IX committee; they provide frequent outreach and training to students, faculty, and staff; and they have engaged in extensive marketing efforts to educate the campus community about advocacy services.

Cross Timbers Family Services

Cross Timbers Family Services is the local victims' services agency that provides support services in accordance with Chapter 420 of the Texas Government Code. However, a University student who has encountered harm will face challenges unique to the college setting, which a local agency is often not as well-equipped to address as a campus-based support system. Student Counseling Services receives grant funding through the College Campus Initiative Grant to provide advocacy and support services to victims of violence. An advocate can help survivors with safety planning; navigating complicated systems like housing or academic changes; assist students with seeking accommodations including academic extensions or grades of incomplete if necessary; help students understand formal reporting options (Title IX and law enforcement) and support students through those processes if a student chooses to engage in them. Additionally, campus advocates collaborate frequently with the community-based provider when a student needs both community and campus-based support.

ATIXA Institutional Membership

Tarleton maintains an Institutional membership with the Association of Title IX Administrators (ATIXA). ATIXA provides a professional association for school and college Title IX Coordinators and administrators who are interested in serving their districts and campuses more effectively. Since 1972, Title IX has proved to be an increasingly powerful leveling tool, helping to advance sex equity in schools and colleges. Title IX's benefits can be found in promoting equity in academic and athletics programs, preventing hostile environments on the basis of sex, prohibiting sexual harassment and sexual violence, protecting from retaliation and remedying the effects of other gender-based forms of discrimination. Every school district and college in the United States is required to have a Title IX Coordinator who oversees implementation, training and compliance with Title IX. ATIXA brings campus and district Title IX coordinators and administrators into professional collaboration to explore best

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practices, share resources, and advance the worthy goal of gender equity in education. Additional information about ATIXA can be found at: <https://atixa.org/>

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ATIXA Title IX Training

Through this membership and trainings offered by ATIXA the Tarleton Title IX Compliance Coordinator and Title IX Investigators maintain Training and Certifications at a number of levels. Some of the current levels held by members of these groups include:

Course	Description
Title IX Coordinator Certification Training, Level 1	This course provides foundational knowledge and insight on the role of Title IX Coordinators; topics include all aspects of Title IX and related VAWA Section 304/Clery Act compliance, oversight of investigations, and more. Participants will leave with a deep understanding of their role as Title IX Coordinators, Administrators or Deputies and how to excel in these positions.
Title IX Coordinator Certification Training, Level 3	The Level Three Course is a topically-focused, train-the trainer event. This two-day event offers a heavy emphasis on practical skills that Title IX Coordinators, Administrators and Deputies need to fulfill their duties to their campuses, and take their expertise to the next level. This course training will include: ADA/504 Compliance, Pregnancy & Parenting, Athletics & Equity for Title IX Coordinators, Train-the-Trainer – Violence Against Women Reauthorization Act Section 304/Campus SaVE Act, Managing complex cases, outside investigators and multiple victim or perpetrator situations.
Title IX Coordinator Certification Training, Level 4	The Level Four Course is a topically-focused, train-the trainer event. This two-day event offers a heavy emphasis on practical skills that Title IX Coordinators, Administrators and Deputies need to fulfill their duties to their campuses, and take their expertise to the next level. This course training includes: Prevention Practices, Trauma Informed Interviewing, Victimology, Psychology of the Perpetrator, Role of the Victim's Advocate, Intake & Advocacy, Advanced Notice-related Topics, and Mandated Reporting Best Practices.
Civil Rights Investigator Certification Training, Level 1	This course provides foundational knowledge and skills for civil rights investigators, deputies and Title IX Coordinators/Administrators who perform and/or oversee campus investigations. The primary focus is mastering investigation of campus sexual misconduct and sexual harassment.
Civil Rights Investigator Certification Training, Level 2	Level Two investigator training is an intermediate level of training that builds on your skill set with more nuanced questioning techniques, a strong focus on questioning, record keeping and note-taking, managing complex investigations, and a topical exploration that broadens beyond the sexual misconduct focus of Level One. This training builds strong skills with frequent exercises and case studies that allow for high levels of interaction, analysis and the application of various civil rights investigation techniques.
Civil Rights Investigator Certification Training, Level 3	Level Three is our most advanced investigation training. This training is clinical in nature, focusing on your ability to deploy advanced civil rights investigation techniques with the comfort and excellence of a skilled professional. Working in teams and groups, investigators will hone all of the key techniques of investigation by working with difficult witnesses, lawyers, and cases with hidden smoking guns.
Title IX Hearing Officer and Decision-Maker	Training is necessary to help decision-makers recognize and overcome bias, to understand the scope of their role, to apply policy with analytical precision, and to be sure that their determination is reliably based on the evidence.

Additional training is provided to Title IX Investigators through the TAMUS and by the Tarleton Title IX Compliance Coordinator throughout the year on topics provided by ATIXA such as intoxication versus incapacitation, trauma informed interviewing, and self-care. Additional training information may be found here:

<https://www.tarleton.edu/titleix/guides-reports-notice.html>

Assistance for Victims: Rights & Options

Regardless of whether the victim of domestic violence, dating violence, sexual assault, and/or stalking decides to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist the individual and will provide a written explanation of their rights and options.

Types of Orders

Orders of Protection (PO) - (Criminal)

A protective order is a civil court order issued to prevent continuing acts of family violence, dating violence, sexual assault, trafficking and/or stalking. This civil court order is enforced by police. Family violence (sometimes called Domestic Violence) is basically defined as (1) any act by one member of a family or household intended to physically harm another member, (2) a serious threat of physical harm, or (3) the abuse of a child. Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not).

Time frame for Protective Orders - (Criminal)

Unless a later date is requested by the applicant, the court shall set a hearing date no later than 14 days after the application is filed. If, however, the court finds from the information contained in the application that there is a clear and present danger of family violence, the court may immediately issue a temporary ex parte order. The temporary order is valid for up to 31-91 days. Final protective orders are effective for 2 years, unless another length of time is specified.

