

MIDWESTERN STATE UNIVERSITY

A member of the Texas Tech University System



2024 Annual Security and Fire Safety Report for Main Campus and Study Abroad - London

(For the 2024-2025 academic year, containing crime statistics for the calendar years 2023, 2022, 2021)

3410 Taft Boulevard, Wichita Falls, Texas 76308

<http://www.msutexas.edu>

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Clery Act

Choosing a college is a major decision and should not be taken lightly. Midwestern State University prepares the Annual Security and Fire Safety Report (ASFSR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act more commonly known as the Clery Act. Information and statistics contained within this report are from information provided by the MSU Texas Police Department and other law enforcement agencies, Office of Student Conduct, Title IX, and other University officials and departments. MSU Texas Police Department compiles and reports this information.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a consumer protection law. The law requires all colleges and universities that receive federal funding to share information about certain crimes that occur on and around campus, as well as institutional efforts to improve campus safety. This information is made publicly accessible through the University's Annual Security Report.

Clery Act regulations require colleges and universities to do the following:

- Publish an annual report by October 1st containing three years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms.
- Note: The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have significant responsibility for student and campus activities.
- Provide "timely warning" notices of crimes that have occurred and pose an ongoing threat to the safety of students and employees.
- Issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- Disclose in a public crime log all crimes and alleged crimes that occurred on campus or within the patrol jurisdiction of campus police reported to the campus police.
- Disclose missing student notification procedures pertaining to students residing in any on-campus student housing facilities.
- Maintain in a public fire log, a record of any fire that occurred in an on-campus student housing facility.
- Submit collected crime and fire statistics to the U.S. Department of Education.

Midwestern State University's ASFSR is distributed electronically to all current faculty, staff, and students via email and through MSU Alert. ASFSR is made available online to all prospective students and employees via the Admissions website and the Human Resources page.

Copies of the ASFSR may be obtained in person from the MSU Texas Police Department during normal business hours, 8:00 A.M. - 5:00 P.M., Monday through Friday. Additionally, the ASFSR can be found online at the MSU Texas Police Department website under Clery Resources/ Crime Alerts here: Annual Security and Fire Safety Report.

University History

Since its founding in 1922, Midwestern State University has grown from a local junior college to a regional state university serving a wide and varied public.

Created in 1922 as Wichita Falls Junior College, the second municipal junior college in Texas, its earliest home was in Wichita Falls High School with which it shared both the building and faculty. Later, a legislative act and a vote of the people of Wichita Falls set up a separate tax district to support the junior college.

In 1937, the college acquired a new, forty-acre campus of its own on the south side of town. Rising above pastures and wheat fields was the recently finished Hardin Building, an impressive Spanish colonial structure which was presided over by a lofty bell tower. Also in that year the college was renamed Hardin Junior College in honor of Mr. and Mrs. John G. Hardin.

During World War II, the establishment of Sheppard Field, later renamed Sheppard Air Force Base, added to the college's public. Since that time, air base personnel and their families have been continuing participants in the campus academic programs.

The post-World War II years brought more change in the school's mission and in its name. In 1946, the senior college division was added and accordingly the name was altered to Hardin College. In January 1950, the name changed to Midwestern University, the junior college division remaining Hardin Junior College. Wider recognition came to the school and in March 1948, the University became a member of the Association of Colleges and Secondary Schools. In January 1959, the University added a Graduate School which received full approval from the State Board of Education in August of that year. A further change in the school's status came September 1, 1961 when, by action of the 56th Legislature of the State of Texas, Midwestern University became part of the Texas Colleges and Universities System and the junior college division was dissolved. In 1975, the Texas Legislature changed the name to Midwestern State University.

MSU Texas became the fifth member institution of the TTU System in September 2021, a testament to the growth and exceptional reputation of the university throughout the state. In 2022, MSU Texas commemorates 100 years since its inception. With the theme "Spirit Always Bold," the centennial year honors the rich history of the university, celebrates its vibrant present and envisions an exciting future for MSU Texas.

From its beginnings as a municipal junior college housed in a high school building, Midwestern has become a state university whose campus of 255 acres and 70 buildings offers a wide variety of academic programs in liberal and fine arts, mathematics, sciences, business, and applied sciences.

Midwestern State University is the only university in Texas to become a member of the Council of Public Liberal Arts Colleges (COPLAC). The Council champions the cause of liberal arts education of superior quality in the public sector.

Midwestern State University current enrollment is approximately 6,000 students, over 5,000 of whom are undergraduates. There are more than 100 student organizations on the campus: 14 nationally affiliated fraternities and sororities. Midwestern offers 43 Undergraduate programs and 24 Graduate programs to its students. Midwestern State University is accredited to award associate, baccalaureate, and master's degrees by:

**Commission on Colleges of the Southern
Association of Colleges and Schools**

1866 Southern Lane
Decatur, Georgia 30033-4097
Phone: 404-679-4501

Campuses

Midwestern State University operates two separate campuses (defined by the Clery Act) in 2021. Those two campuses consist of:

Midwestern State University – Main Campus
3410 Taft Blvd.
Wichita Falls, Texas 76308

Midwestern State University – Study Abroad – London
Queen Mary University of London
Mile End Road
London, E14NS

Note: The London campus operates for approximately one month each year; usually during the summer II term.

All policy statements included in this report pertain to campus locations that operated in 2021, unless otherwise stated.

This report should be a valuable, informative tool. Please review the information on campus policies, procedures, reporting options, and resources, including the campus safety tips, carefully. Personal safety is the responsibility of all, and we need your assistance in helping maintain a safe campus environment. This report reviews important crime statistics specific to this campus with a breakdown of each Clery geographical location. The University encourages readers to read the information prior to the crime statistics, as this will give valuable information as it relates to the specific crimes and geography being reported.

Questions about this report should be directed to the MSU Texas Police Department at police@msutexas.edu or by calling 940-397-4239.



Campus & Community Resources

CAMPUS & COMMUNITY RESOURCES

POLICE and FIRE Emergency

Call 911 for Emergency

MSU Texas Police Department
6 Eureka Circle, Wichita Falls, Texas 76308

940-397-4239

Wichita Falls Police Department
610 Holliday St, Wichita Falls, TX 76301

940-720-5000

Wichita County Sheriff's Office
2815 Central Freeway East, Wichita Falls, TX 76302

940-766-8170

Wichita Falls Fire Department
1005 Bluff St., Wichita Falls, TX 76301

940-761-7901

HEALTH & MEDICAL

Midwestern State University Counseling Center

940-397-4618

United Regional Hospital
1600 11th Street, Wichita Falls, TX 76301

940-764-5050

Call-A-Nurse

940-764-8570

CAMPUS RESOURCES

Midwestern State University Title IX Coordinator

940-397-4213

Midwestern State University Dean of Students

940-397-7400

MSU Texas Office of Student Rights and Responsibilities

940-397-4525

MSU Texas Residence Life and Housing

940-397-4217

NATIONAL HOTLINES

Drug Abuse

800.662.HELP (4357)

Domestic Violence

800.799.SAFE (7233)

Suicide Prevention

800.273.TALK (8255)

Sexual Assault

800.656.HOPE (4673)

MSU Texas Police Department

The MSU Texas PD operates 24 hours a day, 365 days a year. The MSU Texas PD Station is located at 6 Eureka Circle, Wichita Falls, Texas. The University Police Department was established circa 1969 to provide police services for what was then known as Midwestern University.

The Midwestern State University Police Department is a full service police agency that engages in all facets of law enforcement. The Department provides around-the-clock police protection for students, faculty/staff and visitors. It also provides crime prevention seminars for numerous groups on campus.

The Midwestern State University Police Department is the primary agency for reporting and investigating criminal activity occurring on the Midwestern State University campus. Officers patrol the Wichita Falls campus 365 days a year. The police department provides immediate response to all police, fire and medical emergencies. Accidents involving automobiles and bicycles are also investigated. Where appropriate, criminal cases are forwarded to the Wichita County District Attorney's Office or the Wichita County Justice of the Peace Court for filing. Additionally, all criminal cases involving Midwestern State students are referred to the Office of Student Judicial Programs for review and possible disciplinary sanctions for violations of the Student Code of Conduct.

The Midwestern State University Police Department is staffed by a dedicated team of Texas state-licensed peace officers and telecommunications operators, as well civilian staff. All peace officers and telecommunicators regularly receive training to ensure compliance with licensing requirements.

Police Authority

Midwestern State Police Officers are duly sworn and licensed Texas Peace Officers and are commissioned by the Texas Tech University System Board of Regents pursuant to the Texas Education Code, Section 51.203, entitled "Campus Peace Officers". Each officer is armed and possesses full police powers, including powers of arrest, to enforce state and local laws, as well as University policies. The Department's primary area of responsibility for the provision of law enforcement services is the main campus located in Wichita Falls. The Department has jurisdiction in any county in which Midwestern State University owns, controls or leases property. The Department ensures that each officer complies with the training and standards set out by the Texas Commission on Law Enforcement (TCOLE). All officers receive the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment.

The President of Midwestern State University is authorized to provide law enforcement officers to assist other governmental entities, counties or municipalities in time of dire need. This is a mutual pact between Midwestern State University and the City of Wichita Falls. Midwestern State University Police Department for years has reported the University's crime index to the Federal Bureau of Investigation, NIBR Section, through the Texas Department of Public Safety. MSU Police Department files its own criminal cases with the District Attorney of Wichita County and constantly works with area law enforcement on criminal cases and to share information.

Police Department Mission Statement

The mission of the Midwestern State University Police Department is to support the mission of the University by providing a safe academic environment for persons and property of Midwestern State University. This will be accomplished through the detection and apprehension of criminals, the utilization of community oriented policing and crime prevention based programs in an attempt to improve the quality of life on campus and to reduce the fear of crime.

Inter-Agency Police Services and Assistance Agreements

Due to the sophisticated resources required to properly investigate certain crimes, specifically those involving organized crime, mass violence and terrorism, the Midwestern State University Police Department will arrange in certain circumstances for the assistance of outside law enforcement agencies such as the Wichita Falls Police Department, Wichita County Sheriff's Office, the Criminal District Attorney's Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, Federal Bureau of Investigations, United States Secret Service, Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as other local, state and federal agencies. The MSU Police Department maintains professional working relationships with each of the listed agencies, and routinely trains with other agencies to ensure a timely, efficient and effective response to all crimes occurring on campus. Additionally, Inter-Local Cooperation Agreements between the City of Wichita Falls and Wichita County provide a mechanism for cooperation in coping with emergencies when Midwestern State University is unable to provide the necessary resources.

The working relationships with other agencies, in addition to criminal investigation, includes coordinated efforts in providing law enforcement services during athletic events, events at the Wichita Falls Independent School District Stadium and other special events occurring off campus. Other agencies with which the University Police Department maintains close working relations include United Regional Medical Center Security, the Wichita Falls Rape Crisis Center – First Step, the Wichita County Youth Detention Center, Women's Protective Services and Children's Protective Services.

Midwestern State University Police learn of off-campus crimes from other local agencies when those agencies request assistance or when they pass on information that may be of mutual interest. Because the police department's primary jurisdictional response area does not extend to the premises of non-campus student organizations, its role in investigating such criminal activity is generally limited to information sharing, cooperation and coordination with other investigating agencies upon request. There are no written agreements or memorandums of understanding regarding the investigation of criminal incidents between MSU Texas and the local police department. MSU Texas Police generally investigate all criminal incidents that occur on campus and have the ability to request support from local, state or federal resources, if deemed necessary and appropriate.

Midwestern State University Title IX Office

Certain Clery-specific crimes are also considered to be Title IX violations and will be handled by the University as mandated under both statutory requirements.

What is Title IX?

The United States Code of Federal Regulations, Title IX states, “No person in the United States shall, on behalf of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” 20 USCA §1681.

MSU Texas is committed to providing its students, faculty, and staff with an education and workplace environment free from any form of unlawful discrimination. The MSU Texas community is dedicated to fostering and supporting a culture of mutual respect and communication.

Prohibited Conduct

Midwestern State University does not tolerate and prohibits discrimination or harassment of students based on, or related, to sex (including pregnancy, sexual orientation and gender identity), race, national origin, religion, age, disability, protected veteran status, or other protected categories, classes, or characteristics. Actions related to admission, discipline, housing, extracurricular and academic opportunities shall not be made based on a student’s protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed. Individuals who violate these policies and laws are subject to disciplinary action, up to, and including, expulsion. Examples of the types of discrimination that are strictly prohibited by MSU Texas include but are not limited to: sexual misconduct/harassment, the failure to provide equal opportunity in athletics, discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs, and discrimination based on pregnancy.

Where to Make a Report

You can report an incident of a Title IX, sexual misconduct/ harassment, or discrimination violation to Midwestern State University online using this form, or based on your status with the University, by directly contacting any of the following administrators or offices:

Laura Hetrick
Director and Coordinator of Title IX
Sunwatcher Village Office, Rm 106
(940) 397-4213
laura.hetrick@msutexas.edu
titleix@msutexas.edu

Deputy Title IX Coordinator for Students**Director of Residence Life**

Sunwatcher Village Clubhouse

(940) 397-4947

Deputy Director of Title IX - Employees**Director of Human Resources**

Hardin Administration Building 210

(940) 397-4221

MSU Police Department

(940) 397-4239

MSU Counseling Center

(940) 397-4618

Midwestern State University Dean of Students

The Division of Student Affairs creates an environment that fosters student development and success. Through high quality co-curricular and extra-curricular programs and services, the Division builds and promotes opportunities for student wellness, intellectual growth, civic responsibility, social engagement, and leadership with the goal of developing awareness of self and others. The Division of Student Affairs cultivates a nurturing and inclusive campus community through authentic relationships with students that enrich the collegiate experience in support of the educational mission of Midwestern State University.

More information about The Division of Student Affairs can be found at Dean of Students , <https://msutexas.edu/student-life/dean/>, or by calling (940)397-7400.

Midwestern State University Office of Student Rights and Responsibilities

The Office of Student Rights and Responsibilities is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSRR encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating alleged violations of the Code of Student Conduct in a fair and educational manner. The Office of Student Rights and Responsibilities administers the Code of Student Conduct, coordinates the University's Behavioral intervention Team, and serves as the initial contact for student traffic appeals.

You can visit the Office of Student Rights and Responsibilities website at <https://msutexas.edu/student-life/conduct/> or contact them at: (940) 397-4525 or dail.neely@msutexas.edu.

MSU Counseling Center

The mission of the Midwestern State University Counseling Center is to provide opportunities for students to know themselves as individuals, to form deeper relationships with their peers, and to increase their wellness. The staff of the MSU Counseling Center provides these opportunities through individual and group counseling services, consultation, and mental health educational programs focused on key student development issues and reflecting concern for holistic health and wellness. As providers of mental health services to the student population, the staff is guided by the highest professional and ethical standards of their professions. Our personal, academic, and career counseling services are directed towards enhancing the skills which students bring with them to MSU and encouraging the development of skills which will increase their success both at MSU and beyond.

Counseling Center services are available in face to face sessions and through tele-counseling. Counseling services are available for any enrolled student on campus or any enrolled student living within the state of Texas. Referral services are available for students living outside the state of Texas. Call 940-397-4618 to schedule an appointment.

Students can visit the MSU Counseling Center website at <http://msutexas.edu/student-life/counseling/>

The center is located at the corner of Hampstead and Louis J. Rodriguez Drive. Hours are 8:00 am to 5 PM Monday through Friday, closing each day noon until 1:00 for lunch. Crisis appointments are available by calling the main number and following the prompts about the crisis counselor. 940-397-4618



Policies on Crime and Reporting

Reporting Crimes

All students, faculty, staff, and visitors are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University's Clery geography to the MSU Texas Police Department or applicable law enforcement agency in an accurate, prompt, and timely manner, including times when the victim of a crime elects not to, or is unable to make a report. Accurate and prompt reporting ensures efficient response to incidents of crime and helps to preserve important evidence needed to ensure a successful investigation and prosecution of offenders.

In addition to law enforcement, students can report crimes and misconduct to Responsible Employees or Campus Security Authorities, the Dean of Students, Title IX Administrator, MSU Texas Office of Student Rights and Responsibilities, student counselors, or anyone within the MSU Texas Community who is in a position to assist you. Under Clery, a crime is reported when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or other third party or even offender, regardless if the individual is involved in the crime, reporting the crime, or is associated with the institution. Reporting to MSU Texas Police or any of the above allows the University to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure.