Punishment for Violators of Protective Orders - (Criminal)

If an offender violates the order and law enforcement is notified, officials will act to arrest the offender and seek to have charges filed. If a person violates the protective order in the presence of law enforcement, the offender must be arrested immediately. In cases involving the violation of a protective order, including an ex parte order, the offender may be punished for contempt of court by a fine of as much as \$500 or up to six months in jail or both. In cases of violation, excluding ex parte orders, the offender may be punished by a fine of as much as \$4,000 or jail for up to one year or both.

No contact orders - (Civil)

A no contact order is a prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group. Such orders are most commonly associated with family or household violence, stalking or sex offenses.

Restraining Orders - (Civil)

A temporary court order issued to prohibit an individual from carrying out a particular action, especially approaching or contacting a specified person.

Peace Bonds - (Civil)

A peace bond is a court order in which a person who has threatened or harmed you agrees to stop the threatening or harmful behavior and to stay away from you. By signing the peace bond the defendant agrees to keep the peace and be of good behavior. The peace bond may include other conditions such as the defendant agreeing to have no direct or indirect contact with you.

Criminal Enforcement of Orders

Protective Orders (PO) are enforced by the UPD upon receipt of a valid copy of the court order. Violators, provided they are not a current student, can be criminally trespassed from University property. The Title IX Coordinator should be contacted to make arrangements if both parties are current students. Civil papers (i.e. *No contact orders, Restraining Orders, Peace Bonds*) are handled through the civil court system. A situation will

be handled in accordance with what the orders state. If an issue arises concerning court orders or peace bonds, the UPD officer on scene reads what is stated and acts depending on the situation.

Institutional Responsibility

The institution is responsible for the safety and security of our students to the best of our abilities. Students are encouraged to self-report to the UPD any legal issues involving protective orders. Tarleton complies with Texas law in recognizing orders of protection. Any person who obtains an order of protection from Texas or any reciprocal state should provide a copy to UPD and the Title IX Coordinator. An order of protection holder may then meet with the UPD to develop a Safety Action Plan, which is a plan for UPD and the individual to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, and/or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order, or restraining order on behalf of a victim from the applicable jurisdiction(s).

Assistance in Obtaining a Protective Order

The victim of domestic violence, dating violence, sexual assault, and/or stalking is required to apply directly for Protective Orders. However, to assist in this process Tarleton has entered into a partnership with Cross Timbers Family Services (CTFS). To apply for a Protective Order a person simply needs to make an appointment with the CTFS office. The CTFS officer will guide the applicant through the paperwork process. CTFS has a working agreement with the Erath County Attorney's Office, which is typically the court that Protective Orders go through unless a person is applying for one while going through a divorce. In cases of divorce the application must go before the district judge.

Anyone that calls the County Attorney's Office seeking a PO is automatically referred to CTFS at which time that office determines if they qualify for services (which is different than if they want to apply for a PO). Tarleton services are available to all students that report any type of current or previous victimization which includes the PO process (filling out the paperwork, submitting it to county attorney's office, advocating for them with the county attorney's office, obtaining pertinent documents to take to court, accompany them to court, etc.). If the person does not report a current or previous victimization then we will give them the PO paperwork and explain the process to them. There are a few types of Protective Orders including the two most often used, the first being the Emergency Protective Order (which law enforcement assists with right after an incident occurs and the alleged perpetrator is arrested, the victim can then receive the emergency protective order which can last from 31 to 91 days). The second Permanent Protective Order is a two-year order that goes through the County Attorney's Office (Tarleton can assist with this Protective Order type). Here is a link for a little more information regarding POs:

http://www.womenslaw.org/laws_state_type.php?id=592&state_code=TX&open_id=11138

The CTFS office mostly processes Protective Orders versus Restraining Orders. This is due to the issue of Restraining Orders not having any criminally punishable consequence. If someone requests a restraining order from CTFS, they will be referred to an attorney or legal aid.

University Enforced Directives

Tarleton No Contact Directive – (Institutional Directive)

Tarleton may issue an institutional no contact directive if deemed appropriate or at the request of the complainant or accused. These directives may be issued, at the complainant's request, without the intention to move forward with a formal University investigation. Upon the complainant's request and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the complainant with their health, physical safety, work and academic status, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student park in a different location, assisting the student with a safety escort, etc. To the extent possible, Tarleton will also aid with and/or information about obtaining resources and services such as counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

Additionally, personal identifiable information about the complainant will be treated as private and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, Tarleton will maintain as private, any accommodations or protective measures provided to the victim to the extent that maintaining such privacy would not impair the ability of the University to provide the accommodations or protective measures.

Tarleton does not publish the name of crime victims nor personally identifiable information regarding victims in the University Police Department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources (students should contact the Registrar's Office for the appropriate form; employees should contact the People & Culture Department).

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Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

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Student Counseling Services	(24-hour) 254-968-9044	Traditions North, Room 111 https://www.tarleton.edu/counseling/
Campus Survivor Advocacy	254-968-9044	Traditions North, Room 111 https://www.tarleton.edu/counseling/
Student Health Center	254-968-9271	Traditions North, Room 111 https://www.tarleton.edu/healthservices/
Pregnancy and Parenting Assistance	254-968-9754	People & Culture Gough Hall, 1 st Floor, 1202 Military Blvd. https://www.tarleton.edu/titleix/pregnancy-and-parenting-assistance.html
Mental Health: Student Counseling Service (Protocol)	(24-hour) 254-968-9044	Traditions North, Room 111 https://www.tarleton.edu/counseling/
University Police Department	254-968-9001	University Police Department https://www.tarleton.edu/police/
Title IX Coordinator Response, Training and Workshop Requests	254-968-9754	People & Culture Gough Hall, 1 st Floor, 1202 Military Blvd. https://www.tarleton.edu/titleix
Substance Abuse & Violence Prevention Program Coordinator	(24-hour) 254-968-9044	Traditions North, Room 111 https://www.tarleton.edu/counseling/

Local Resources

Counseling: Cross Timbers Family Services	254-965-4357 (24-hour) 1-866-934-4357 (toll free)	277 W Mason #101 www.crosstimbershelps.org
Health: Cross Timbers Health Clinic, Inc.	254-965-2810	135 River North Blvd https://crosstimbersinc.org/
Mental Health: Pecan Valley Center	254-968-4181 (24-hour) 1-800-772-5987 (toll free)	906 Lingleville Hwy https://www.pecanvalley.org/
Student Legal Consultation: None	n/a	n/a
Victim Advocacy: Cross Timbers Family Services	254-965-4357 (24-hour) 1-866-927-2737 (toll free)	277 W Mason #101 http://ctfshelp.org/
Visa and Immigration Assistance: American Gateways	512-478-0546	http://www.americangateways.org
Pregnancy and Parenting Assistance: Choices Life Resource Center	254-965-6031	775 S. Harbin Dr. http://choicesinlife.org/

Tarleton State University Employees

Tarleton Employee Assistance Program (EAP) Deer Oaks: A behavioral health organization	Toll-Free: 1-866-327-2400	https://www.deeroakseap.com/
People & Culture	254-968-9128	Gough Hall, 1 st Floor, 1202 Military Blvd., Stephenville, TX, 76402 https://www.tarleton.edu/hr/
Pregnancy and Parenting Assistance	254-968-9255	Gough Hall, 1 st Floor, 1202 Military Blvd., Stephenville, TX, 76402 https://www.tarleton.edu/titleix/pregnancy-and-parenting-assistance.html

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

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.justice.gov/ovw/sexual-assault> - Department of Justice

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

How to be an Active Bystander

Education programs include safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, and/or stalking. Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. Bystanders have the choice to intervene, speak up, or do something about it. Tarleton wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystanders may not always know what to do, so the following list provides some ways to be an active bystander.

Sometimes being an active bystander means asking for help.

Anyone in immediate danger should dial 911!

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

Risk Reduction

Education programs include information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. It is important to remember that a survivor is never to be blamed for the abuse; only abusers are responsible for their actions. This is true regardless of the circumstances in which abuse occurs or the behavior of the survivor because a person never forfeits their right to physical and emotional safety. With that in mind, Tarleton is actively promoting the safety and well-being of all of students, faculty and staff. The following are suggestions to *reduce the risk* of an assault or harassment (taken from the Rape, Abuse, and Incest National Network):

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1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **DO NOT allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **DO NOT leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you left your drink alone, just get a new one.
11. **DO NOT accept drinks from people you don't know or trust**. At parties, don't drink from the punch bowls or other large, common open containers.
12. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the proper treatment and monitor your care.
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
17. **Please help maintain the security of your residence facilities**. Do not let people follow through an unlocked door into the residential facility without swiping their access cards. Keep the door to your residence locked.

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If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. **Clearly communicate your intentions** to your sexual partner and give them a chance to clearly relate their intentions to you.
2. **Understand and respect personal boundaries.**
3. **DO NOT MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
4. **Mixed messages** from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. **DO NOT take advantage** of someone's drunkenness or drugged state. Tarleton expects you to treat others with integrity and civility.
6. **Realize that your potential partner could be intimidated** by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. **Understand** that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. **Silence and passivity cannot be interpreted as an indication of consent.** Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

PROCEDURES FOR REPORTING A COMPLAINT - OVERVIEW

Tarleton has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus. Also, additional remedies are provided to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Tarleton will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the UPD or to local law enforcement. Students and employees should contact the Tarleton's Title IX Coordinator, Kandace Stone. The Title IX Coordinator may be contacted by calling, in person by visiting People & Culture office located in [Gough Hall, 1202 Military Blvd.](#), 1st Floor, Stephenville, Texas 76402 or by email at kstone@tarleton.edu.

The availability of a Campus Survivor Advocate allows survivors to seek confidential support if they have been harmed. The advocate can make changes in housing or classes, assist students with seeking accommodations including academic extensions or grades of incomplete if necessary, help students understand formal reporting options (Title IX and law enforcement) and support students through those processes if a student chooses to engage in them. You may contact your Survivor Advocate at 254-968-9044.

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at:

[Texas Health Resources Hospital](#), 411 N Belknap St, Stephenville, Texas 76401 – Phone 254-968-1500

In the State of Texas, evidence may be collected by the hospital even if you chose not to make a report to law enforcement. A victim is required to give their name to the Hospital unless a police report has been made and a pseudonym was requested at that time. When a person self-reports to the hospital, the hospitals administrative staff enters the person as a new patient under the name the hospital is given. For questions regarding the Sexual Assault Nurse Examiner (SANE) exam please contact to the Texas Sexual Assault Nurse Examiner Program at

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phone number 214-345-6443. For questions regarding the Sexual Assault Nurse Examiner (SANE) program please go to: [Texas Sexual Assault Nurse Examiner Program](#).

Tarleton's Title IX Coordinator will assist any victim with notifying local police if they so desire. The Stephenville Police Department may also be reached directly by calling 254-968-9001, or in person by visiting its office at 356 N. Belknap, Stephenville, Texas 76401. Additional information about the Stephenville Police department may be found online at: <https://www.stephenvilletx.gov/police>.

Victims of domestic violence, dating violence, sexual assault, and/or stalking, should report the incident promptly to the Title IX Coordinator. Tarleton will provide resources, (e.g. counseling and medical care) to persons who have been victims of sexual assault, domestic violence, dating violence, and/or stalking. Tarleton will apply appropriate disciplinary sanctions to those who are found responsible for committing these violations. The University's rules and procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and/or stalking. The processes are intended to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on responsible parties.

As time passes, evidence may dissipate or become unavailable. The loss of evidence makes the investigation, possible prosecution, disciplinary proceedings, and/or the obtaining of protection orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, the individual should consider speaking with University police or other law enforcement to preserve evidence in the event that the individual changes their mind at a later date.

Following the receipt of a report/complaint University will follow the procedures described over the next few pages.

Where Do I File A Complaint?