The following pages provide information on the various options for reporting crimes or emergencies and the ways each office may assist.

Options for Reporting

EMERGENCY

911

Dialing 911 from a landline phone while on the MSU Texas campus will place the caller in immediate contact with the MSU Texas Police Department dispatchers. The system automatically sends location identification so the dispatcher is able to dispatch an officer and other emergency personnel to the location.

ON-CAMPUS LANDLINE SENDS LOCATION AUTOMATICALLY

CELLPHONE DOES NOT SEND LOCATION AUTOMATICALLY

Non-Emergency

MSU Texas Police Department
940-397-4239

The MSU Texas Police Department is open 24 hours a day, seven days a week for walk-in reports.

Wichita Falls Police Department
940-720-5000

Reports can be made to an officer on patrol or via telephone.

Residence Life staff in residence halls

Students living in the residence halls may contact their resident assistant or hall director.

Campus Security Authorities
Campus Incident Report Form

If a student who resides in on-campus housing is missing, a report should be made to the MSU Texas Police Department or to a member of the Residence Life staff.

Anonymous or Confidential Reporting

Wichita Falls Crime Stoppers -
<https://www.wfcrime.com>

Email - info@wfcrime.com

Call in a Tip
940-761-7777

Reporting to MSU Texas Police

CRIMES IN PROGRESS, SERIOUS CRIMES AND INCIDENTS SHOULD BE REPORTED BY CALLING 911.

For nonemergency incidents, please call the Midwestern State University Police Department for assistance at 940-397-4239. If you are on campus, there are Blue Light Emergency Phones strategically placed around campus that connect the caller directly with MSU Texas Police. Concerns off campus, within the Wichita Falls city limits, should be reported to the Wichita Falls Police Department, 940-720-5000.

Reporting crimes and emergencies will generate a law enforcement response. Whenever possible, the survivor or witness of the crime should call directly to report the incident. Firsthand information is always preferred.

Any suspicious activity or person(s) seen in the parking lots or loitering around vehicles, buildings or around residence halls should immediately be reported to police. Accurate and prompt reporting ensures a law enforcement response. In addition to the importance of reporting, timely information assists responders in developing warnings for the university community. Officers will respond without delay to all calls for police service. Emergency calls will take precedence, but calls will be answered as soon as possible.

Remember cellphones do not automatically register a caller's identity and exact location information in the 911 system. When calling 911 from a cellphone, tell the dispatcher where you are calling from, the phone number you are calling from or another number where you may be reached. Cellphone 911 calls may be directed to the MSU Texas Police Department, the Wichita Falls Police Department, or the Wichita County Sheriff's Office.

Consider programming your phone with the MSU Texas Police Department number for general, non-emergency use: 940-397-4239. When calling to report a crime or incident, please be ready to give as much as you can of the following information:

- A brief description of the occurrence.
- When and where the incident occurred.
- If there were any weapons involved

Citizens can submit crime tips by phone, email, website, or through the P3 Intel APP that can be found on the Wichita Falls Crime Stopper website.

Students wishing to report information confidentially should contact the University Counseling Center.

- Where and when the suspect(s) was last seen.
- A description of the suspect(s) (including gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars, etc.).
- Any other relevant information.

The MSU Safety App

A free, downloadable, app for your Android or Apple device, developed specifically for MSU Texas, the dashboard of which is monitored constantly by the Police Communications Office. Through this app, you can locate contact information for various campus and community resources, submit a crime tip, access useful information in an emergency, and even communicate with MSU Texas Police in real-time. This app is free to download.



[Safety App Apple Download](#)

[Safety App Google Play Store Download](#)

Campus Security Authorities

A Campus Security Authority (CSA) is a Clery specific term encompassing four groups of individuals and organizations associated with an institution. These four groups are defined by the Clery Act as:

- Group #1: A campus police department or a campus security department of an institution. All individuals who work for the campus police department are CSA's.
- Group #2: Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property). Access monitors, contract security officer, event security officers, staff who provide safety escorts on campus (professional and student staff) are CSA's.
- Group #3: Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Group #4: An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

An official is defined by Clery as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Throughout the year, Campus Security Authorities report Clery Act reportable crimes via an online report, the Clery Incident Report Form. Each of these reports is reviewed by Clery staff within the MSU Texas Police Department to confirm it meets the requirements under the Clery Act.

In most cases, it is possible for a CSA to fulfill his or her reporting responsibilities and maintain victim confidentiality. CSA reports are used by the institution to compile statistics for Clery Act reporting. CSA reports also help determine if there is a serious or ongoing threat to the safety of the campus community requiring an alert (timely warning or emergency notification). The responsibilities of a CSA can usually be met without disclosing any personal identifying information.

Bear in mind that a CSA report does not automatically result in the initiation of a police or disciplinary investigation if the victim chooses not to pursue this action. While the University has identified a number of CSAs, we officially designate the departments listed below as a place where campus community members should report crimes for timely warning notices and statistical reporting purposes.

What Does a Campus Security Authority Do?

The function of a campus security authority is to collect crime report information. CSAs are responsible for reporting allegations of Clery Act crimes reported to them in their capacity as a CSA. This means CSAs are not responsible for investigating or reporting incidents they overhear students talking about in a hallway conversation; a classmate or student mentions during an in-class discussion; a victim mentions during a speech, workshop, or any other form of group presentation; or the CSA otherwise learns about in an indirect manner.

What Does a Campus Security Authority Not Do?

A campus security authority is not responsible for determining authoritatively whether a crime took place. A campus security authority should not try to apprehend the alleged perpetrator of the crime. It is also not a CSA's responsibility to try to convince a victim to contact law enforcement if the victim chooses not to do so.

A Campus Security Authority is required to report sufficient details, such as dates and times of the incidents, the location, a detailed description of what they were told about the incident, and, where appropriate, personal identifying information. Detailed information is important to aid law enforcement in addressing and categorizing the crime. Personal identifying information is important to avoid double counting crimes. If a victim does not want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Campus Security Authorities should report information immediately for consideration of a Timely Warning Notice. If a crime is reported to a CSA, but goes no further than that, the University will not have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus.

OFFICIAL CAMPUS SECURITY AUTHORITY OFFICES		
While the university has identified a number of CSAs, the following offices are officially designated as places where campus community members can report crimes.		
Office Name	Location	Phone Number
MSU Texas Police Department	6 Eureka Circle	940-397-4239
Human Resources	Hardin Administration Building, Room 210	940-397-4221
Dean of Students Office	Clark Student Center, Room 108	940-397-7400
Office of Student Rights and Responsibilities	Clark Student Center, Room 108	940-397-4525
MSU Texas Athletic Director	Hardin Administration Building, Room 210	940-397-4730
Director of Student Leadership and Involvement	Clark Student Center 194	940-397-3278
Director of Residence Life	Sunwatcher Village Room 121	940-397-4217
Any member of the Residence Life Staff, which includes all Student Assistants and Hall Directors		

Reporting to Title IX

You can report an incident of a Title IX sexual misconduct/harassment, or discrimination violation to Midwestern State University online using this form, or based on your status with the University, by directly contacting any of the following administrators or offices:

Title IX Director and Coordinator: Laura Hetrick

Sunwatcher Village Clubhouse
 940-397-4213
mlaura.hetrick@msutexas.edu
titleix@msutexas.edu

Deputy Title IX Coordinator - Students

Kristi Schulte
 Director of Residence Life
 Sunwatcher Village Room 121
 (940) 397-4217
kristi.schulte@msutexas.edu

Deputy Title IX Coordinator - Employees

Dawn Fisher
 Director of Human Resources
 Hardin 210
 (940) 397-4221
dawn.fisher@msutexas.edu

Reporting to Human Resources

As an employee, you may contact Human Resources for assistance by calling 940-397-4221 or visiting the office located at Hardin Administration Building Room 210.

Reporting to Student Rights and Responsibilities

The Office of Student Rights and Responsibilities is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSRR encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating alleged violations of the Code of Student Conduct in a fair and educational manner. The Office of Student Rights and Responsibilities meets with both undergraduate and graduate students to address potential violations of the Code of Student Conduct. To file a complaint visit <https://msutexas.edu/student-life/conduct/complaints.php>, or contact the office at 940-397-7500.

Responsible Employees

All employees (including student employees) who witness or receive information, in the course and scope of their employment, about sexual misconduct, sexual harassment, sexual assault, dating violence, domestic violence, and stalking that involve a current student or employee shall promptly report the incident to the University Title IX Coordinator or a Title IX Deputy Coordinator. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, as such terms are defined in MSU Policy 4.161.B, is a violation of state law that shall result in termination of employment and may result in criminal penalties. Employees have a duty to report all known details of the incident, including the name of the involved party(ies). Employees are also encouraged to report any incidents of public indecency, sex discrimination, or any other form of discrimination based on a protected class.

Confidential Reporting Options

Midwestern State University is committed to ensuring privacy during all stages of the reporting process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, offering confidential assistance and support.

A report of sexual misconduct must include all information concerning the incident known to the Reporting Party, including the involved parties names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality. If a student discloses an incident to a Campus Security Authority (CSA) or responsible employee with the condition of remaining anonymous, the CSA or responsible employee **must** still forward the Clery crime statistics and/or report the existence of a Title IX incident to the University, including the names of involved parties, and officials will review the requests for confidentiality. However, if the circumstances indicate there is a continuing threat to either the victim or the campus community, the responsible official will contact law enforcement to ensure campus community safety. In Title IX matters, law enforcement will not be contacted unless requested by the complaining party.

All reports of misconduct will be maintained with the highest possible level of privacy. The information, once referred, will remain private and will be shared only with those administrators who have a legitimate educational need to know in order to best assist and support the student. Once the appropriate administrators have been notified of the incident, the University will provide resources and support, promptly investigate, and equitably resolve the allegation according to established university procedures, unless the student requests that no action be taken.

Voluntary Confidential Reporting

A person may choose to make a report and request it remain confidential. Even if you do not want law enforcement or the University involved in the process, the university will work to comply with your request to keep your identity confidential, while also providing information to help ensure the future safety of the reporting person and the campus community.

An individual's request regarding the confidentiality of reports of sexual assault, harassment, stalking, and/or dating and domestic violence will be considered in determining an appropriate response; however, such request will be considered in the dual contexts of the university's legal obligation to ensure a working and learning environment free from sexual assault, harassment, stalking, and/or dating and domestic violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible. Using the information provided in the confidential report, the university can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community of potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

Confidential Reporting to Pastoral or Professional Counselors

Students may make confidential reports to Professional Counselors assigned to the Counseling Center. Professional Counselors in their capacity and function do not make identifiable reports of incidents unless the student specifically requests them to do so; however, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to MSU Texas PD or local law enforcement.

Amendments to 20 U.S.C. Section 1092(f) in 1998 clarified who is considered to be a campus security authority. Pastoral Counselor and Professional Counselor are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the official capacities as employees.

The pastoral or professional counselor exemption is intended to ensure these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are under a legal obligation to report a crime.

Counselors are defined as:

PASTORAL COUNSELOR	PROFESSIONAL COUNSELOR
<p>A pastoral counselor is an employee of an institution who is associated with a religious order or denomination, who is recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.</p> <p>Midwestern State University does not have pastoral counselors on staff.</p>	<p>A professional counselor is a campus employee whose official responsibilities include providing psychological counseling to members of the campus community and who is functioning within the scope of his or her license or certification.</p> <p>The only location on the MSU Texas Campus with confidential counselors is the MSU Counseling Center, which is located at the corner of Hampstead and Louis J. Rodriguez Dr. Licensed counselors are exempt from reporting requirements when they are acting in their official capacity as a counselor.</p>

Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, Midwestern State University encourages such counselors to tell victims about the confidential reporting process if, in their judgment, it is appropriate to discuss crime reporting with the victim.

Confidential Reporting

For individuals wishing the details of an incident be kept confidential, a person may speak with on-campus counselors, campus health service providers or victim advocates, off-campus rape crisis resources, or off-campus members of the clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center are available to help students free of charge and can be seen on an emergency basis during normal business hours. Through a partnership with First Step, Inc. (1-800-658-2683), confidential advocates are also available to students and employees through appointments and on an emergency basis.

Counseling Center

Dr. Pam Midgett, Director (940) 397-4618

pam.midgett@msutexas.edu

Anonymous Reporting

The purpose of an anonymous report is to take steps to promote safety. In addition, MSU Texas can 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 crimes statistics for the institution.

Understanding Your Reporting Options

MSU Texas Police are responsible for responding to all crime or emergencies reported on campus property. The response will depend on how the report was made and to whom it was made. Certain reports, like a report made to a Campus Security Authority, will not automatically generate a police response.

Some instances of misconduct may also constitute a violation of state, federal, or local law. It is the student or employee's option to report misconduct to the University, local law enforcement, or both. Midwestern State University administrators are happy to assist in making a report to law enforcement and will even accompany the victim if requested. Reporting to the Midwestern State University Police Department can lead to an investigation, criminal charges and prosecution.

If a student or employee wishes to report to both the MSU Texas Police Department and the Office of Student Conduct/Title IX, an investigator from the University will coordinate with the MSU Texas Police Department so the student only has to give one statement. This would be scheduled as soon as possible.

Reports made to a CSA may generate a police report if the victim requests to talk to police and file a police report. Information submitted in the CSA report determines the University response. Some reports, such as a police report, will generate a police investigation and possible university investigation. Below are the response options consistent with the reporting method:

Police Response

MSU Texas Police are available 24 hours a day to take reports and answer questions. The MSU Texas Police Department is responsible for dispatching officers to calls for service. When a call is received reporting a crime or an emergency, the officer will initiate the required action by responding to the incident, requesting additional officers or additional services. All criminal reports are investigated by the responding officer. Officers will search for the suspect(s), collect available evidence, and file a report. Reports requiring additional investigation are forwarded to Police Supervisors and may be transferred to an investigator. Police reports may be shared with several university offices including the Office of Student Conduct, Dean of Students, Title IX, and other departments as necessary for review and referral for potential action under the Student Handbook, Employee Handbook, or other actions or services required based on the reported incident.

When responding to an emergency, officers will evaluate the situation and summon the appropriate resources. If assistance is required from the local police or fire departments, dispatchers will initiate all requests for assistance. If a sexual assault or other violent crime is reported, a variety of services including medical, counseling, and psychological assistance will be offered.

What Police Do

When MSU Texas Police respond to a criminal incident, they may:

- Take an initial statement from victims, witnesses, others involved
- Begin follow up interviews with all parties involved: survivors, witnesses, suspects, and others who may have been identified through initial statements
- Collect any available evidence

- Review video, if available
- Make an arrest or referral
- Complete a written report which is submitted to the District Attorney's Office and various university departments

Upon police arrival to an incident, if a victim is not ready to file a report for criminal charges, an informational report can be generated, and the officer will explain the process. A victim may meet with an officer at the police department, residence, or their place of choosing. A support person may accompany a victim when filing a police report.

University Response to Reports

A report for some instances may be made directly to the University and not involve law enforcement. Students are encouraged to speak with a CSA, faculty and staff, or University Housing Staff for assistance in filing a report. Whether or not they choose to file a report with law enforcement, the University will offer a variety of options for assistance and will work to address any factors that may have led to this crime.

A report to the University allows for the initiation of interim protective measures such as academic accommodations, changes to housing, and changes to class or work schedules. A victim may bring someone with them for support while making a report, to include a friend, roommate, or family member. If a report involving a Title IX violation is submitted to the university through a campus security authority, an employee, or the police, the university will begin its own independent investigation.

Reports to Campus Security Authorities

Under Clery, a crime is “reported when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or other third party or even offender, regardless if the individual is involved in the crime, reporting the crime, or is associated with the institution.”

If a campus security authority receives the crime information and believes it was provided in good faith, they should document it as a crime report. In “good faith” means there is a reasonable basis for believing the information is not simply a rumor or hearsay. That is, there is little or no reason to doubt the validity of the information. CSA’s are required to forward a Campus Security Authority Crime Report Form to the MSU Texas Police Department for allegations of Clery Act crimes that he or she concludes were made in good faith. The CSA Crime Report Form can be found online at [MSU Texas Police Department Clery Resources](#).

Campus Incident Reporting Forms

There are times when calling the police is not necessary or you chose not to involve law enforcement. Midwestern State University has several online reporting forms that can assist with a variety of needs. None of these forms will generate an immediate police response.

Campus Security Authority Crime Report Form –

(<https://msutexas.edu/police/assets/files/forms/online-csa-crime-report-form.pdf>)

Midwestern State University encourages reporting and the accurate collection of campus crime statistics to promote crime awareness and to enhance campus safety through reliable statistical records. The purpose of this report form is to provide a uniform procedure for documenting the (What, When, Where) of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred within one of the four reporting locations and which have been reported to a Campus Security Authority (CSA) other than the MSU Texas Police Department. Data collected on this form is used to increase public safety, not to identify the victim; therefore, no personal identifying information shall be included on this form. All cooperating victims who do not wish to remain anonymous should be directed to the MSU Texas Police Department or the law enforcement agency having jurisdiction where the crime occurred.

Title IX/ Sexual Misconduct Online Report Form –

(https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6)

This form should be used to report concerns pertaining to possible violations of Midwestern State University Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX policy such as gender based discrimination, dating violence, domestic violence, hostile environment, sexual assault, nonconsensual sexual contact, sexual exploitation, sexual harassment, stalking, retaliation, or other forms of sexual misconduct.

Office of Student Rights & Responsibilities Online Reporting Form –

(https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=0)

This form allows students to report incidents involving university code violations, housing issues, threatening behavior, harassment, bias and hate incidents, and other incidents of concern.

Campus Safety



Midwestern State University is committed to maintaining a safe, healthy, and educational environment for all students, employees and visitors to the campus community. The success of individuals and the university does not rest solely on MSU Texas Police, but depends on our commitments to looking out for others. What we do, or fail to do, affects our own safety and the safety of others. The university has certain policies to establish and maintain the safety and well-being of its students, employees and the campus community. Violators of those policies risk disciplinary actions from Midwestern State University as well as prosecution by federal, state and local law enforcement agencies. MSU Texas Police deter criminal opportunities by educating the university community. This education encourages students, faculty and staff to be responsible for both their own safety and the safety of others. Throughout the academic year, various departments on campus provide additional prevention education and awareness programs on sexual assault, domestic violence, dating violence, stalking, drug and alcohol awareness, and maintaining a healthy lifestyle.

Security, Access, and Maintenance to Campus Facilities

Most University facilities are open to the public during the day and some during evening hours when classes are in session. However, building access and security is an important aspect of providing security to all students, faculty, staff and visitors. MSU Texas has a number of building access and security policies in place. During the times the university is officially closed, buildings are generally locked and only faculty, staff and some students with proper ID are permitted access. The campus “access control” system provides electronic access to some campus buildings and labs. The system is monitored by the University Student Services. Selected campus academic buildings, and all non-apartment style residence halls are equipped with card key access and door alarms that report to the MSU Texas Police, University Student Services, and Residence Life. In addition, many offices, labs, computer rooms and other secure areas have alarm systems. MSU Texas Police regularly patrol the campus (including academic and administrative buildings) and address security concerns. Residential facilities are only accessible to building residents and their authorized guests and visitors. Residents are helpful if they avoid allowing unknown individuals access to the residential buildings. Residence Life staff monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Maintenance of Campus Facilities

Midwestern State University facilities and landscaping are maintained in a manner to minimize unsafe conditions. MSU Texas Police regularly patrol the campus and report malfunctioning lights and other unsafe conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management through an online service reporting process. The campus’ overall safety and security program is supplemented by a variety of technological systems including access control, security cameras, emergency phones, and fire detection, suppression, and reporting systems.

Responsibilities of the Midwestern State University Community for Their Own Personal Safety and Security and the Safety and Security of Others

Members of the Midwestern State University community should assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance:

- Report all suspicious activity to MSU Texas Police immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and use caution at social functions.
- Remember to call for help at the first sign of trouble.
- Carry only small amounts of cash, or the amount of cash required.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles.
- Do not leave valuables in your car, especially if they are visible. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room. Be certain to lock your door when you sleep. Keep windows closed and locked when you are not at home.
- Do not prop open interior or exterior doors to buildings or residence halls.
- Engrave serial numbers or owner's recognized numbers, on items of value.
- Inventory your personal property and insure it with personal insurance coverage.

On-Campus Student Housing Safety and Security

Approximately 1,800 students live on campus within 6 residence halls during the academic school year. The safety of these residents is of utmost importance to the university. This section provides information on safety, security, policies, and systems that are in place to maintain the safety of the residents.

University Student Housing Staff

To ensure the health, safety and security of the residents, residence halls are staffed by the Residence Life Director, Residence Hall Directors, and Student Assistants when halls are in operation.. The Residence Hall Directors oversee the day-to-day operations of the building. The Student Assistants are typically undergraduate students who have accepted the responsibility of ensuring the health, safety and security of the students residing in on-campus housing.

Housing staff members provide education and selfless service to students through programs on topics including stress management, anger management, time management, alcohol and drug awareness, crime prevention and gender-based violence. Many of the programs are presented in partnership with other departments on campus.

Residents living in housing are encouraged to seek assistance from their hall staff. Staff members have been trained to be a resource for students and to assist them with any situation that may

arise. Housing staff members have a great working relationship with the offices on campus and can refer students who may require additional assistance. All housing staff can assist with filing a police report or reporting incidents to the university without police assistance.

University Student Housing provides several programs and services to maximize safety measures used in the residence halls. It is the responsibility of each member of the community and their guests to actively participate and observe safety protocols. This can be accomplished by being aware of your surroundings, reporting mischief or suspicious behavior, preventing the propping of doors, and not allowing students not invited to the residence hall to follow when entering access card doors.

Emergency Response and Evacuation Procedures

Midwestern State University recognizes that, at any time, an emergency can occur which may require that students, faculty and staff take steps to prevent the loss of life or the destruction of property. Such emergencies include natural disasters, weather related incidents, fire, chemical spills, medical incidents involving injuries or illness, civil disturbances, bomb threats and violent crime. MSU Texas also recognizes the particularly high cost of violent crimes and the disruptive effects that they have on our community.

MSU Texas maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions. University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

Each member of the Midwestern State community is encouraged to participate in safety exercises and to become familiar with recommended safety practices. When the University becomes aware of an emergency or dangerous situation, university officials will work together on events involving an immediate threat to the health or safety of students or employees (weather related, active shooter, HazMat spill, etc.) that may affect the university community, the Chief of Police and the VPSA will consult one another and make a determination as to the extent of the emergency.

Testing of the Emergency Preparedness/Response Plan

In accordance with Texas Education Code Section 51.217 and United States Public Law 110-315 Title IV, the Midwestern State University Emergency Management Coordinator schedules and executes at least one test of Midwestern State University's emergency response and evacuation procedures annually. The test may be announced or unannounced and will meet all of the following criteria: be scheduled; contain drills, exercises, follow-through activities; be designed for assessment and evaluation of emergency plans and capabilities

The tests are in the form of one of the following: a mandatory emergency drill, tabletop, functional, or full-scale exercise. The tests, at a minimum, include testing of procedures for immediate emergency notifications of threats. All tests conducted are followed up by an "after action review," the purpose of which is to determine which procedures we need to sustain and

how we need to refine or improve emergency response, evacuation and emergency notification procedures.

The current plan is tested in various areas across campus. Mass emails and text alerts are tested regularly, and drills are conducted periodically in the residence halls. In 2023 exercises and drills were conducted pertaining to fire alarms and building emergency planning.

The University tests the emergency notification system at least twice a year, but is usually tested at the beginning of each semester (including summer), by sending a test message to the University community via MSU Alert and email. These tests are evaluated for timeliness of message distribution and allows the campus community to make sure their information in the system is accurate.

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

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Emergency Reporting

Individuals can report emergencies occurring at Midwestern State University by calling (940) 397-4239.

In the event of an emergency, Midwestern State University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the Midwestern State University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors. Note: If there is a confirmed immediate threat to the health or safety of students or employees occurring on campus, MSU Texas must follow its emergency notification procedures. In following these procedures, MSU Texas is not required to issue a timely warning based on the same circumstances; however, MSU Texas must provide adequate follow-up information to the community as needed.

The MSU Texas Police Department is responsible for confirming emergencies, in conjunction with MSU Texas administrators, local first responders, and/or the National Weather Service, which may warrant the distribution of an emergency notification to the MSU Texas main campus.

The Director of International Studies, or designee, is responsible for confirming emergencies for the MSU Texas Study Abroad Campuses, in conjunction with local university administrators and local first responders, which may warrant the distribution of an emergency notification to the MSU Study Abroad Campus.

The North Central Texas College (NCTC) Police Department, is responsible for confirming emergencies for the MSU Texas Flower Mound Student Learning Center, in conjunction with the

Director of the MSU Texas Flower Mound Student Learning Center and local first responders, which may warrant the distribution of an emergency notification to the MSU Texas Flower Mound community.

Midwestern State University, MSU Study Abroad, and MSU Flower Mound will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the relevant communities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following officials have been designated the authority to authorize emergency notifications to provide alert, warning, and safety or protection instructions:

MSU Texas Main Campus:

- University President
- Vice President for Academic Affairs/Provost
- Vice President for Student Affairs (VPSA)
- MSU Chief of Police

MSU Study Abroad:

- Director of Global Education or Designee

MSU Flower Mound Student Learning Center:

- University President
- Vice President for Academic Affairs/Provost
- Vice President for Student Affairs
- MSU Chief of Police
- Director of MSU Flower Mound Student Learning Center
- NCTC Chief of Police
- Director of NCTC Emergency Management

These positions will be collectively referred to as “Responsible Authorities” for purposes of the Communication Procedures and Protocols. In reference to any of these positions, in the absence of the referenced individual, their designee will have the authority.

Notification will be made by using some or all of the following methods depending on the type of emergency: Mass Notification System (MNS) that contains capabilities for text message alerts and email notification. In addition, MSU Texas may also use the following methods of communication: public address systems (where available), fire alarm system, social media, local media, webpage and/or in person communication.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the MSU Texas website.

The departments and positions listed in the chart below will typically be responsible for developing the content and distributing the notifications as described.

MSU Texas Main Campus:

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending	Primary Message Sender	Backup Message Sender
PRIMARY					
MSU Alert email and text notification	Chief of Police or PD Designee	VPSA	Chief of Police, VPSA or PD Designee	On-duty PD Dispatcher or Dir. Marketing and Public Information or Designee	Dir. Marketing and Public Information or Designee
SECONDARY					
Public Address Systems	Chief of Police or PD Designee	NA	Chief of Police or PD Designee	Chief of Police or PD Designee	NA
Social Media,	Chief of Police or PD Designee	VPSA	Chief of Police, PD Designee or VPSA	Manager of Digital Marketing and Social Media	NA
Local Media, Webpage(s)	Dir. Marketing and Public Information	Chief of Police, PD Designee or VPSA	Dir. Marketing and Public Information or Chief of Police	Dir. Marketing and Public Information or Designee	NA

MSU Study Abroad:

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending	Primary Message Sender	Backup Message Sender
PRIMARY					
MSU Alert email and text notification	Chief of Police or PD Designee	VP SA	Chief of Police, VP SA or PD Designee	On-duty PD Dispatcher or Dir. Marketing and Public Information or Designee	Dir. Marketing and Public Information or Designee
SECONDARY					
Public Address Systems	NA	NA	NA	NA	NA
Social Media,	Director of International Studies	Director's Designee	Director of International Studies	Director of International Studies	Manager of Digital Marketing and Social Media or Designee
Local Media, Webpage(s)	Provost	Director of International Studies	Provost or Director of International Studies	Director of Marketing and Public Information or Designee	Manager of Digital Marketing and Social Media or Designee

MSU Flower Mound Student Learning Center:

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending	Primary Message Sender	Backup Message Sender
PRIMARY					
MSU Alert email and text notification	NCTC Emergency Management	Director of MSU Flower Mound	NCTC Chief of Police or Dir. Of MSU Flower Mound	NCTC Chief of Police or Dir. Of MSU Flower Mound	Director's Designee
SECONDARY					
Public Address	NCTC Emergency Management	Director of MSU Flower Mound	NCTC Chief of Police or Dir. of MSU Flower Mound	NCTC Chief of Police or Dir. of MSU Flower Mound	Director's Designee

MSU ALERT

MSU ALERT is an emergency notification system that gives Midwestern State University the ability to send urgent and emergency information quickly by a variety of electronic mediums, including text and email. By enrolling in MSU ALERT, subscribers will be able to receive urgent information from university officials. MSU ALERT is a free service to all MSU Texas students, faculty and staff.

Faculty, staff and students email addresses are automatically enrolled in MSU ALERT.

However, faculty, staff and students do need to go into their accounts and add their personal cell

phone number so they can receive emergency messages via text. Go to the MSU Texas Police Department Page: <https://msutexas.edu/msualert/index>. When listing your phone number, include area code and NO hyphens.

MSU ALERT is powered by AppArmor - a national mass notification solutions provider. Contact information you provide to the MSU ALERT service will only be used for delivering emergency information through AppArmor. AppArmor also has strict "Zero Spam" and usage policies to protect subscribers.

General Emergencies and Evacuation Procedures

Midwestern State University recognizes that, at any time, an emergency can occur which may require that students, faculty and staff take steps to prevent the loss of life or the destruction of property. Such emergencies include natural disasters, weather related incidents, fire, chemical spills, medical incidents involving injuries or illness, civil disturbances, bomb threats and violent crime. MSU Texas also recognizes the particularly high cost of violent crimes and the disruptive effects that they have on our community.

MSU Texas maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions. University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

Each member of the Midwestern State community is encouraged to participate in safety exercises and to become familiar with recommended safety practices. When the University becomes aware of an emergency or dangerous situation, university officials will work together on events involving an immediate threat to the health or safety of students or employees (weather related, active shooter, HazMat spill, etc.) that may affect the university community, the Chief of Police and the VPSA will consult one another and make a determination as to the extent of the emergency.

MSU Study Abroad and MSU Flower mound should follow the instructions of local authorities for emergencies and evacuation procedures.

Evacuation Procedures

If evacuation is necessary, the following procedures should be followed:

1. Be aware of all the marked exits from your area and building and refer to the emergency evacuation posters located near the elevators.
2. The evacuation order will be delivered by use of the MSU Alert system, the loud speaker system, the fire alarm system, or a combination of any or all of these methods. Every alarm should be treated as an emergency.
3. To activate the building alarm system, break or remove the protective cover on the fire alarm cover and pull the handle on one of the red boxes located in the hallway.
4. When the building evacuation alarm is sounded or when ordered to leave by University Police, walk quickly to the nearest marked exit and calmly ask others to do the same.

5. Assist the disabled in exiting the building, and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairwell and notify University Police of the location.
6. Emergency personnel may assist in evacuation of all building occupants.
7. Outside, proceed to a clear area that is at least 150 feet away from the affected building. Keep walkways clear for emergency vehicles.
8. To the best of your ability, and without re-entering the building, assist University Police in their attempt to determine that everyone has evacuated safely. Departments should pre-determine an assembly point to verify all occupants are safe.
9. A University Police Emergency Command Post will be set up near the emergency site. Keep clear of the command post unless you have important information to report.
10. Do not return to a building until University Police tell you to do so, even if the alarm has ceased.

Campus Evacuation

Evacuation of all or part of the campus will be announced by MSU Texas Police.

All persons (students, faculty, and staff) are to immediately vacate the site in question and relocate to another part of the campus or designated location as directed. When the MSU Alert system is activated, the message will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” concept. University authorities may instruct campus members to “shelter-in-place” if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an academic or administrative building, etc. You should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel.

How to Shelter-In-Place:

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where you are.
- If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
- Locate a ground level, interior room without windows, to shelter inside.
- Shut and lock, if possible, all windows and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems, as you are able.
- Make a list of people with you, and ask someone to call the list into the police to inform of your location

Off-campus Emergencies

The MSU Texas Police Department may receive emergency information from the Wichita Falls Police Department about incidents within the immediate vicinity of campus that could imminently impact the safety of Midwestern State University. When appropriate, MSU Texas Police notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Crime Prevention

The cooperation and involvement of all members of the university community is essential in promoting safety, and is sponsored by various campus departments throughout the year. Students, faculty, and staff must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. An individual's awareness of their surroundings is the best place to start. You should always report any suspicious individuals or vehicles any at campus or university property to the MSU Texas Police Department (940-397-4239) or by contacting your local law enforcement agency.