Individuals who witness, are subjected to, or are informed about incidents of sexual assault, dating violence, domestic violence, stalking, or any form of sexual harassment may file a report online at one of the following respective links:

Reports may be filed on-line at: <https://www.tarleton.edu/titleix/> or <https://www.tarleton.edu/hr/>

A report can be filed directly to the Title IX Coordinator listed below.

If the alleged offender is a:	<ul style="list-style-type: none">• Student• Student Employee	<ul style="list-style-type: none">• Faculty Employee• Graduate Studies or postdoctoral student working in their capacity as an instructor	<ul style="list-style-type: none">• Non-faculty employee• Graduate student• Postdoctoral student working in other areas• Unrelated third party
ANY AND ALL COMPLAINTS SHOULD BE REPORTED TO:	<p>Title IX Coordinator People & Culture 1202 Military Blvd. 1st Floor For Directions Click Here Stephenville, Texas 76402 Kandace Stone 254-968-9754</p>		

Confidential reports may be filed on-line at: <https://www.tarleton.edu/titleix/>.

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

Proceedings pursuant to 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.
- 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.
- 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 the Title IX Coordinator. 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 the Title IX Coordinator. 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 the Title IX Coordinator, 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 the Title IX Coordinator, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or any other University rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment the Title IX Coordinator will:

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- 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 complaint that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

No Resolution

If the complainant requests that no resolution of the allegations occur, the University will seek to honor the request whenever possible without impeding the University's ability to enhance the safety and security of the complainant and the University community. The University may initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations, and/or whether or not a respondent poses a risk of harm to others. The Title IX Coordinator 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. 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 the Title IX Coordinator will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and (2) initiating a formal investigation.

Informal Resolution

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

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

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The University, in consultation with SECO, must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it

precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.

- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties 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. the Title IX Coordinator 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, the Title IX Coordinator 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 08.01.01 and Tarleton Rule 08.01.01.T1, or, that an investigation will not occur due to the complainant's request for no resolution, the Title IX Coordinator may, after consultation with OGC:

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

The Title IX Coordinator 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.

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Once it has been determined that the University will proceed with a formal investigation, the Title IX Coordinator will appoint the Investigative Authority (IA) 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 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; and
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.
- the appointed IA; the appointed Designated Administrator (DA) and Appellate Authority (AA);

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.

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.

If the respondent is an employee, the Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that the Title IX Coordinator is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Tarleton Rule 08.01.01.T1, or other University rules, SAPs, codes, or policies.

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

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

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by TIXC;
- 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;

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- Attempting to influence the impartiality of the IA, AA, or DA prior to, and/or during the course of the investigation and resolution process;
- Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
- Failure to abide by the terms of University administered sanctions;
- Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
- Failure to cooperate fully with the IA (applies to employees only).

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

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

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

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

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).

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

Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. In all instances, the advisor's participation will be limited to the role of an observer, except that the advisor will conduct the cross examination during a hearing on allegations of sexual harassment and sex-based misconduct. An advisor can be barred from being present during the investigation and resolution process if, in the judgment of the IA, the DA, the AA, or the 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.

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

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

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

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

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

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

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

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

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

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

Circumstances may warrant extensions to the timeframes in this section. The IA should send an extension request, if needed, to AP/TIX. 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 Tarleton Rule 08.01.01.T1. If violation(s) are found, the DA may issue sanctions.

Written Request

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

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

The Title IX Coordinator 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 students.

The chancellor or designee will serve as the DA in complaints against the Tarleton President or an employee who reports directly to the Tarleton President; a Chief Operating Officer or an employee who reports directly to the Chief Operating Officer. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

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. The Rules of Evidence do not apply in hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

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

The DA will conduct a live hearing 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.

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

Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the 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.

If a complainant, respondent, or witness is not in attendance at a live hearing, the DA cannot rely on the

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previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. 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 result (hereafter called a "decision"), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent System Regulation 08.01.01 and/or Tarleton Rule 08.01.01.T1. 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 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. 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 Tarleton Rule 08.01.01.T1, 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, and/or stalking based on sex.

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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 AP/TIX or designee.

Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process under federal law.

Complaints will be processed under Title IX if all of the following apply:

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

However, at the discretion of the Title IX Coordinator or designee, 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, or designee, 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.

Procedures governing the resolution of all other civil rights complaints (allegations other than sexual harassment and sex-based misconduct)

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

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

The DA will develop a draft decision, based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and Tarleton Rule 08.01.01.T1. 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. 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.

Confidentiality

Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the complainant/victim regarding action by the University cannot be guaranteed, they will be protected to as great a degree as is legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the University's obligation to act upon the information to maintain a safe campus community and the right of the respondent to be informed about the charges against them. If the individual does not disclose any identifying information about the individual or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part of the University may be limited. Personally identifiable information about the complainant will be treated as private and only shared with persons with a specific need to know who are investigating the complaint or delivering resources or support services to the complainant. Publicly available recordkeeping, for purposes of Clery Act reporting and disclosures, will be made without inclusion of identifying information about the victim.

The complainant/victim of sexual assault, dating violence, domestic violence, and/or stalking is not required to file criminal charges or seek disciplinary actions through the University grievance or conduct process; however, physical and emotional support can still be obtained (see Student Counseling Services, <https://www.tarleton.edu/counseling/> or call (254) 968-9044). The Survivor Advocate, Licensed Counselors in the Student Counseling Service, or the helpline who receive reports are not required to, nor may they disclose an incident that in any way identifies the student concerned without the student's consent. Through the Employee Assistance Program (1-888-993-7650) free and confidential mental health counseling service is available to faculty, staff, and their benefits-eligible dependents who may be experiencing difficulties. However, if an imminent harm situation is present, the counselor must take action to protect whomever is at risk.