The University suggests the following crime prevention and personal safety tips, which can contribute to the safety and security of the university community.

PERSONAL SAFETY & CRIME PREVENTION TIPS

RESIDENCE HALL/ APARTMENTS	
PERSONAL PROPERTY <ul style="list-style-type: none">Record the serial numbers to your property and mark personal items with your name or some other traceable identification.Keep your credit cards, debit cards and important documents out of sight and secure.Leave items of high monetary value at home.Do not leave personal property unattended.Do not carry excess cash.Keep your purse, backpack close to your body. GENERAL INFORMATION <ul style="list-style-type: none">At night, travel in well-lighted areas and in pairs, when possible.Report incidents or suspicious activity or persons to police:	VEHICLES <ul style="list-style-type: none">Keep your room locked and keep your keys with you; do not loan them to others.Do not prop open exterior doors of residence halls.Do not attach your name and address to your keys.Do not let strangers enter the residence halls.If someone knocks on your door, find out who it is before you open the door.Never give out your personal information.Do not leave a message on your door concerning your whereabouts.Report any lost or stolen keys immediately.Lock your car.

<ol style="list-style-type: none"> 1. Call 911 2. MSU Texas Police: 940-397-4239 3. Wichita Falls PD: 940-720-5000 <ul style="list-style-type: none"> • Notify the police if you have a protective order issued against an individual listing Midwestern State University as a protected location. • Be aware of email scams; if it seems too good to be true, it probably is. 	<ul style="list-style-type: none"> • Keep your car keys with you at all times. • Do not leave valuable items in your car. • Do not park in isolated areas.
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Crime Prevention and Security Awareness Overview

Crime is a serious problem for which there are no easy answers or solutions. University campuses are not immune to crime; therefore, the prevention of crime is a top priority. All members of the Midwestern State University community are encouraged to take responsibility for his/her own safety, and when possible assist others with their safety needs. While the MSU Texas Police Department may offer advice and assistance, each individual has the primary responsibility for his/her own safety.

The MSU Texas Police Department supports a proactive crime prevention effort that works with members of the campus community to create a safe campus environment. Crime prevention and security awareness programs begin with freshman orientation. Topics of discussion include the Student Code of Conduct, academic dishonesty, civility, sexual harassment, sexual exploitation, substance abuse, alcohol and hate violence. Throughout the year, the MSU Texas Police Department gives presentations and workshops regarding personal safety, office & classroom safety, rape prevention, as well as vehicle and residential security and response to an active shooter.

During the 2022-2023 academic year, MSU Texas offered multiple crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year. The MSU Texas Police Department's efforts to educate the campus community about incidents of crime, the importance of reporting crimes, (especially sex related crimes and violent crime) and the prevention of crime is a "work-in-progress." Numerous employees of the University Police Department, Student Affairs, Student Judicial Programs, Housing and Residence Life, and the Dean of Students, are all active participants in this never ending effort. From freshman orientation to the graduation commencement years later, students are subjected to a continuous array of programs, designed to create a safer campus environment. Examples include: sexual assault awareness and prevention, alcohol safety awareness, hate crimes presentations, office and building security surveys, workplace violence prevention, and anti-theft programs, just to name a few.

Crime Prevention Educational Safety Programs

- **Blue Light Emergency Phones** - Blue phones have been placed in strategic locations throughout the Midwestern State University campus. When an emergency telephone is activated, the university police department will answer and immediately know the location from which the call is being placed.
- **Active Shooter Education** - The MSU Texas Police Department periodically presents public presentations designed to provide guidance on how to recognize and survive active shooter incidents. The police department has also incorporated the video “Run, Hide, Fight” by the City of Houston and the Department of Homeland Security.
- **Emergency Management Team** – Consisting of members of the university staff, this team is designed to respond to crises that can have a significant effect on the campus and Wichita Falls communities. The team will coordinate the University’s response to crises while paying special attention to the safety and security needs of members of the University community. The team will offer counseling, guidance, and appropriate support to students, their families, and University caregivers.
- **Fire Safety** – Midwestern State University has a proactive Fire/Life Safety Program developed and maintained by Risk Management and the Fire Marshal’s Office. This program is designed to ensure that all faculty, staff, students, and visitors to the campus are provided with at least the minimum required levels of protection, but often significantly higher levels. Most campus buildings (including residential apartments) are protected by fire sprinklers and smoke alarm systems. Student residents receive fire/life safety handouts at move-in and they are required to participate in fire safety drills.
- **Operation ID** - Property protection methods, including marking assistance, is available through the Midwestern State University Police Department.
- **Residence Hall Programs** – Housing and Residence Life in conjunction with other departments on campus offer many programs in the residence halls per year. The program topics include issues such as safety on campus, alcohol use and abuse, healthy relationships, drugs, violence in relationships, and personal management.

Safety-Related Services

- **Battery Jump Box Service** - The MSU Texas Police Department maintains several motor vehicle battery jump boxes, and will provide this service to anyone on campus upon request
- **Criminal Activity Notices**— Students and employees may be regularly provided with information regarding non-violent crimes that occur on the campus of Midwestern State University through *The Wichitan* and public safety notices.
- **Lock-Out Services** - The MSU Texas Police Department will provide vehicle unlock services upon request to anyone on campus who has locked themselves out of their motor vehicle. If a student locks themselves out of their dorm room or apartment, the student must contact Residence Life personnel.

- **Safety Lighting**— Lighting has been placed in strategic locations on campus. When individuals notice that exterior lights are not working they should report the location to the Department of Facilities Services at (940)397-4742
- **Security Escorts** – The MSU Texas Police Department will provide security escorts for students, faculty, staff or visitors upon request.

Campus Security Policies

Missing Persons Protocol

Every student residing in an on-campus housing facility (including assigned housing in the MSU Texas London study abroad programs) shall have the opportunity annually to identify a confidential contact person or persons whom the institution shall notify if the student is determined missing by the Midwestern State University Police Department or a local law enforcement agency.

Suspected missing students should be reported immediately to the Midwestern State University Police Department by calling 940-397-4239. For the London study abroad program, all missing persons should be reported to the Program Director.

If a student is reported as missing for 24 hours, the University Police Department and Residence Life personnel will initiate their Missing Persons Notification Procedures. University Police or Residence Life may initiate the procedures prior to the 24 hour requirement.

Resident students, regardless of age, are provided the opportunity to designate a confidential contact person or persons whom MSU Texas will notify strictly for missing person purposes, within 24 hours of a determination by Midwestern State University Police that a student is missing. At the London campus, the determination will be made by program staff in conjunction with local security services.

Students have the option to identify a confidential missing person contact upon completion of their annual housing application. Students who wish to change their contact must notify Residence Life via email. When students are informed of their option to provide a confidential contact, they are advised that their Missing Persons Contact information will be registered confidentially and will only be accessed by authorized Residence Life staff and campus law enforcement for the purpose of disclosure during a missing person investigation and that it may not be disclosed outside of a missing person investigation.

London students will complete the proper paperwork upon orientation.

Should a student decline to list a separate name, the person listed as the emergency contact will be notified in the event the student is reported missing.

In the event a student under 18 years of age and not emancipated, MSU Texas must notify a custodial parent or guardian within 24 hours of the determination that the student is missing,

in addition to notifying any additional contact person designated by the student. For all missing students, MSU Texas will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

If a university official reasonably determines there is justification to investigate the welfare or missing status of a student residing in on-campus housing, a report concerning their status will be filed with MSU Texas Police Department within 24 hours, unless MSU Texas Police Department was the entity that made the determination the student is missing.

Missing Person Procedures

Should the MSU Texas Police Department investigate and determine that a residential student is missing, and confidential contact information has been provided by the student, it will within twenty-four (24) hours of the determination, notify the confidential contact. If the student is under the age of 18 and is not an emancipated individual, MSU Texas Police Department will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, MSU Texas will inform the informing the local law enforcement agency that has jurisdiction in the area that the student is missing that the student is missing within 24 hours.

Students at the London campus will follow the same procedures, but the program staff and local security services will be the appropriate parties to make notification.

Individuals should report residential students who have been missing for more than 24 hours to any of the following:

Midwestern State University Police Department(940)397-4239
Vice President for Student Affairs(940)397-4291
Dean of Students(940)397-7500
Director of Student Rights and Responsibilities(940) 397-7500
Director of Residence Life(940)397-4217
Associate Director of Residence Life(940)397-4217

Responding to an Active Shooter Situation

Campus shooting incidents are unpredictable. A person's immediate response will depend upon the specific situation he or she is facing.

Actions to Take in an Active Shooter Situation

A person should exit the building immediately when he or she becomes aware of the incident and move away from the immediate path of danger. The following additional steps are recommended:

- Notify additional bystanders to immediately exit the area due to a shooter in the building.
- Call 911 and provide the following information to the dispatcher:
 - The exact location of the incident.
 - Number and description of shooters involved.
 - Number of persons involved (Victims/Hostages.)

- Physical description of known weapons or destructive devices.
- Injuries to anyone, if known.
- Exact location.
- Caller's name and call back phone number.
- If the caller cannot talk due to an imminent threat, leave the line open so that the dispatcher can hear what is happening and the call can be recorded.

If exiting the building is not possible, consider taking the following action:

- Go to the nearest room or office.
- Close and lock the door(s) and/or windows.
- Turn off the lights.
- Seek protective cover.
- Keep quiet and act as if no one is in the room.
- Do not answer the door.
- Coordinate with others and be prepared to fight if confronted by the shooter prior to the arrival of law enforcement.

Upon calling and providing the aforementioned information to the dispatcher, wait for police personnel to assist in exiting the building.

If not immediately impacted by the incident, take the following action:

- Stay away from the building;
- Notify anyone around to stay away from the building;
- Obey all verbal directions or commands given by police personnel
- Take protective cover, and stay away from all doors and windows.

Active Shooter Education

The MSU Texas Police Department periodically presents public presentations designed to provide guidance on how to recognize and survive active shooter incidents. The police department has also incorporated the video "Run, Hide, Fight" by the City of Houston and the Department of Homeland Security on the MSU Texas PD website: [Run.Hide.Fight](#)

NOTE: Police Officers from multiple agencies are likely to respond to incidents involving an active shooter. Remember that the police are there to isolate and stop the shooter first, and then will make every effort to ensure the wounded are evacuated and provided with medical treatment. In the event police are encountered while still inside of a building, or within an area being targeted by the shooter, a person may be treated as a suspect or a potential threat. The procedures a person may witness are not intended to further traumatize victims, but are instead performed to ensure no potential threats are overlooked and all potential threats are stopped. A bystander should immediately obey all verbal directions and commands given, and realize the police will make every effort to ensure bystanders' safety.

Sex Offender Registration

More than 50 years ago the State of California began requiring all dangerous sex offenders to register with their local law enforcement agency. This registration requirement gave local law enforcement the ability to keep track of convicted sex offenders who were in their community. (Note: In most instances, registration is a lifetime requirement.) In 1994 sex offender registration laws were broadly expanded throughout the United States and became known as Megan's Law, which was named after 7- year-old New Jersey girl (Megan Kanka) who was raped and murdered by a known child molester who had moved across the street from Megan's family without their knowledge. In the wake of Megan's murder, states across the nation enacted legislation to govern sex offender registration. The Texas Sex Offender Registration Program (Chapter 62 of the Code of Criminal Procedure) is a sex offender registration and public notification law designed to protect the public from sex offenders. This law requires adult and juvenile sex offenders to register with the local law enforcement authority of the city they reside in or, if the offender does not reside in a city, with the local law enforcement authority of the county they reside in. Registration involves the offender providing the local law enforcement authority with information that includes, but is not limited to, the offender's name and address, a color photograph, and the offense the offender was convicted of or adjudicated for. Registered sex offenders are required to periodically report to the local law enforcement authority to verify the accuracy of the registration information and to promptly report certain changes in the information as those changes occur. A sex offender who fails to comply with any registration requirement is subject to felony prosecution.

A registry of sexual offenders may be seen by going to the Texas Department of Public Safety web site, <https://records.txdps.state.tx.us/SexOffender>.

(HEOA) Notification to Victims of Crimes of Violence

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

Off Campus

Safety & Resources



The MSU Texas Police Department does not provide primary law enforcement services to off-campus residences or apartments. The MSU Texas Police Department works in partnership with the Wichita Falls Police Department, Wichita County Sheriff's Department, Wichita Falls Fire Department and local EMS. MSU Texas Police have direct radio communications with all of these agencies to facilitate rapid response in any emergency situation.

For assistance off campus students and employees should contact their local law enforcement or emergency services department. Below is contact information for the local first responder agencies that assist with student properties located off of the MSU Texas campus.

Wichita Falls Police Dept. 610 Holliday St. Wichita Falls, TX 76301 940-720-5000	Wichita County Sheriff's Department 2815 Central E. Fwy. Wichita Falls, TX 76302 940-766-8170	Wichita Falls Fire Dept. 1005 Bluff Street Wichita Falls, TX 76301 940-761-7901
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Off Campus Safety Considerations

Living off campus requires different considerations for safety:

- Make sure the locks have been changed since the previous tenants moved out.
- List only your first initial and last name on a mailbox.
- Leave lights on or put them on a timer when you are away for an extended time or plan to arrive home after dark.
- If your keys are lost or stolen, change your locks immediately.

When you find a new place to live, prior to moving in and signing a lease, be mindful of security and carefully inspecting your potential home keeping security in mind. Here are some questions to keep in mind:

- How safe is the neighborhood?
- Are there smoke detectors throughout the unit, especially near the bedroom area?
- Is there sufficient lighting indoors and outdoors?
- Is the landscaping maintained to keep windows, doors, and walkways visible and to eliminate hiding places?
- Are there quality locks with a deadbolt on doors, as well as locks on the windows?
- Does the route to walk to and from public transportation appear safe?

Off Campus Students and Student Organizations

Midwestern State University has officially recognized student organizations which have non-campus facilities. Most of those facilities are within the jurisdiction of the Wichita Falls Police Department and they respond to those locations when police services are required. The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Midwestern State University students and recognized student organizations, on and at non-campus locations. If Wichita Falls Police respond to a "non-campus" student organization property in response to a citizen complaint or police officer concern, the police may notify MSU Texas Police to provide support or assistance to one of those locations. However, the police do this out of a courtesy, and they are not

“required” to notify or involve MSU Texas Police when they respond to a call involving private property.

When there is a potential that a MSU Texas student is involved in an offense while off campus, MSU Texas Police Officers may assist with the investigation in cooperation with local, state or federal law enforcement. The Wichita Falls Police Department provides information about criminal activity at properties owned or controlled by registered student organizations to the MSU Texas Police Department. If the Police Department learns of criminal activity at off campus or Clery non-campus locations involving students or student organizations officially recognized by the institution, it will forward information about the situation to the Office of Student Rights and Responsibilities.

For purposes of reporting the data in the Annual Disclosure of Crime Statistics section of this report, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. Midwestern State University has no responsibility for security policies, procedures, or safety at these locations.

Campus and Community Notifications



Midwestern State University will provide timely warnings to the campus community about reported crimes in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes. The University works to provide information to students and employees about campus security procedures and encourages them to be responsible for their own security and the security of others. Students and employees are kept informed about crimes or emergencies occurring on campus or immediately adjacent to campus. In addition to this information, the MSU Texas Campus Community is given information on prevention strategies through a variety of non-emergency communications channels.

Daily Crime Log and Fire Log

One method of disseminating crime and safety information is the publication of the Daily Crime and Fire Log. MSU Texas Police Department maintains a daily crime and fire log of the last 60 days of reported incidents and is available for public inspection at the MSU Texas Police Department during normal business hours, or online at <https://msutexas.edu/police/clery-resources/index.php#crime-log>. The log includes offenses reported to the MSU Texas Police Department which occurred on campus, in or on a non-campus building or property, public property immediately adjacent and accessible to campus, or within the patrol jurisdiction of the police department. The log also contains information regarding fires that occurred within on campus residential facilities and contains the date the fire was reported, the nature of the fire, date and time of the fire, and the general location of the fire.

Timely Warning Notice Procedures

It is the policy of Midwestern State University to issue timely warning notices (also known as “Crime Alerts”) to its campus communities when certain crimes are reported within the MSU Clery Geography (On Campus, Public Property and Noncampus property), and which are assessed in the judgment of the MSU Texas Chief of Police, or designee, to represent an ongoing or serious threat to a campus community. Such warnings shall be provided in a timely manner to students and employees of a specific campus that may be threatened, in a way that withholds the names of victims as confidential, and that will aid in the prevention of similar crimes.

Crimes/Incidents assessed for purposes of timely warning dissemination:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger university community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the MSU Police Department and/or other law enforcement agency)
- Major incidents of arson
- Other crimes as deemed necessary by the Chief of Police, or his or her designee.

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- Major incidents of arson
- Other crimes as deemed necessary by the Chief of Police, or his or her designee

A timely warning notice will be distributed when it is assessed that a crime poses an ongoing or serious threat to members of an MSU community (this includes crimes that occur within the core campus boundaries - which includes on university owned or controlled property on campus and public property that is within or immediately adjacent to the campus - and in non-campus properties as defined by the Clery Act). An exception to this mandate is that a timely warning notice may be withheld if dissemination of the notice would risk compromising law enforcement efforts. Crimes will be assessed if they are reported to the MSU PD or location-specific designee, directly, indirectly (such as through a campus security authority), or by another law enforcement agency.

The first campus official (including university police officers) receiving notice of a crime listed above occurring on an MSU campus, or any other crime or incident which apparently poses a serious or ongoing threat to members of a MSU campus community, shall immediately notify the MSU Chief of Police, or his or her designee (the Chief's designee is normally the next highest- ranking officer of the Department). The Chief of Police or designee, in conjunction with the Vice President for Student Affairs (VPSA), will assess a report of a crime or serious incident and determine whether issuance of a timely warning notice is warranted. Factors taken into account for assessing whether a timely warning notice will be issued include:

- the nature of the crime,
- the continuing danger to the campus community, and
- the possible risk of compromising law enforcement efforts [should a timely warning notice be issued].

If the VPSA cannot be reached immediately, the Chief or designee will proceed with the assessment unilaterally. If a timely warning notice is deemed warranted, the Chief or designee will prepare the timely warning notice and forward it by email to the Director of Marketing and Public Information Office and he or she will cause the notice to be disseminated, via blast email, to all students and employees of the particular campus affected. If the Director of Marketing and Public Information Office is not immediately available, the Chief or designee shall disseminate the notice himself or herself, in the same manner (blast email to the affected campus).

Although not required by Federal Law, timely warning notices may also be distributed for crimes that occur at areas outside of the University's Clery Act geographic areas, if the crime is deemed to pose an ongoing threat to a campus community. The decision to issue a timely warning notice for an off campus crime will be made on a case by case basis depending on an assessment of various factors which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials and the potential direct effect on a campus community.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts*:

- Date and time or timeframe of the incident
- A brief description of the incident
- The general location of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s) when deemed appropriate and when there is sufficient detail (see below)
- Police/Public Safety contact information
- Other information as deemed appropriate by the Chief or his/her designee

**NOTE: The institution will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts. Specific details, such as the exact location, the specific date, etc. could be withheld if releasing that information may compromise law enforcement efforts (such as conducting an investigation, serving a warrant, or conducting an undercover operation, etc.).*

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual.

The Chief of Police or his designee, based on the uniqueness of a case, may also choose to disseminate the Crime Alert utilizing any or all of the following methods:

- The MSU Alert System
- Via email through the student and staff portals
- Via "X" (formerly Twitter) feed
- Via FaceBook

Timely warning notices are filed in the case jacket with the corresponding incident report. If the department does not maintain an incident report regarding the crime(s) that caused the timely warning, a copy of the Crime Alert will be maintained in Clery records, in the Police Chief's office.

The University does not generally issue timely warning notices if:

- The suspect(s) is apprehended and the threat of imminent danger for members of the campus community has been mitigated by the apprehension.
- The MSU PD was not notified of the crime in a manner that would allow the department to post a "timely" warning for the community. A general guideline will be that a report that is filed more than five days after the date of the alleged incident may not allow MSU PD to post a "timely" warning to the community. This type of situation will be evaluated on a case by case basis.
- The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Public Safety Advisories may be distributed for crimes (ex. a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the university community, but are to be clearly marked as "Public Safety Advisories" so as to distinguish them from Crime Alerts.

Location Specific Procedures

The Study Abroad – London Campus is in operation for approximately one month each year, usually during the month of July. During that month of operation, the Director of International Studies shall be responsible for ensuring MSU's compliance with the Clery Act, as it relates to the issuance of timely warning notices to MSU London students, for crimes occurring at the London campus. The Director shall perform all of the functions assigned to the Chief of Police in the preceding section including, but not limited to, consulting with the VPSA and the Chief of Police to assess the necessity of a timely warning notice, drafting the timely warning notice, and ensuring its timely email dissemination to the MSU Study Abroad – London campus community, by use of an email distribution list.

MSU Flower Mound Campus consists of a single facility located in Parker Square, Flower Mound, Texas. This facility is operated in conjunction with North Central Texas College (NCTC). Crimes and serious incidents occurring at the Flower Mound campus are assessed for timely warning notice issuance by the NCTC Police Department, which maintains a police presence at the facility.

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

ALCOHOL, ILLEGAL DRUGS, SUBSTANCE ABUSE AND WEAPONS



Policies Governing Alcohol, Drugs, and Weapons

Midwestern State University is committed to providing students, faculty and staff and visitors a safe and drug-free campus. As part of its commitment, MSU Texas annually notifies its students and employees about the components of the Midwestern State University Drug and Alcohol Abuse Prevention Program (DAPP). This document includes information about the standards of conduct, sanctions for violations of university policy, legal ramifications of drug and alcohol abuse, the health risks of alcohol and illicit drug use, and a summary of university prevention and education efforts.

The Division of Student Affairs office is responsible for implementation and oversight of the Drug and Alcohol Abuse Prevention Program for students at MSU Texas. The Department of Human Resources is responsible for the employee program. Midwestern State University has developed programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. These programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and college disciplinary actions.

Standards of Conduct

Midwestern State University prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on University property or as a part of any officially sponsored University activity. The Chief of Police has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws. Policies and procedures adopted by the Board of Regents and Midwestern State University relating to the standards of conduct expected of its students and employees in the area of illicit drugs and alcohol are provided in the Student Handbook and in the university's operating policies and procedures.

Drug and Alcohol Abuse Counseling Services

Trained personnel in the MSU Counseling Center are available to counsel university students who voluntarily seek assistance and have not been charged with violation of university policy.

University faculty and staff employees who wish to seek assistance or counseling may access these services through Blue Cross Blue Shield of Texas (1-800-252-8039). Faculty and staff employees may contact the Department of Human Resources if they need assistance in locating this services.

Health Risks of Alcohol and Drugs

Alcohol's Effects on the Body

Drinking too much – on a single occasion or over time – can take a serious toll on a person's health. Below is information about how alcohol can affect the human mind and body. Brain Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart

Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – stretching and drooping of heart muscle
- Arrhythmias – irregular heart beat
- Stroke
- High blood pressure

Immune System

Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Liver

Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including: Steatosis or fatty liver

- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

Pancreas

Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer

Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen.

The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer:

- Breast cancer. Epidemiologic studies have consistently found an increased risk of breast cancer with increasing alcohol intake. Pooled data from 118 individual studies indicates that light drinkers have a slightly increased (1.04-fold higher) risk of breast cancer, compared with nondrinkers. The risk increase is greater in moderate drinkers (1.23-fold higher) and heavy drinkers (1.6-fold higher). An analysis of prospective data for 88,000 women participating in two US cohort studies concluded that for women who have never smoked, light to moderate drinking was associated with a 1.13-fold increased risk of alcohol-related cancers (mostly breast cancer).

- Colorectal cancer. Moderate to heavy alcohol consumption is associated with 1.2- to 1.5-fold increased risks of cancers of the colon and rectum compared with no alcohol consumption.
- Esophageal cancer. Alcohol consumption at any level is associated with an increased risk of a type of esophageal cancer called esophageal squamous cell carcinoma. The risks, compared with no alcohol consumption, range from 1.3-fold higher for light drinking to nearly 5-fold higher for heavy drinking. In addition, people who inherit a deficiency in an enzyme that metabolizes alcohol have been found to have substantially increased risks of esophageal squamous cell carcinoma if they consume alcohol.
- Head and neck cancer. Moderate to heavy alcohol consumption is associated with higher risks of certain head and neck cancers. Moderate drinkers have 1.8-fold higher risks of oral cavity (excluding the lips) and pharynx (throat) cancers and 1.4-fold higher risks of larynx (voice box) cancers than non-drinkers, and heavy drinkers have 5-fold higher risks of oral cavity and pharynx cancers and 2.6-fold higher risks of larynx cancers. The risks of these cancers are substantially higher among persons who consume this amount of alcohol and also use tobacco.
- Liver cancer. Heavy alcohol consumption is associated with approximately 2-fold increased risks of two types of liver cancer (hepatocellular carcinoma and intrahepatic cholangiocarcinoma).

Sources: The National Institute on Alcohol Abuse and Alcoholism, National Cancer Institute

Drugs' Effects on the Body

All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. Below is information about how drugs can affect the human mind and body.

Narcotics (Fentanyl, Heroin, Hydromorphone, Methadone, Morphine, Opium, Oxycodone)

- Effects on the Mind: Narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs' abuse. Narcotic/opioid use comes with a variety of unwanted effects, including drowsiness, inability to concentrate, and apathy.
- Effects on the Body: Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily on the dose, how it's taken, and previous exposure to the drug. Negative effects include slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.

Simulants (Amphetamines, Cocaine, Khat, Methamphetamine)

- Effects on the Mind: When used as drugs of abuse and not under a doctor's supervision, stimulants are frequently taken to produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and "get high"

Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur. Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenidate, methamphetamine, cocaine, and methcathinone. Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a “crash.”

- Effects on the Body: Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken. Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.

Depressants (Barbiturates, Benzodiazepines, GHB, Rohypnol)

- Effects on the Mind: Depressants used therapeutically do what they are prescribed for: induce sleep, relieve anxiety and muscle spasms, and prevent seizures. They also cause amnesia, leaving no memory of events that occur while under the influence, reduce reaction time, impair mental functioning and judgment, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.
- Effects on the Body: Some depressants can relax the muscles. Unwanted physical effects include slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

Hallucinogens (Ecstasy/MDMA, Ketamine, LSD, Peyote & Mescaline, Psilocybin)

- Effects on the Mind: Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.
- Effects on the Body: Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

Marijuana/Cannabis

- **Effects on the Mind:** When marijuana is smoked, the tetrahydrocannabinol (THC) passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:
 - Dizziness, nausea, tachycardia, facial flushing, dry mouth, and tremor initially
 - Merriment, happiness, and even exhilaration at high doses
 - Disinhibition, relaxation, increased sociability, and talkativeness
 - Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch
 - Heightened imagination leading to a subjective sense of increased creativity
 - Time distortions
 - Illusions, delusions, and hallucinations are rare except at high doses
 - Impaired judgment, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in risk taking behavior
 - Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose
 - Increased appetite and short-term memory impairment are common
- **Effects on the Body:** Short-term physical effects from marijuana use may include sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as restlessness, irritability, sleep difficulties, and decreased appetite.

Steroids

- **Effects on the Mind:** Case studies and scientific research indicate that high doses of anabolic steroids may cause mood and behavioral effects. In some individuals, steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression (often referred to as “roid rage”). When users stop taking steroids, they may experience depression that may be severe enough

to lead one to commit suicide. Anabolic steroid use may also cause psychological dependence and addiction.

- **Effects on the Body:** A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver. Users who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the site of injection. Users may also develop endocarditis, a bacterial infection that causes a potentially fatal inflammation of the heart lining.

Inhalants

- **Effects on the Mind:** Inhalant abuse can cause damage to the parts of the brain that control thinking, moving, seeing, and hearing. Cognitive abnormalities can range from mild impairment to severe dementia.
- **Effects on the Body:** Inhaled chemicals are rapidly absorbed through the lungs into the bloodstream and quickly distributed to the brain and other organs. Nearly all inhalants produce effects similar to anesthetics, which slow down the body's function. The user can experience slight stimulation, feeling of less inhibition, or loss of consciousness. Within minutes of inhalation, the user experiences intoxication similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, users may feel drowsy for several hours and experience a lingering headache. Additional symptoms exhibited by long-term inhalant users include:
 - Weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, and damage to the nervous system and other organs
 - Some of the damaging effects to the body may be at least partially reversible when inhalant abuse is stopped; however, many of the effects from prolonged abuse are irreversible.
 - Prolonged sniffing of the highly concentrated chemicals solvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes. There is a common link between inhalant use and problems in school — failing grades, chronic absences, and general apathy.

- Paint or stains on body or clothing; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability

Source: Drugs of Abuse, US Department of Justice Drug Enforcement Administration Resource Guide, 2017 Edition

Drug and Alcohol Prevention and Education Programs

The university places considerable emphasis on prevention programs, teaching basic behavioral skills, increasing awareness of the dangers of high-risk behavior, and aiming to shift social norms and correct misperceptions about what substance safety risk behaviors students are actually engaging in. Following is a listing of relevant prevention and education initiatives.

In compliance with the Drug Free Schools and Communities Act, Midwestern State University publishes information regarding MSU Texas prevention programs related to drug and alcohol abuse prevention. The Drug and Alcohol Abuse Prevention Program (DAAPP) includes standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and Midwestern State University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for MSU Texas students and employees. A complete description of these topics, as provided in the Midwestern State University's annual notification to students and employees, is available online at:

<https://msutexas.edu/human-resources/index.php>.

AlcoholEdu, Office of the Dean of Students

AlcoholEdu is a 1.5 hour online training program required of all incoming MSU Texas undergraduates under the age of 25. Entering undergraduates 25 and older and graduate students are invited to complete the training, but not required. A required student is ineligible to register for the subsequent long semester courses until the training is complete. The training incorporates the latest evidence-based prevention methods to create a highly engaging user experience that inspires students to reflect on and consider changing their drinking habits in addition to providing strategies for staying safe while in college.

AlcoholEdu (Sanctions Module), Office of Student Rights and Responsibilities

AlcoholEdu for Sanctions is designed specifically to help students who have violated campus alcohol policies to make safer and healthier choices and to avoid experiencing alcohol related problems again. The course provides a strong educational foundation to support campus judicial programs and is an essential component of a comprehensive alcohol prevention initiative. The course re-emphasizes the skills and topics important for this particular group of students to reconsider, such as standard drink measurements, factors affecting blood alcohol content and how to identify and respond to alcohol poisoning. The goals for this course are to help educate students to make different drinking choices and reduce their participation in behaviors that will lead to additional sanctions.

Campus Safety Program at Orientation, Admissions & Student Leadership and Involvement

All new students at freshman and transfer orientation participate in a campus safety program that addresses alcohol and drug use among college students. The program is presented in a talk show or play format, followed by small group facilitated discussion led by returning student leaders.

College Connections, Tutoring and Academic Support Programs

College Connections is a first first-year seminars for new undergraduates. The curriculum includes a unit on wellness discussing the harmful effects of substance abuse. Students also receive a more intimate look at the resources on campus and in our local community relevant to wellness should they ever need to seek help. Instructors also build in reminders to complete the University's Think About It training program to help ensure students complete their modules on alcohol, drug, and sexual misconduct awareness.

Community Partners Program, Vinson Health Center

Multiple community resources address various aspects of health problems generated by behavioral issues. Our community partners program systematically coordinates the student health center with the City County Health Department. This has provided coordinated STI testing and tracking, free condom distribution, and on-campus presence of public health for STI screening on HIV/AIDS Awareness Day. We also coordinate education on STI's by providing continuing education credits to addiction professionals, juvenile justice workers, professional counselors, marriage and family counselors, and social workers. We have also established an expedited counseling, testing, and treatment program with the HIV Preventive Services Office, providing onsite, immediate services for patients with a positive HIV screening test.

Conduct Referrals, Residence Life and Housing

Residence Life and Housing makes multiple student conduct referrals on the basis of alleged alcohol or drug violations. In addition to following University conduct procedures in these instances, an educational approach helps connect students with supportive campus partners, such as the Counseling Center, as applicable.