Confidential Reports to Campus Survivor Advocate

The availability of an advocate allows survivors to seek confidential support if they have been harmed. Housed within Student Counseling Services, this program allows survivors to seek confidential support if they have been harmed. Advocacy services have existed in the United States in some form since the 1970s. In the state of Texas, community-based advocacy programs are addressed in Chapter 420 of the Texas Government Code and are supported in part by Victims of Crime Act (VOCA) funding. These services can support victims in navigating complicated systems like the medical system and legal system in the aftermath of violence. In the community, a person who has been harmed may not know if they should seek medical care or what type of care they need, they may not know what type of legal support may be available or how to ask for it. On a college campus, a student who has been harmed may not know how to request a room change or class change if necessary for their safety, and they may not know what on-and-off campus options they have for filing a report. An advocate can help a survivor understand the options that are available to them, connect with medical and mental health care, and request campus accommodations on behalf of the survivor when necessary.

This new availability took effect on August 21, 2017.

You may contact your Survivor Advocate at 254-968-9044.

Sanctions and Protections from Retaliation

Available Sanctions

In all cases, investigations that result in a finding of responsible, in using the preponderance of the evidence standard (more likely than not that the alleged action took place in violation of the Student Code of Conduct or Tarleton Rule occurred) will lead to the initiation of disciplinary procedures against the accused individual. The sanctions applied will be in accordance with the **Model Sanctioning Matrix For Sexual Violence And Sexual Harassment Violations By Students In The Texas A&M University System**. University sanctions including one or more of the following may be imposed by the University upon individuals, groups or organizations. Sanctions for violations may be administered regardless of whether actions of the student are also civil or criminal violations. Whenever disciplinary action leads to the student leaving the University, grades will be assigned in accordance with the University grade policy and the academic calendar.

Sanctions for students may include but are not limited to:

- Conduct Probation
- Disciplinary Probation, and prohibit privileges
- Bar against readmission or drop from current enrollment and bar against readmission
- Required participation in specific educational programs *
- Restitution
- Suspension
- Expulsion
- Revocation of degree, denial of degree and/or withdrawal of diploma

For additional information concerning the **Model Sanctioning Matrix For Sexual Violence And Sexual Harassment Violations By Students in The Texas A&M University System** please visit:

<http://assets.system.tamus.edu/files/policy/pdf/08-01-01-Appendix.pdf>

The University may implement protective measures following the report of domestic violence, dating violence, sexual assault, and/or stalking which may include some or all of the following actions:

- Loss of privileges
- Imposition of certain tasks
- Probation, Suspension
- Changing of housing accommodations
- Academic restrictions

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Sexual assault, domestic violence, dating violence, and stalking are also criminal acts which also subject the respondent/suspect to criminal and/or civil penalties under federal and state law.

Employees who violate this system policy/regulation or Tarleton rule/procedure will be subject to discipline, up to and including termination of employment. Possible sanctions include:

- Warning – Written or Verbal, Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Reduction of Salary
- Transfer
- Suspension without Pay

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- Suspension with Pay
- Termination

Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and/or civil penalties under federal and state law.

The Title IX Coordinator or designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to:

- A University no contact directive
- Residence hall relocation
- Adjustment of course schedules
- A leave of absence
- Reassignment to a different supervisor or position

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute additional violations that may lead to disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the University.

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report and the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the victim's next of kin shall be treated as the alleged victim for purposes of this paragraph.

Retaliation

Retaliation is strictly prohibited by the University and is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity (subject to limitations imposed by the First Amendment and/or Academic Freedom). Retaliation against an individual for an allegation, for supporting a complainant or for assisting in providing information relevant to an allegation is a serious violation of University policy.

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Sex Offender Registration

In accordance with the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C 16921) and the Campus Sex Crimes Prevention Act of 2000 (CSCPA), which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Education Rights and Privacy Act of 1974 (FERPA), the UPD provides a link on its web page to the Texas Department of Public Safety Sex offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information is provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register with a State to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. In the State of Texas, convicted sex offenders must register with the local law enforcement authority in which the offender resides. This information is maintained by the Texas Department of Public Safety.

The Texas Department of Public Safety Sex Offender Registry is available via internet, pursuant to Section 62.005, Texas Penal Code. Registry information provided under this section shall be used for the administration of criminal justice, screening of current or prospective employees, volunteers, or otherwise for the protection of the public in general and children in particular. A list of all registered sex offenders in Texas is available from the Texas Department of Public Safety at:

<https://publicsite.dps.texas.gov/SexOffenderRegistry>

Note: To narrow search for Tarleton area on state data base, use Erath County or zip code 76402.

Additional Note: The Sex Offender Registration Electronic Link to Registered Sex Offender Information is maintained by an Outside Law Enforcement Agency.

<https://www.tarleton.edu/police/>

The CSCPA further amends (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Act of 2000 and the Sex Offender Registration Program, Chapter 62, Texas Penal Code, effective date September 1, 2005.



CHAPTER 3

ANNUAL FIRE SAFETY REPORT ON STUDENT HOUSING

2022 CAMPUS FIRE SAFETY RIGHT-TO-KNOW

This guide is published annually in compliance with section 485(i) of the Higher Education Opportunity Act, otherwise known as the Campus Fire Safety Right-to-Know Act. All currently registered students as well as employees are directly mailed (via U.S. Postal Service, interoffice campus mail, or email) a notice by October 1 of each year that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request to University Compliance.

An electronic version of the report is available at:

<https://www.tarleton.edu/police/reports-stats/clery-act/>.

Tarleton State University
Risk Management & Safety
Stephenville, TX 76402
Phone: 254-459-5458
Email: anikstaitis@tarleton.edu

EMERGENCY AND OTHER IMPORTANT INFORMATION

Reporting Fire Emergencies:

All campus phones - Police/Fire/Medical - 911

Off campus or cellular phones – 911

Fire Log Information/Location

The University Police Department (UPD), located at the intersection of N. Harbin Dr. and W. Frey St. at 895 N. Harbin Dr., Stephenville, Texas, 76402 maintains a fire log that records any fire that occurred in an on-campus student housing facility. This log includes the nature, date, time, and general location of the fire.

The Fire Log is available for review during normal business hours, Monday through Friday, 8:00 a.m. – 5:00 p.m. at the UPD.

Required Reporting to State Fire Marshal

There are additional reporting requirements for the University to the Texas State Fire Marshal. These reports are made by the Department of Risk Management and Safety upon occurrence of a non-intentional fire within campus property.