Employee Health Insurance, Office of Human Resources

Benefits eligible staff and faculty enrolled in health insurance have access to health programs to support their mental, emotional, and physical well-being, which promotes the organizational health and effectiveness of the university community. Included with the employee health insurance program, tobacco and other drug cessation programs are available, including a Quitting Tobacco program and Staying Tobacco Free program. The University medical insurance provider, Blue Cross Blue Shield of Texas, offers other cessation programs and prescription drugs at no cost. Additionally, a 24/7 Mental Health Support Line (1.800.442.4093) is available through which members and eligible dependents can speak with a counselor about mental health or substance use issues at any time.

Housing Staff Training, University Police

The University Police Department trains Resident Assistants (RAs) and Hall Directors (HDs) for in Clery Law compliance, which includes response and reporting of alcohol and drug violations.

Internal Awareness and Intervention Program, Vinson Health Center

MSU provides discrete detection, prevention, and treatment to students at the Vinson Health Center. Every student is screened for emotional concerns, alcohol use, tobacco use, and substance use; positive answers are followed by motivational interviewing and treatment as indicated. We have developed an expedited STI screening process that is RN directed. The STI screening process involves interview, counseling, testing, and a sexual health product bag.

Monthly well woman classes provide accurate and practical knowledge regarding women's health, STI's, and gynecologic issues. We provided office space for a counselor from First Step in the clinic and coordinated private appointments for the counselor.

Marijuana 101, Office of Student Rights and Responsibilities

Marijuana 101 is an online course used for sanctioning pursuant to violations of the University drug policy. The course provides an exploration of a student's attitudes, behaviors, and risk levels related to marijuana use. The lessons provide an overview of marijuana's effects on the body, the laws related to marijuana, and how to reduce or stop marijuana use.

Mustangs Shuttle and MESA Bus Service, Office of the Dean of Students

The Mustangs Shuttle and MESA is a service provided by the City of Wichita Falls, which offers free shuttle rides to and from the university while classes are in session. The Mustangs Shuttle operates Monday-Thursday until 10pm, while the MESA operates Friday-Saturday until midnight.

New Member Institute, Student Leadership and Involvement

Each semester, all new members of Greek-letter organizations participate in a series of educational programs through the New Member Institute intended to educate new members about the responsibilities of fraternity and sorority life membership, and bring awareness to the important topics of alcohol, drugs, hazing, sexual misconduct, diversity/inclusion, and scholarship.

Outreach Presentations, Counseling Center

Programs are planned and presented on request by student organizations on topics including safe partying and substance abuse. Organizations which are members of the fraternity and sorority system at the University typically request a program annually.

Outreach/Education Program, Vinson Health Center

As health experts, we both provide and participate in educational opportunities beyond the clinic walls. These include education on STI's and on contraception provided each semester to senior nursing classes, sociology classes (human sexuality), and to incoming freshmen. Vinson Health Center staff have participated in educational activities to enhance understanding of the Clery Act, VAWA, Title IX, and hosted an in-service by the local SANE nurse program. Vinson Health Center staff has provided expertise on STI's and women's health to the combined sororities on campus, and has contributed to National Women's Day and other Campus Climate activities.

Psycho-Educational Substance Abuse Counseling, Counseling Center

Group therapy sessions centered on the issues of alcohol and drug use are available monthly and presented by a Licensed Chemical Dependency Counselor. Referrals to the sessions are made through the Counseling Center.

Residence Hall Programming, Residence Life and Housing

Residence Life staff focus programming through a traditional wellness model. Alcohol and drug awareness programming are included in this model each semester. Resident Assistants and Hall

Directors are the primary staff members responsible for hosting these events within their respective residence hall.

Safe Spring Break, Residence Life and Housing

Residence Life and Housing conducts a campus-wide spring break safety program each March titled to promote healthy student behaviors during spring break. Alcohol and drug information is included in this annual program.

Sexual Assault Awareness Month, Title IX Office

Each April, collaborative programming is offered to raise awareness and enhance prevention of sexual misconduct/assault. These programs include speakers, workshops, trainings, and information campaigns. Included in many of these programs is information about the interrelationship between alcohol use and sexual misconduct, as well as the role alcohol/drugs play in determining affirmative consent.

Speakers/Performances, Counseling Center & Title IX Office

Each year, the Counseling Center and/or Title IX Office sponsors a major program for students, which includes content on awareness/abuse.

Spring Break Safety, University Police

The University Police Department conducts presentations, which covers alcohol and drug safety.

Step-Up Bystander Intervention Training, Athletics

Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Gold award and recently was identified as a 'Best Practice' by the NCAA Sports Science Institute of national and international scholars.

Student-Athlete Development, Athletics

The Athletic department provides various types of life skills workshops to enhance the lives of student-athletes. The Drug and Alcohol Prevention program is one that focuses on the negative effects drugs and alcohol has on the human body as it pertains to athletics. These educational workshops provide the opportunity for student-athletes to ask questions and become more knowledgeable about the services available to them on campus.

Student Organization Risk Management Training, Student Leadership and Involvement

Student organization leaders are required to complete annual Risk Management training. Alcohol is a specific topic included in the training. The training focuses on building knowledge and skill amongst student organization leaders to minimize and address risk and enhance the health and safety of students and other members of the MSU community.

Student Success Series, First2Go

The student success series provides student programs on various topics important to undergraduate student success. A program titled Sex, Drugs, Alcohol and Everything in Between by Julia Garcia was presented to students and included stories of real life experiences of

excessive partying that ultimately led to a sexual assault, death of a best friend and infamous night that almost took the entire college experience away completely

Disciplinary Sanctions

Where violation of the MSU Drug-Free Schools and Communities Act Policy is found, the university will, in accordance with established procedures of Midwestern State University and the Board of Regents, take appropriate disciplinary action against such students or employees, up to and including expulsion or termination of employment. Additionally, The University may require such students or employees to participate satisfactorily in an off- campus drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. The cost of such programs, not covered by applicable insurance, shall be borne by the individual.

Students or employees found in violation of university policy or Local, State, or Federal law regarding the use, possession, or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act, and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action(s)

University Disciplinary Sanctions for Students

VIOLATION: Minor in Possession/Consumption of Alcohol or Housing Alcohol Policy Violation	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Participation in an alcohol education course, at the student's expense unless provided through the University • Authorship of a research/reflection essay • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation • Authorship of a research/reflection essay • Fine of \$100 • Notification of parents/guardians of students under the minimum legal drinking age of 21 year • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Third and Subsequent Offenses (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Suspension or expulsion from University housing and/or the University • Fine of \$200 • Notification of parents/guardians of students under the minimum legal drinking age of 21 years • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Purchasing, Selling or Providing Alcohol to Minors	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Participation in an alcohol education course at the student's expense, unless provided through the University • Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation • Authorship of a research/reflection essay • Fine of \$100 • Notification of parents/guardians of students under the minimum legal drinking age of 21 years • Suspension from University housing • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Suspension or expulsion from the University • Notification of law enforcement authorities • Fine of \$200 • Notification of parents/guardians of students under the minimum legal drinking age of 21 year • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Driving Under the Influence/Driving While Intoxicated	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Loss of driving and/or parking privileges on campus for a specified period of time • Participation in an alcohol education course, at the student's expense, unless provided through the University • Authorship of a research/reflection essay • Fine of \$100 • Notification of parents/guardians of students under the minimum legal drinking age of 21 years
	<ul style="list-style-type: none"> • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Suspension or expulsion from University housing and/or the University • Notification of law enforcement authorities; • Fine of \$200 • Notification of parents/guardians of students under the minimum legal drinking age

	<ul style="list-style-type: none"> • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
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VIOLATION: Possession of Drug Paraphernalia or Housing Drug Policy Violation	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Participation in a drug education course, at the student's expense, unless provided through the University • Authorship of a research/reflection essay • Notification of parents/guardians of students under 21 years of age and older dependent students • Notification of law enforcement authorities; and/or • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from University housing • Notification of parents/guardians of students under 21 years of age and older dependent students • Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation • Authorship of a research/reflection essay • Fine of \$100 • Notification of law enforcement authorities • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Third Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from the University • Notification of parents/guardians of students under 21 years of age and older dependent students • Fine of \$200 • Notification of law enforcement authorities • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Possession or Use of Drug Illegal Drugs	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from University housing • Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred • Participation in a drug education course, at the student's expense, unless provided through the University • Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation • Authorship of a research/reflection essay • Notification of parents/guardians of students under 21 years of age and older dependent students • Fine of \$100 • Notification of law enforcement authorities; and/or • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from the University • Notification of parents/guardians of students under 21 years of age and older dependent students • Fine of \$200 • Notification of law enforcement authorities • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Manufacture, Sale or Distribution of Illegal Drugs	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from University housing • Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred • Notification of parents/guardians of students under 21 years of age and older dependent students; • Fine of \$100; • Notification of law enforcement authorities; and/or • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	<ul style="list-style-type: none"> • Expulsion from the University • Notification of parents/guardians of students under 21 years of age and older dependent students • Fine of \$200 • Notification of law enforcement authorities • Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

University Disciplinary Sanctions for Employees

The unlawful use, possession, and/or distribution of drugs or alcohol by a University employee, or engaging in conduct prohibited by university policy regarding the manufacture, sale, possession, distribution, or use of alcohol or illegal drugs may result in discussion of problem, verbal warning, written warning, disciplinary probation, suspension/administrative leave with or without pay, demotion, or termination/discharge.

The University supports a program of progressive discipline whereby employees are given opportunities to correct misconduct and/or improve individual performance. Except in cases of gross misconduct, termination should be used only as the last step in a progressive series of administrative disciplinary actions.

Penalties Under State of Texas Law

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER TEXAS LAW
Manufacture or delivery of controlled substances (drugs)	Minimum: Fine not to exceed \$10,000 and confinement in jail for a term of not more than 2 years and not less than 180 days. Maximum: Fine not to exceed \$250,000 and imprisonment in TDC for life or for a term of not more than 99 years nor less than 15 years.
Possession of controlled substances (drugs).	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$250,000.
Delivery of marijuana	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Possession of marijuana.	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.
Driving while intoxicated (includes intoxication from alcohol, drugs, or both).	Fine up to \$10,000; Jail time between 3 days and 1 year; State prison time between 2 years and 10 years; Annual surcharge up to \$2000 for 3 years to keep your license; DWI intervention or education programs; Possible ignition interlock device.
Public Intoxication: Minors (1) Purchase of alcohol by a minor (2) Consumption of alcohol by a minor (3) Possession of alcohol by a minor	Class C Misdemeanor, punishable by fine p to \$500; Alcohol awareness class; 8 to 40 hours community service; 30-180 days loss or denial of driver's license.

Selling or providing alcohol to a minor	<p>Class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to a year, or both. Driver's license automatically suspended for 180 days upon conviction.</p> <p>The state penalties described above are based on applicable State of Texas statutes and are subject to change at any time by the Texas Legislature and the Governor of Texas. Please refer to the applicable State of Texas statute for additional information.</p>
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Penalties Under Federal Law

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER FEDERAL LAW
Manufacture, distribution, or delivery of controlled substances (drugs)	Minimum: Punishable by up to 3 years in prison and fine up to \$250,000. Maximum: Punishable by a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual or \$20,000,000 (if other than an individual).
Possession of controlled substances (drugs)	Minimum: Punishable by up to 1 year in jail and minimum fine of \$1,000. Maximum: Punishable by up to 3 years in prison and fine up to \$5,000 plus costs of investigation and prosecution.
Distribution of controlled substances (drugs) to a person under 21 years of age	<p>Minimum: Punishable by double the federal penalty for distribution of drugs. Maximum: Punishable by triple the federal penalty for distribution of drugs.</p> <p>The federal penalties described above are based on applicable federal statutes and are subject to change at any time by the US Congress and the President of the United States. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public university. Please refer to the applicable federal statute for additional information.</p>

A biennial review of this Drug and Alcohol Abuse Prevention Program (DAAPP) will be conducted by Midwestern State University to determine its effectiveness, to implement changes in the program, if necessary, and to ensure disciplinary sanctions are consistently enforced.

Weapons Policy

Midwestern State University is committed to providing a safe and secure learning, working and living environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals who are licensed to carry may do so on the MSU Texas campus premises except in locations and at activities prohibited by law or by Midwestern State University policy [4.116](#). The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place on MSU Texas campus premises per section 30.05 of the Texas Penal Code.

Locations and Activities where Concealed Handguns are Prohibited.

A license holder is prohibited from carrying a concealed handgun onto the campus premises where prohibited by law and where prohibited by Midwestern State University policy [4.116](#) based on the nature of the student population, specific safety concerns, uniqueness of the campus environment, and special or unique uses.

1. Concealed handguns are prohibited:

- a. at a location where a high school, collegiate, or professional sporting event or interscholastic event is taking place as prohibited under section 46.035(b)(2) of the Texas Penal Code, or where a sports club or intramural athletic competition is taking place;
- b. at a location used as a church, synagogue, or other established place of religious worship as prohibited under section 46.035(b)(6) of the Texas Penal Code;
- c. at a location designated as a polling place on the day of a federal, state, or local election, including while early voting is in progress as set out in section 46.03(a)(2) of the Texas Penal Code;
- d. at a location where the campus premises is used by a court unless the handgun is carried pursuant to written regulation or written authorization of the court in accordance with section 46.03(a)(3) of the Texas Penal Code;
- e. in a nonpublic, secure portion of the MSU Police Department used to conduct official business as prohibited under section 411.207(b) of the Texas Government Code;
- f. in any laboratory, room, or storage area with extremely dangerous chemicals, biologic agents, or explosive agents, and areas with equipment that is incompatible with metallic objects, as defined by this policy;
- g. where state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location, including the MSU Testing Center, and the exclusion does not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus premises;
- h. at a location where medical, health, or clinical services are provided, specifically Vinson Health Center, Gaines Dental Hygiene Clinic, MSU Counseling Center, West College of Education Counseling Center, and MSU Psychology Clinic, including offices within each of these clinics or centers;
- i. at a location where services (e.g., activities/camps) to minors are provided, specifically locations used for Pre-K through Grade 12 activities/camps on the MSU Campus, including residence halls and other buildings used for summer camps and other scheduled activities where school-age children are on the MSU

- campus, SAT and ACT testing on the MSU campus, and University Interscholastic League (UIL) events held on the MSU campus;
 - j. at a location where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically the D. L. Ligon Coliseum, MSU Softball, Soccer and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events;
 - k. at a location where any meeting, hearing, or other occurrence that involves formal grievances, discipline, dismissal, or remediation of students, faculty, or staff; and
 - l. in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.
2. Concealed handguns are prohibited at the following Activities: where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically D. L. Ligon Coliseum, MSU Softball, Soccer, and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events.

Campus Housing

A concealed handgun may be carried or stored in campus housing as set out in policy. Any time a handgun in a campus housing facility is not in the immediate care, custody, or control of the owner, that handgun must be stored within secure gun storage. No gun storage will be provided by MSU Texas; however, secure gun storage safes may be rented through the Office of Residence Life and Housing for use in campus housing.

Temporarily Prohibiting Concealed Handguns on Campus Premises

The President or President's designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premises:

- a. when the activity has a history for violence;
- b. where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations presents a reasonable threat to health or safety; or
- c. upon request of the University Chief of Police when it reasonably appears there is threat of injury to human life, destruction to University property, or a threat of willful disruption of orderly operation of the University as defined in section 51.231 of the Education Code, or upon receipt of credible information of imminent injury to human life or destruction to University property.

***RESPONSE TO
DOMESTIC
VIOLENCE, DATING
VIOLENCE, SEXUAL
ASSAULT, AND
STALKING***

Policy Statement

Midwestern State University proactively addresses domestic violence, dating violence, sexual assault and stalking incidents. Violence and the fear of violence can disrupt the working and learning processes of the university community. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. Midwestern State University prohibits discrimination based on sex (which includes pregnancy, sexual orientation, gender identity, and gender expression), and other types of Sexual Misconduct. Sexual Misconduct includes Title IX Sexual Misconduct, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence (dating and domestic violence), sexual violence, and any other misconduct based on sex. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

The University strongly urges students, faculty, staff, and third parties to promptly report incidents of prohibited conduct as provided in this policy. Responsible Employees of the University are required to promptly report incidents of prohibited conduct. The University will respond to all reports of prohibited conduct and the University will conduct a prompt, fair, and impartial investigation and resolution for complaints and, where appropriate, issue remedial measures and/or sanctions. The standard of evidence that will be used in investigating and resolving complaints made under this policy is the “preponderance of the evidence” standard. This standard is met if the allegation is deemed more likely to have occurred than not.