Classification of Arsons

The Clery Act requires institutions to disclose all arsons that occur in their Clery Act geography. This includes seemingly minor fires such as burning wastebaskets or bulletin boards, regardless of whether they are discovered while burning or after being extinguished.

All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations. Tarleton has chosen to designate the Sherry Thomson, Investigator or designee as this individual who can be contacted at 254-968-9001.

Fire Safety Definitions

(Source: United States Department of Education)

Arson: Arson is 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.

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person—

- (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) Dies within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of property damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

“On Campus” is defined as 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).

***“Dorms/Residential Facilities”** for students, located on campus, are considered to be a subset of the **“On Campus”** category.

“Non-Campus” is defined as 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” is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

On-Campus Student Housing Information

On-Campus Student Housing Facilities - Fire Safety Systems

The apartment listed below is protected minimally by a fire alarm system that reports to the University Control Center. The Control Center staff monitors the fire protection equipment 24 hours a day, seven days a week. Below is a summary of fire protection features provided in this single-unit apartment:

Fire Protection Features						
Facility	Fire Alarm Monitoring Done on Site (by Control Center)	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation / Fire Drills Planned for Each Year
Equine Center Apartment	X	NS	X	X	X	N/A
N/A = Not Applicable NS = No System X = Safety System in Place						

Fire Safety Education and Training

Basic fire safety instruction is provided to students during residence hall meetings at the beginning of each fall and spring semester. Residence hall staff members receive additional intensive and comprehensive fire safety training each fall. Fire Extinguisher training is offered to faculty, staff and student organizations upon request. Additionally, “Have an Exit Strategy” brochures supplied by the State Fire Marshal’s Office are provided to each incoming freshman and transfer student attending orientation in the summer to provide an increased awareness prior to moving into their residential facilities.

Building Emergency Management Program

The Building Emergency Management Coordinator program has been established to bridge the gap between the onset of an emergency and the arrival of professional responders. Currently, there are approximately 40 individual coordinators scattered throughout the academic buildings on campus. These individuals have received basic training aimed at providing initial mitigating actions at various emergency situations such as: fire response, medical emergencies, and severe weather sheltering to name a few. The program will move to the administrative and residential complexes next. The program is managed by the Environmental Health and Safety Department’s Coordinator for Emergency Management.

Public Access Defibrillator Program

Tarleton has installed external defibrillators (AEDs) located throughout campus buildings. Defibrillators are designed to provide a lifesaving electrical shock to victims needing cardiac defibrillation, and can be operated without any training or previous experience. For questions regarding AED and cardiopulmonary resuscitation (CPR) training opportunities please contact the Department of Environmental Health and Safety. Several UPD vehicles also carry the devices in order to provide a timely response. The Department of Environmental Health and Safety inspects and maintains each unit.

<https://map.tarleton.edu>

Lightning Prediction System

Tarleton maintains a lightning prediction system designed to provide a timely notification to athletic and intramural participants, maintenance staff and others. When conditions for a lightning strike exist, the system emits a siren, a strobe light is activated, and an alarm is provided to Tarleton's Control Center. The Control Center operator will provide additional notification to the UPD, Facilities Services, Athletics and other appropriate areas.

Fire Drills

Every student room has an emergency evacuation map installed on the inside of the front door of the room/suite to direct occupants to primary and secondary exits. Fire exit drills are conducted each fall and spring semester.

Student Housing Reporting and Evacuation Procedures

When a fire alarm sounds, a resident should:

- Check immediate area for any obvious indications of a fire or other cause for the alarm.
- Use common sense and do not panic.
- Knock on the doors of the rooms to the right and left when exiting the building.
- Begin an immediate and orderly evacuation through the closest stairwell and building exit doors. A resident should exit the building and wait for instructions or permission to reenter the building while standing at least thirty (30) feet away from the building.
- Never use an elevator.
- Take room keys.

No one is allowed to re-enter the building until designated University officials (i.e. UPD Officers and RMC staff) have authorized re-entry. (Note: Fire Department officials may declare the building to be safe; however, they cannot give permission to re-enter the building.)

Fire Safety Protocols

To minimize the potential of fires, Tarleton prohibits unauthorized open burning and the use of combustible decorations at all times within the residential facilities. Examples of open burning include, but not limited to: candles, incense, bonfires, campfires, barbecue grills, and their related accessories such as gasoline, propane, lighter fluid, charcoal, and pyrotechnics. All decorations and ornaments must consist of fire-resistant or non-combustible material. Decorations should not be attached to any fire protection equipment such as hose cabinets, smoke detectors, fire sprinkler heads or associated piping, fire alarm pull boxes, on or near exits or emergency lights, or exit signs. Decorative lights including holiday lights, as well as floodlights, extension cords, or electrically operated ornaments must be U.L. rated and approved for use.

Prohibited Items and Activities in a Residence Hall:

- Portable space heaters, barbeque grills, hibachis, smokers (gas, electric, charcoal), and related accessories including lighter fluids and lighters, and other similar type products (for cooking/warming purposes); candles, incense sticks, and related accessories; hot plates, slow cookers, deep fryers, electric skillets, electric woks, griddles, toaster ovens, rice cookers, convection ovens, fireworks, firecrackers, rockets, flares, sparklers, and other devices, or non-fire retardant artificial trees.
- Electrical appliances which are not in excellent working condition are not permitted in the residence halls. The Residence Life (RL) staff reserves the right to inspect all electrical items at any time to determine the safety of each appliance or item. Attached electrical cords must be free of all flaws and must be U.L. rated and approved for use. It is the student's responsibility to ensure that all permissible electrical items are in safe and operable condition. All electrical cords must be disconnected (unplugged) during school breaks and/or when University housing is officially closed.

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- Any of these appliances found during routine inspections must be removed immediately. Any second incidents will result in administrative and/or disciplinary action. Students should be aware items not included in the above list may also be prohibited. Students should check with their residential coordinator BEFORE bringing an unlisted item into University housing. The electrical systems in University residential facilities have definite limitations. Overloading these systems can present fire and safety hazards.
- Heavy-duty, single-outlet surge protectors no more than six (6) feet long are permissible; however, other types of extension cords (light duty; gang outlets, etc.) are not allowed. Any resident found to be exceeding the electrical capacity of their room/apartment will have restrictions placed on their use of the electrical system.
- Firearms and ammunition, since those obtaining a carry license generally must be 21, the great majority of Tarleton residential students will not be able to conceal carry. The University has established a policy for safe storage of handguns in residential facilities. Please see the below section "Possession and Storage of Handguns in On-Campus Housing Facilities" for more information.
- Knives, arrows, bows, paintball guns, air soft guns, sling shots, spear guns, or any other weapon(s) and ammunition are not allowed in University housing or anywhere else on University property; however, small pocket knives and table knives are allowed. Possession of such items is considered to be a serious infraction. Students who fail to uphold this standard are subject to administrative and/or disciplinary action which will include removal from University housing as well as referral to UPD for possible criminal prosecution.
- The possession and/or detonation of any explosive device, including all forms of fireworks, are strictly prohibited. Possession/use of such items is considered to be a serious infraction of the Student Code of Conduct and state law. Students who fail to uphold this code are subject to disciplinary action which may include removal from University housing as well as a referral to UPD for possible criminal prosecution.
- The lighting and burning of candles, incense, potpourri, cigarettes, electronic cigarettes or anything requiring an open flame is prohibited in any residential facility.

Administrative and/or Disciplinary Response for Violations

- Residents are expected to comply with these guidelines. Those who fail to do so will be subject to action by Residence Life (RL). This may include but is not limited to confiscation of unauthorized property, official administrative and/or disciplinary action, and/or referral to UPD.
- Any individual who fails to evacuate a building after a fire alarm has sounded may be subject to appropriate administrative and/or disciplinary action.
- Any individual who misuses or tampers with fire protection equipment (smoke detectors, pull stations, fire alarms, fire extinguishers or automatic door closers) may be subject to University administrative and/or disciplinary action in addition to being assessed a monetary charge for the cost of repair or replacement of misused or damaged equipment, cleaning of the facility, and damage to other property. In addition, tampering with fire protection equipment is a felony offense under state law and may be prosecuted as such.
- Any fires that were quickly extinguished or any evidence of recent fires must be reported immediately to a RL staff member, the University Control Center at 254-968-9265 or the UPD 254-918-1200 through the Stephenville Police dispatch. The University will document the incident as required and perform a follow-up investigation if necessary.
- Additional campus fire safety information can be found in the Fire Life Safety Manual at:

<https://www.tarleton.edu/safety/documents/chpt8FireandLifeSafety1109.pdf>

Possession and Storage of Handguns in On-Campus Housing Facilities

Tarleton State University policy prohibits students under the age of 18 to possess a handgun in on-campus student housing. Only licensed individuals 18 and over are permitted to carry a legally approved handgun on campus and in a residential facility. Any resident who is licensed to carry a handgun and chooses to bring the

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handgun into their residence hall room/apartment must store his/her handgun and ammunition in a combination or electronic locking steel safe when the handgun is not on or about their person.

Any resident of campus housing, who is a handgun license holder and wants to store a handgun in his/her room, must provide and properly install their own steel safe in accordance with the manufacturer's recommendations.

- The safe shall be designed and manufactured for the storage of a handgun.
- No safe may be permanently affixed to the housing facility.
- An additional locking cabinet will be provided at the resident's request for containing a reasonable sized safe.
- The University will not provide a primary storage device.
- The resident may not provide access to their safe to any other individual. This includes restricting room access as necessary.
- Residents are responsible for the actions of their guests, including family and friends.
- Tarleton considers any violation of state law regulating firearms to be a violation of University rules. Accordingly, such a violation is subject to disciplinary action through the University's student judicial process, which may include removal from campus housing.

Additionally, the handgun license holder must comply with Texas statutory law and Tarleton Rule 34.06.02.T1, Carrying Concealed Handguns on Campus at all times.

Fire Drill and Evacuation Procedures

Emergency evacuation drills are conducted. Residence Life staff members use the drills to both educate and remind the residents of the proper evacuation procedure and to survey the facility for any non-functional devices.

Fire Safety Inspection Program

Tarleton conducts several levels of fire and life safety inspections in all of the residence hall and apartment facilities.

Periodic Inspections

A representative from the Department of Risk Management and Safety inspects each building to identify potential deficiencies with emergency lighting, exit signs, corridor obstructions, electrical issues, etc. Depending on the deficiency identified, either Residence Life or the Facilities Maintenance Department will respond and correct the concern in a timely manner.

Pre-Occupancy Inspections

Prior to occupancy of residence halls each fall, spring, and summer semester, a more in-depth inspection is conducted. These inspections include all common areas, mechanical, electrical, and custodial areas within each building as well as exit paths outside of the facilities.

Post-Occupancy Inspections

After each spring semester unoccupied rooms are inspected by the RL staff to ensure any fire and life safety deficiencies are noted and corrected in a timely manner.

Random Room Inspections

A representative from the Department of Environmental Health and Safety performs random inspections of occupied rooms to evaluate the level of compliance to recognized Fire Code and Residential Guide to Community

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Living. The intent of these inspections is to increase the level of safety and safety awareness for all occupants of the residence halls. Advance notification of all inspections will be provided to hall staff. These inspections include the review of the following items:

- Electrical: Use of extension cords, outlet cover plates missing or damaged, electrical wiring frayed, damaged or crimped, multi adapter without breaker in use, prohibited/ unapproved appliances.
- Fire Alarm Equipment: smoke detector obstructed (min. 24” clearance), smoke detector damaged.
- Fire Sprinkler Equipment: storage within 18” of sprinkler head or other obstruction.
- Bunk Beds: being less than 30” from the ceiling, being of poor construction and/or being placed in an unsafe/unapproved location.
- Ignition Sources/Combustible Products: candles/incense being present in the room, flammable liquids in the room, combustible materials near electrical source, and excessive fire load in the room.
- Emergency Planning: absence of the evacuation plan on the back of the room door, window/door obstructed.
- Miscellaneous: poor housekeeping, floor/wall/ceiling penetrations, and the door closure missing/damaged.