In an effort to reduce the risk of the occurring among its students, the University utilizes initiatives to promote awareness, education, risk reduction and prevention. Midwestern State University offers programming every year to identify and prevent sexual assault (including stranger and known-offender assaults), domestic violence, dating violence and stalking. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted within the residence halls, to registered student organizations, fraternity and sorority life, and to on-campus students. Both awareness and primary prevention programs offered throughout the year include strong messages regarding topics such as bystander intervention and consent. Programs discuss institutional policies on sexual misconduct, sexual assault, domestic violence, dating violence and stalking; the Grievance Process associated with these incidents; and the Supportive Measures available to parties should they need them. Programs offer information on risk reduction, how to recognize warning signals, and how to avoid potential attacks.

Texas Tech University System

Regulation 07.06.A

Title IX Sexual Misconduct

Effective: August 14, 2020

Modified: May 23, 2024

Next Scheduled Review: December 2025

1. Applicability

- a. This regulation applies exclusively to Title IX Sexual Misconduct (as defined in Section 4.q, below), where:
 - i. Respondent has an employment or enrollment relationship with the University, and
 - ii. The conduct allegedly occurred in an Education Program or Activity (as defined in Section 4.d, below) on or after August 14, 2020.
- b. Any other form of sexual misconduct is governed by [System Regulation 07.06.B](#). [Attachment 1](#) to this regulation visually depicts the applicability of System Regulations 07.06.A and 07.06.B and summarizes their differing procedures. In the event of any conflict between the attachment and these regulations, the text of the regulations shall control.

2. Purpose

- a. This Regulation provides information regarding the Texas Tech University System and its component institutions' (referred to herein collectively as "University") prevention and education efforts related to Title IX Sexual Misconduct, as defined in Section 4.q, below. This regulation provides students and employees with their rights and options and also explains how the University will proceed once it has Actual Knowledge, as defined in Section 4.a, below, of allegations of prohibited Title IX Sexual Misconduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

3. Policy

- a. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from Title IX Sexual Misconduct of any kind. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation.
- b. The University will take reasonable steps to respond to complaints of Title IX Sexual Misconduct and to restore or preserve equal access to the University's Education Programs or Activities, as appropriate.
- c. All investigations and procedures will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

- d. The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this regulation and related laws may be subject to disciplinary action or sanctions as provided in Section 9 of this regulation, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with controlling applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.
- e. For complaints relating to any form of sexual misconduct other than Title IX Sexual Misconduct (as defined in Section 4.q, below), please see [System Regulation 07.06.B](#). For complaints relating to any form of discrimination not covered by this System Regulation 07.06.A or System Regulation 07.06.B, or for acts of gender or sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Title IX Sexual Misconduct as defined in this regulation or Sexual Misconduct as defined in System Regulation 07.06.B, please see [System Regulation 07.10](#). The University reserves sole discretion to consolidate complaints arising out of the same facts or circumstances, involving more than one Complainant or more than one Respondent, or that amount to counter-complaints by one party against the other. Additionally, if at any time during a Title IX Sexual Misconduct Grievance Process it is determined that the alleged conduct does not constitute Title IX Sexual Misconduct, the University may proceed under System Regulation 07.06.B or any other applicable policy and procedure.

4. Definitions

For purposes of this regulation, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. *Actual Knowledge*. Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or the System Title IX Coordinator for Employees or their respective deputy coordinator(s).
- b. *Complainant*. An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct.
- c. *Consent*. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.
- d. *Education Program or Activity*. Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- e. *Employee*. An individual who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.
- f. *Formal Complaint*. Document filed by a Complainant or signed by the University's Title IX

Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this regulation.

- g. *Grievance Process*. The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent. The Grievance Process is described in Section 8 of this regulation.
- h. *Hearing Panel*. A three-member panel that will be the decision-maker and render a determination regarding responsibility, in accordance with the procedures set forth in [Attachment 2](#) to this regulation.
- i. *Incapacitation*. A state of being that prevents an individual from having capacity to give Consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.
- j. *Informal Resolution*. An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties. The Informal Resolution process is described in Section 8.k of this regulation.
- k. *Investigative Report*. A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
- l. *Investigator*. A trained University staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigative Report.
- m. *Reporting Party*. An individual or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this regulation.
- n. *Respondent*. An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct.
- o. *Responsible Employee*. All Employees, except as provided in Section 10.e, below, are Responsible Employees who must report allegations of Title IX Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 10, below.
- p. *Supportive Measures*. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. See Section 7, below.
- q. *Title IX Sexual Misconduct*. Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
 - i. *Quid Pro Quo*. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - ii. *Severe, Pervasive, and Objectively Offensive Conduct*. Unwelcome conduct

determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. Without limiting the foregoing, the following types of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:

1. "Sexual Assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v);¹
2. "Dating Violence" as defined in 34 U.S.C. § 12291(a)(10);²
3. "Domestic Violence" as defined in 34 U.S.C. § 12291(a)(8);³ or
4. "Stalking" as defined in 34 U.S.C. § 12291(a)(30).⁴

¹ **Sexual Assault.** 20 U.S.C. § 1092(f)(6)(A)(v) currently defines Sexual Assault as "an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI)", which is presently described by the FBI's Uniform Crime Reporting Program (UCR) National Incident-Based Reporting System (NIBRS) to include:

- a. *Forcible Sex Offense.* Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
 - i. *Rape (Except Statutory Rape).* The carnal knowledge of a person, 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 or physical incapacity.
 - ii. *Sodomy.* Oral or anal sexual intercourse with another person, 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 or physical incapacity.
 - iii. *Sexual Assault with An Object.* To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without 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 or physical incapacity.
 - iv. *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 or physical incapacity.
- b. *Nonforcible Sex Offense.* Unlawful, nonforcible sexual intercourse.
 - i. *Incest.* Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - ii. *Statutory Rape.* Nonforcible sexual intercourse with a person who is under the statutory age of consent.

² **Dating Violence.** 34 U.S.C. § 12291(a)(10) currently provides "the term 'Dating Violence' means violence committed by a person

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship."

³ **Domestic Violence.** 34 U.S.C. § 12291(a)(10) currently provides "the term 'Domestic Violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person 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 an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

⁴ **Stalking.** 34 U.S.C. § 12291(a)(10) currently provides "the term 'Stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- r. *University Community*. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

5. Contact Information for University Title IX Coordinators and the System Office of Equal Opportunity

- a. *University Title IX Coordinators (Students)*. Each University has a Title IX Coordinator who oversees the University's compliance with Title IX. Students seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the appropriate University Title IX Coordinator:

TITLE IX COORDINATOR EMAIL & PHONE	OFFICE ADDRESS	TITLE IX WEBSITE & REPORTING LINK
Angelo State University: Jessica Gooch 325.486.6311 jessica.gooch@angelo.edu	Mayer Administration Building 2601 W. Avenue N., Suite 205 San Angelo, TX 76909	<i>Title IX Website:</i> https://www.angelo.edu/title-ix <i>Reporting Link:</i> https://www.angelo.edu/incident-form
Midwestern State University Laura Hetrick 940.397.4213 laura.hetrick@msutexas.edu	Sunwatcher Village Clubhouse 3410 Taft Blvd. Wichita Falls, TX 76308	<i>Title IX Website:</i> https://msutexas.edu/titleix/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6
Texas Tech University: Kimberly Simon 806.834.1949 kimberly.simon@ttu.edu	Office of the President Student Union Building Suite 232, Box 42005 Lubbock, TX 79409	<i>Title IX Website:</i> http://titleix.ttu.edu/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=40
Texas Tech University Health Sciences Center: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4 th Street, UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> https://www.ttuhsc.edu/title-ix/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&layout_id=10
Texas Tech University Health Sciences Center El Paso: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4 th Street UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> https://ttuhscep.edu/title-ix/default.aspx <i>Reporting Link:</i> https://elpaso.ttuhsc.edu/title-ix/report-incident.aspx

- b. *System Title IX Coordinator (Employees)*. The System Office of Equal Opportunity serves as the Title IX Coordinator for employees for all Universities to oversee compliance with Title IX relating to employees.* Employees seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the System Title IX Coordinator for Employees (which may be referred to hereinafter as "System Office of Equal Opportunity"):

- a. Fear for his or her safety or the safety of others; or
b. Suffer substantial emotional distress."

SYSTEM TITLE IX COORDINATOR FOR EMPLOYEES EMAIL & PHONE	OFFICE ADDRESS	WEBSITE & REPORTING LINK
<i>Texas Tech University System:</i> Dawn R. Payne 806.742.3627 eeo@ttu.edu <i>System Title IX Coordinator for Employees* (all Universities and System Administration)</i>	Office of Equal Opportunity System Administration Building 1508 Knoxville Ave, Suite 309 Lubbock, TX 79409	<i>Office of Equal Opportunity Website:</i> https://www.texastech.edu/offices/equal-employment <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=40

* Exception: Student Employees who are named as a Respondent in a Complaint of Sexual Misconduct and whose employment status is conditioned on their enrollment in the academic program connected to the Student Employee's position (e.g., teaching assistants, research assistants, graduate part time instructors). For these Respondent Student Employees, the designated Title IX Coordinator shall be the respective personnel listed in Section 5.a., above.

6. Reporting Title IX Sexual Misconduct

- a. *Generally.* Any individual may inquire or make a report or complaint of sexual misconduct of any kind. Contact information for these offices is set forth in Section 5, above. For inquiries, reports, or complaints regarding students, individuals are encouraged to contact the University's Title IX Coordinator. For inquiries, reports, or complaints regarding Employees, individuals are encouraged to contact the System Office of Equal Opportunity.
- b. *How to Submit a Report.* Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth above in Section 5, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address listed above. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this regulation.
- c. *After Submitting a Report.* After receiving an inquiry or report, the Title IX Coordinator or System Office of Equal Opportunity will respond or address the report of sexual misconduct. Supportive Measures will be provided as necessary, as described in Section 7 below, and the Complainant will have an opportunity to file a Formal Complaint.
- d. *Employee Obligation to Report.* University Employees (including student Employees) that, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes sexual misconduct must promptly report such incident and information to the University Title IX Coordinator or System Office of Equal Opportunity in accordance with Texas law. This mandatory reporting obligation is further described in Section 10, below.
- e. *Reporting by Students and Third Parties Encouraged.* Students and third parties are strongly encouraged to promptly report any incidents of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to the University Title IX Coordinator or System Office of Equal Opportunity.
- f. *Separate Reporting to Law Enforcement Agencies.* All students, Employees, and third parties

- may also report incidents of sexual misconduct to law enforcement, including University and local police. Complainants may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or the System Office of Equal Opportunity in contacting these authorities if the individual wishes. Complainants may also decline to notify law enforcement of incidents of sexual misconduct.
- g. *Victims Encouraged to Seek Medical Care.* An individual who experiences sexual misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.
 - h. *Preservation of Evidence.* An individual who experiences any form of sexual misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
 - i. *Good Faith Actors.* The University may not discipline or otherwise discriminate against an Employee who in good faith: (i) makes a report as required under this regulation or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. Further, if a student enrolled at the University makes a report or Formal Complaint of Title IX Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's student conduct policy occurring at or near the time of the incident in accordance with the amnesty provisions set forth in the University's *Student Handbook* or similar policy. This subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this regulation.
 - j. *Non-Disclosure of Private Information to Medical Providers.* Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources. This subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.
 - k. *Request of Complainant Not to Investigate.* If the Complainant of an alleged incident of "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in [System Regulation 07.06.B](#), reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:
 - i. The seriousness of the alleged incident;
 - ii. Whether the University has received other reports of "Sexual Harassment", "Sexual Assault", "Dating Violence", or "Stalking", as such terms are defined in [System](#)

[Regulation 07.06.B](#), committed by the alleged perpetrator or perpetrators;

- iii. Whether the alleged incident poses a risk of harm to others;
- iv. Whether the allegations involved violence, use of weapons, or other similar factors; and
- v. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident described in this subsection based on the Complainant's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- 1. *Deadline for Reporting.* Employees must promptly fulfill their mandatory reporting obligations. For other individuals, there is no deadline for reporting incidents of sexual misconduct. However, to promote prompt and equitable review, the University encourages individuals with reports of sexual misconduct to come forward as soon as possible. Delays in reporting limit the ability to respond to sexual misconduct, collect evidence, and take effective action against persons accused of violating this regulation.

7. Supportive Measures

- a. *Provided by University.* The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University's Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct.
- b. *Available Measures.* The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.
- c. *Confidentiality.* The University will maintain the confidentiality of any Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- d. *Implementation.* The Title IX Coordinator or System Office of Equal Opportunity is responsible for coordinating the effective implementation of any remedies, including Supportive Measures, and must consider a Complainant's wishes with respect to Supportive Measures.

8. Grievance Process for Title IX Sexual Misconduct

- a. *Formal Complaint Required to Initiate Grievance Process.* The Grievance Process begins upon the filing of a written Formal Complaint.

- i. *How to File a Formal Complaint.* Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct (as described in Section 6.a and 6.b, above) or by contacting the University Title IX Coordinator or System Office of Equal Opportunity (as described in Section 5, above). Upon receiving such report, or when the University has Actual Knowledge of alleged Title IX Sexual Misconduct, the Title IX Coordinator or System Office of Equal Opportunity will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures (as described in Section 7, above), which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.
- ii. *Requirement for Filing.* At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity. The University Title IX Coordinator or System Office of Equal Opportunity will assess whether this requirement is satisfied and assist Complainant in determining whether this Title IX Sexual Misconduct policy, or another policy and complaint procedure applies to the alleged conduct.
- iii. *University Response to Receipt of Formal Complaint.* Upon receipt of a Formal Complaint, the University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal or administrative leave, and (5) initiate the Grievance Process.
- iv. *Initial Review of Formal Complaint.*
 1. *Mandatory Dismissal.* The University shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States.
 2. *Permissive Dismissal.* The University may dismiss a Formal Complaint in the following situations: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled⁵ in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.

⁵ Pursuant to Texas law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated this regulation and the University's code of conduct by committing Title IX Sexual Misconduct, the University: (1) may dismiss the Formal Complaint and proceed under [System Regulation 07.06.B](#), but pursuant to Texas law may not end the disciplinary process or issue a transcript to the student until the University makes a final determination regarding responsibility; (2) shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a reasonably prompt resolution, which may include dismissal of the Formal Complaint and proceeding under System Regulation 07.06.B; and (3) on request by another institution, the University shall provide to the requesting institution information relating to a determination that a student violated this regulation and the University's code of conduct by committing Title IX Sexual Misconduct.

3. *Application of Other Policies Upon Dismissal of Formal Complaint.* This regulation applies exclusively to Title IX Sexual Misconduct, as defined in Section 4.q, above. Any other form of sexual misconduct is governed by [System Regulation 07.06.B](#). Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in System Regulation 07.06.B Non-Title IX Sexual Misconduct and the applicable *Student Handbook* or other faculty, staff, or employee policies.
 4. *Written Notice of Dismissal.* If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.
 5. *Appeal of Dismissal Decision.* Any party can appeal the dismissal decision in the manner provided in Section 8.j, below.
- v. *Right to Consolidate Complaints.* The University may consolidate Formal Complaints as to allegations of Title IX Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Title IX Sexual Misconduct arise out of the same facts or circumstances.

b. *General Requirements of the Grievance Process.*

- i. *Equitable Treatment of Parties.* The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures, (2) providing remedies to a Complainant where a determination regarding responsibility for Title IX Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.⁶
- ii. *No Conflicts of Interest.* The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, appeal officers, and facilitators of an Informal Resolution process be free of conflicts of interest or bias against a party.
- iii. *Presumption of Non-Responsibility; Standard of Evidence.* There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.
- iv. *Objectivity.* Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.

⁶ The University may not limit the choice or presence of advisor for either the Complainant or the Respondent; however, the University may establish restrictions equally to both parties regarding the extent to which advisors may participate in the proceedings.