Future Improvement Plans (All Campus Locations)

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY AND EMERGENCY NOTIFICATION			
DATE	BUILDING	SYSTEM TYPE	DESCRIPTION
2021 - 2023	Texan Hall	Detection and Alarm	System Upgrade
2023 - 2025	Autry Ag Building	Detection and Alarm	System Upgrade
2023 - 2025	Library	Detection and Alarm	System Upgrade
2023 - 2025	Student Center	Detection and Alarm	System Upgrade

Smoking and Tobacco Use

Tarleton-owned and leased housing (apartments, residence halls), and all indoor air space of University owned athletic facilities and outdoor public seating areas in athletic arenas are deemed smoke-free. Eating areas (dining halls, cafeterias, food courts, snack bars) are deemed smoke-free and tobacco-free. the use of all tobacco and electronic smoking devices will be banned on any property owned, operated or leased by the University, including locations in Fort Worth, Waco, Midlothian and Bryan. Note: Tobacco means all forms of tobacco products including but not limited to cigarettes, cigars, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff and chewing tobacco. This term includes any device that could be used to facilitate the smoking of a tobacco product. Cessation resources for students are available via Tarleton’s Student Health Services and Student Counseling Services. Faculty and staff can receive assistance from the University’s Revive Wellness program, through the Texas A&M University System Employee Assistance Plan or by calling 1-866-295-1212. Employees also may call Tarleton’s People & Culture at 254-968-9128. Tarleton *Rule 34.05.99.T1 Smoking and Tobacco Use* can be viewed at the following link:

https://www.tarleton.edu/policy/documents/34_05_99_T1.pdf

Texas Senate Bill 21, 2019-2020, 86 Legislature

Texas recently pass a new law relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products. Within this law, the State of Texas raised the legal age to purchase, possess, and the use of all tobacco products to the age of 21. This document can be viewed at the following link:

<https://legiscan.com/TX/text/SB21/2019>

Fire Report Contact Information

Per federal law, Tarleton is required to annually disclose statistical data on all fires that occur in an on-campus student housing facility. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which students are unsure whether the UPD may already be aware. If evidence is found of such a fire or if a student hears about such a fire, students should contact one of the following:

University Control Center
254-968-9265

Tarleton State University
Risk Management & Safety
Stephenville, TX 76402
Phone: 254-459-5458
Email: anikstaitis@tarleton.edu

APPENDIX A

CRIME STATISTICS

NOTE: The statistics captured within the following pages. show allegations of the offenses listed (including anonymous reports) that have been collected by the Tarleton Police Department for this report. These statistics do not represent the findings of any University police or judicial process. Reports are counted in the year in which they are reported, not the year in which they allegedly occurred.

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TARLETON STATE UNIVERSITY AGRICULTURE CENTER - STEPHENVILLE							
Offense (Reported by Hierarchy)	Year	On Campus*	Non- Campus	Public Property	Total	Residential Facilities **	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Rape	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Fondling	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Incest	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Robbery	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Burglary	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0

NOTE: These statistics capture reports of allegations of the offenses listed above (including anonymous reports) that have been collected by the Tarleton Police Department for this report. These statistics do not represent findings of any University police or judicial process. Reports are counted in the year in which they are reported, not the year in which they allegedly occurred.

* Campus locations include the Agriculture Center and the Dairy Center. These locations are now considered as a separated campus, with their own crime statistic charts, due to new guidance from the 2016 edition of the DOE Clery Handbook.

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

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TARLETON STATE UNIVERSITY AGRICULTURE CENTER CAMPUS - STEPHENVILLE							
Offense (Reported by Hierarchy)	Year	On Campus*	Non- Campus	Public Property	Total	Residential Facilities **	Unfounded Crimes
Liquor Law Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Drug Law Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0

TARLETON STATE UNIVERSITY AGRICULTURE CENTER CAMPUS - STEPHENVILLE							
Offense (Crimes Not Reported by Hierarchy)	Year	On Campus*	Non- Campus	Public Property	Total	Residential Facilities **	Unfounded Crimes
Arson	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Stalking	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0

HATE CRIMES:

No hate crimes were reported in 2020

No hate crimes were reported in 2021

No hate crimes were reported in 2022

** Campus locations include the Agriculture Center and the Dairy Center. These locations are now considered as a separated campus, with their own crime statistic charts, due to new guidance from the 2016 edition of the DOE Clery Handbook.*

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

APPENDIX B FIRE STATISTICS

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FIRE STATISTICS CALENDAR YEAR 2020									
Facility Name/Address *	Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Injuries Requiring Treatment at Medical Facility	Deaths Related to a Fire	Value of Property Damage Caused by Fire	Case Number
Equine Center Apart. 1570 CR 518	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cumulative Totals	0	N/A	N/A	N/A	N/A	0	0	\$0	N/A

*Residence Halls located on Stephenville Main Campus and Agriculture Center only.

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FIRE STATISTICS CALENDAR YEAR 2021

Facility Name/Address *	Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Injuries Requiring Treatment at Medical Facility	Deaths Related to a Fire	Value of Property Damage Caused by Fire	Case Number
Equine Center Apart. 1570 CR 518	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cumulative Totals	0	N/A	N/A	N/A	N/A	N/A	N/A	\$0	N/A

*Residence Halls located on Stephenville Main Campus and Agriculture Center only.

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FIRE STATISTICS CALENDAR YEAR 2022

Facility Name/Address *	Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Injuries Requiring Treatment at Medical Facility	Deaths Related to a Fire	Value of Property Damage Caused by Fire	Case Number
Equine Center Apart. 1570 CR 518	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cumulative Totals	1	N/A	N/A	N/A	N/A	N/A	N/A	\$0	N/A

*Residence Halls located on Stephenville Main Campus and Agriculture Center only.