- v. *Privileged Information.* The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
- c. *Timeframe.* The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of one hundred twenty (120) business days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred twenty (120) business days, shall be reviewed by the University, and justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.
- d. *Notices.* University will provide notices as required, including but not limited to:
 - i. *Initial Notice to Parties.* The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (1) this Grievance Process, including the University's Informal Resolution process; (2) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (3) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) that the parties may inspect and review evidence; and (5) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
 - ii. *Supplemental Notice to Parties.* If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.
 - iii. *Notice to All Parties of Hearings, Interviews, or Meetings.* The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
 - iv. *Written Notice Via University Email.* Any person entitled to written notice under this regulation will receive such notice to their University email address. In the event a

person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.

e. *Emergency Removal.*

- i. The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists.⁷
- ii. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the University's Title IX Coordinator or the System Office of Equal Opportunity immediately following the emergency removal.
- iii. Notwithstanding the foregoing, the University reserves the right, at any time, to place an Employee on paid or unpaid administrative leave.

f. *Prehearing Investigation.* The University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process.

i. *Gather Evidence.*

1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.
2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
3. The University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.
4. The University shall not restrict either party from discussing the allegations or from gathering evidence.

ii. *Inspection and Review of Relevant Evidence.*

⁷ Emergency Removal may also take place in the instance where no Grievance Process is pending.

1. Prior to the completion of an Investigative Report, the University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.
 2. The University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
 3. The parties shall have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of an Investigative Report.
- iii. *Investigative Report.* Upon completion of the investigation, the University shall create an Investigative Report that fairly summarizes the relevant evidence. The University shall send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this regulation or otherwise provided.
- g. *Hearing.* If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The hearing will be conducted in accordance with the procedure set forth in *Attachment 2*.
- h. *Written Determination Regarding Responsibility.*
- i. After a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed 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; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this regulation and information on how to file such appeal.
 - ii. The University will provide the written determination to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.
- i. *Impact Statements.* After a determination regarding responsibility, and before a decision regarding sanctions, the Hearing Panel may request, and the parties may provide, impact statements for consideration.
- j. *Appeal.*

- i. *Grounds for Appeal.* The parties may appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds:
 1. A procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 3. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
 4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- ii. *Process for Appeal.*
 1. *Filing by Appealing Party.* The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.
 2. *Response of Non-Appealing Party.* Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.
 3. *Appeal Officer.* The University will designate a decision-maker for the appeal (the "appeal officer"). The appeal officer shall not be the same person as any of the Hearing Panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
 4. *Response of Hearing Panel.* The appeal officer may submit the written appeal and non-appealing party's response to the Hearing Panel, and the Hearing Panel may submit its response in support of the appeal or original decision to the appeal officer.
 5. *Review of Appeal.* The appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.
 6. *Written Decision and Notice.* Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written

decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

k. *Informal Resolution Process.*

- i. The Informal Resolution Process presents an alternative to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process will not be offered to resolve allegations that a University Employee engaged in conduct against a student that would constitute Title IX Sexual Misconduct.
- ii. The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.

9. Sanctions and Remedies

- a. *Potential Ranges of Sanctions.* The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the Grievance Process are set forth in this Section. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.
- b. *Sanctions and Remedies Against Students.* Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.
- c. *Sanctions and Remedies Against Employees.* Possible sanctions or remedies that may be imposed on Employee Respondents can include, but are not limited to: employment probation; job demotion or reassignment; suspension with or without pay for a specified period of time; dismissal or termination from employment; ineligibility for re-hire; other coaching, conduct or corrective actions described in [System Regulation 07.07](#); or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

10. Mandatory Reporting by Employees

- a. *Mandated by Texas Law.* This Section addresses mandatory Employee reporting of Title IX Sexual Misconduct as required by Texas law. A report made under this Section *does not* constitute a Formal Complaint, which is required by federal regulation to initiate a Title IX Sexual Misconduct Grievance Process.
- b. *Employees Required to Report Sexual Misconduct.* Texas law requires Employees to report certain types of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to appropriate University personnel. All Employees, including student Employees, who in the

- course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes either Title IX Sexual Misconduct, or “Sexual Misconduct” as defined in [System Regulation 07.06.B](#), and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report “Sexual Harassment,” “Sexual Assault,” “Dating Violence,” or “Stalking,” as such terms are defined in System Regulation 07.06.B, is a violation of state law that shall result in termination of employment and may result in criminal penalties. In addition, a knowingly false report under this regulation made with the intent to harm or deceive is also a violation of Texas law that shall result in termination of employment and may result in criminal penalties.
- c. *Contents of Report.* Except as provided by Section 10.d, below, the report required by Subsection 10.b must include all information concerning the incident known to the Reporting Party, including the involved parties’ names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party must also state whether the Complainant has expressed a desire for confidentiality.
 - d. *Contents of Report by Employee with Confidential Relationship.* An Employee designated by the University as an individual with whom University students may speak confidentially concerning sexual misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this regulation, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the Employee's duty to report an incident under any other law.
 - e. *Limited Exception to Mandatory Employee Reporting.* Notwithstanding Section 6.b, above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of sexual misconduct, including but not limited to Title IX Sexual Misconduct; or (ii) an incident of which the Employee received information due to a disclosure made at a sexual misconduct public awareness event sponsored by or affiliated with the University.
 - f. *How to Submit a Report.* Employees may fulfill their reporting obligations by submitting a report through the applicable University’s electronic reporting form, available at links set forth in Section 5, above. Reporting Employees should keep a receipt or proof of the submission of the report.

11. Non-Retaliation

- a. *Non-Retaliation.* Retaliation against an individual who reports a potential violation in good faith under this regulation, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under this regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual’s employment or education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First

Amendment does not constitute retaliation prohibited under this regulation.

- b. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this regulation will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this regulation.
- c. Subsection (a) does not apply to an Employee who:
 - i. Reports an incident of Title IX Sexual Misconduct perpetrated by the Employee;
 - ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Title IX Sexual Misconduct; or
 - iii. Makes a report of Title IX Sexual Misconduct which after investigation is found not to have been made in good faith.
- d. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
- e. *False Information.* An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

12. Confidentiality

- a. The protections provided by this Section apply to:
 - i. Complainant;
 - ii. Reporting Party;
 - iii. An individual who sought guidance from the University concerning an incident;
 - iv. An individual who participated in the University's investigation of an incident; or
 - v. Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
 - i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
 - ii. May be disclosed by the University or University Employees only to: (1) University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings; (2) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security

Policy and Campus Crime Statistics Act, as amended;⁸ (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Respondent, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of Supportive Measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.
- d. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by the University. Likewise, Employees may make confidential reports through the Employee Assistance Program. All Complaining Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

13. Cooperation and Non-Interference with the Grievance Process

- a. *Cooperation by University Employees.* All University Employees who are not a Complainant or Respondent are required to comply with the Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator or System Office of Equal Opportunity.
- b. *Non-Interference.* Any individual who knowingly and intentionally interferes with a Grievance Process conducted under this regulation is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to: (i) attempting to coerce, compel, influence, control, or prevent an individual's participation in an investigation or Grievance Process; (ii) removing, destroying, or altering documentation relevant to the investigation; or (iii) encouraging others provide false or misleading information.

14. Training and Education

- a. The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this regulation includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this regulation to students at the beginning of each academic semester. This regulation is published on the University's website and information regarding this regulation and related policies is required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, the University Employees and administrators responsible for

⁸ The University's *Clery Act* compliance is governed by [System Regulation 07.05](#).

- implementing this regulation, including the University Title IX Coordinators, the System Title IX Coordinator for Employees, Title IX Deputy Coordinators, System Office of Equal Opportunity employees, Investigators, Hearing Panel members, and appeal officers, receive training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and University policies related to or described in this regulation.
- b. Notwithstanding the foregoing, Title IX Coordinators, Investigators, Hearing Panel members, and facilitators of an Informal Resolution process shall receive adequate and unbiased training on:
 - i. The application of this Title IX Sexual Misconduct policy; and
 - ii. The Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy determinations.
 - c. All materials used to train University Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process are publicly available on the University's Title IX websites set forth in Section 5, above.

15. Recordkeeping

- a. The University will create, make available to the Complainant and Respondent, and maintain for a period of at least seven (7) years from the date of creation of the last record pertaining to the case, the following records:
 - i. The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant;
 - ii. Any appeal and the result therefrom;
 - iii. Informal Resolution, if any; and
 - iv. All materials used to train Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process with regard to Title IX Sexual Misconduct.
- b. The University will also create and maintain for a period of seven (7) years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Title IX Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not clearly unreasonable, and document that it has taken measures designed to restore or preserve access to the University's Education Program or Activity.

16. University Referencing Operating Policies

- a. See the following for University Operating Policies and Procedures (OP):

UNIVERSITY	OPERATING POLICY AND PROCEDURE
<i>Angelo State University</i>	OP 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
<i>Midwestern State University</i>	MSU OP 16.02, Sexual Misconduct
<i>Texas Tech University (and System Administration)</i>	OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and

	Complaint Procedure
<i>Texas Tech University Health Sciences Center</i>	HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
<i>Texas Tech University Health Sciences Center El Paso</i>	HSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

17. Websites and Other Resources

- a. *University and System Title IX Websites.* The University and System Office of Equal Opportunity maintain websites, set forth above in Section 5, that provide relevant information about this regulation as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.
- b. *Additional Resources.* In addition to the websites set forth in Section 5, the following additional online resources are available to members of the University Community:

Title IX for faculty/staff:

ASU: <https://www.angelo.edu/current-students/title-ix/employee-help-guide/>

MSU: <https://msutexas.edu/human-resources/>

TTU: <http://www.depts.ttu.edu/hr/TitleIX>

TTUHSC: <https://www.ttuhs.edu/human-resources/default.aspx>

TTUHSC El Paso: <https://elpaso.ttuhs.edu/hr/titleIXcompliance.aspx>

Title IX for athletics:

TTU: <http://texastech.com/sports/2016/6/8/school-bio-title-ix-html.aspx>

Office of the Dean of Students/Student Affairs:

ASU: https://www.angelo.edu/services/student_services/

MSU: <https://msutexas.edu/student-life/dean/>

TTU: <http://www.depts.ttu.edu/dos/>

Risk Intervention & Safety Education (RISE):

TTU: <http://www.depts.ttu.edu/rise/>

Student Counseling Centers:

ASU: <https://www.angelo.edu/services/counseling/>

MSU: <https://msutexas.edu/student-life/counseling/>

TTU: <http://www.depts.ttu.edu/scc/>

TTUHSC: <https://www.ttuhs.edu/centers-institutes/counseling/pas.aspx>

TTUHSC El Paso: <https://elpaso.ttuhs.edu/studentservices/SCS.aspx>

Operating Policies & Procedures:

ASU: <https://www.angelo.edu/opmanual/>

MSU: <https://public.powerdms.com/MidwesternState/tree/>

TTU: <http://www.depts.ttu.edu/opmanual/>

TTUHSC: <https://www.ttuhs.edu/administration/operating-policies/>

TTUHSC El Paso: <https://elpaso.ttuhs.edu/opp/>

Employee Assistance Program (EAP):

TTU (and System Administration): <https://www.ttuhs.edu/centers-institutes/>

TTUHSC: <https://www.ttuhs.edu/centers-institutes/counseling/about.aspx>

18. Authoritative References

Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
34 CFR Part 106
Texas Labor Code Chapter 21
Violence Against Women Act (VAWA)
Campus Sexual Violence Elimination Act of 2013 (Campus SaVE)
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Texas Education Code Sections 51.9363; 51.251 – 51.260; and 51.281 – 51.295
Texas Family Code Sections 71.004 and 71.0021
Texas Penal Code Section 42.072

19. Right to Change Regulation

- a. The Texas Tech University System reserves the right to interpret, change, modify, amend, or rescind this regulation, in whole or in part, at any time without notice to or consent of its Employees or other members of the University Community.

Contact Office: System Office of General Counsel
806-742-2155

Texas Tech University System

Regulation 07.06.B

Non-Title IX Sexual Misconduct

Effective: August 14, 2020

Modified: May 23, 2024

Next Scheduled Review: December 2025

1. Applicability

- a. This regulation applies to all Sexual Misconduct (as defined in Section 4.n, below) except Title IX Sexual Misconduct, which is defined in and governed by [System Regulation 07.06.A](#).
- b. [Attachment 1](#) to this regulation visually depicts and summarizes the applicability of System Regulations 07.06.A and 07.06.B. In the event of any conflict between the attachment and these regulations, the text of the regulations shall control.

2. Purpose

- a. This regulation provides information regarding the Texas Tech University System and its component institutions' (referred to herein collectively as "University") prevention and education efforts related to sex discrimination, Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Public Indecency, Sexual Misconduct, Interpersonal Violence, Dating Violence, and Stalking. This regulation provides students and employees with their rights and options and also explains how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

3. Policy

- a. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation and gender identity, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating Violence, Sexual Violence, and any other misconduct based on sex. Any acts that fall within the scope of this regulation hereinafter are referred to as Sexual Misconduct. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation.
- b. This regulation applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses. This regulation will apply to on-campus and off-campus conduct of which the University is made aware and which

adversely impacts the educational and employment environments of the University. The University will take immediate and appropriate corrective action in response to sexual harassment complaints and all reasonable steps to respond to and prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.

- c. All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, the burden of proof shall be a preponderance of the evidence, which means more likely than not.
- d. The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this regulation and related laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.
- e. For complaints relating to Title IX Sexual Misconduct, please see [System Regulation 07.06.A](#). For complaints relating to any form of discrimination not covered by this System Regulation 07.06.B or System Regulation 07.06.A, or for acts of gender/sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this regulation or Title IX Sexual Misconduct as defined in System Regulation 07.06.A, please see [System Regulation 07.10](#). Additionally, if at any time during a Sexual Misconduct grievance process under this regulation it is determined that the alleged conduct constitutes Title IX Sexual Misconduct, the University shall proceed under System Regulation 07.06.A or any other applicable policy and procedure.

4. Definitions

For purposes of this regulation, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. *Complaining Party*. An individual who was allegedly subjected to a violation of this regulation.
- b. *Consent*. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.
- c. *Employee*. An individual who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.
- d. *Incapacitation*. A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.

- e. *Interpersonal Violence*. For purposes of this regulation, Interpersonal Violence is:
- i. *Dating Violence*. Physical, sexual, or verbal abuse or violence, or a threat of abuse or violence, committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the individuals involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
 - ii. *Domestic or Family Violence*. Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual similarly situated to a spouse of the Complaining Party under the Domestic or Family Violence laws of the state of Texas, or by any other individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence laws of the state of Texas.
- f. *Parenting Student*. A student enrolled at an institution of higher education who is the parent or legal guardian of a child under eighteen (18) years of age.
- g. *Public Indecency*. Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: (i) exposing one's genitals or private areas; (ii) public urination; (iii) public defecation; and/or (iv) public sex acts.
- h. *Reporting Party*. An individual or entity (in the case of the University), other than the Complaining Party, who reports an alleged violation of this regulation.
- i. *Responding Party*. Generally, the Responding Party is the individual or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.
- j. *Responsible Employee*. All Employees, except as provided in Section 6 below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 6 below.
- k. *Sex Discrimination*. An act that deprives a member of the University Community of their right of access to campuses and facilities and/or of participation in education, services, programs, operations, employment, benefits, or opportunities with the University on the basis of the individual's sex.
- l. *Sexual Assault*. Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:
- i. *Nonconsensual Sexual Contact*. Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes: (1) intentional contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily

contact in a sexual manner.

- ii. *Nonconsensual Sexual Intercourse*. Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.
- iii. The following offenses are examples of Sexual Assault:
 - 1. *Incest*. Sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law;
 - 2. *Fondling*. The touching of the private body parts of another individual for the purpose of sexual gratification, without the consent of the Complaining Party, including instances where the Complaining Party is incapable of giving consent because of the Complaining Party's age or because of the Complaining Party's temporary or permanent mental incapacity;
 - 3. *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 individual, without the consent of the Complaining Party; and
 - 4. *Statutory Rape*. Sexual intercourse with an individual who is under the statutory age of consent.
- m. *Sexual Exploitation*. Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one's genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's full knowledge and consent.
- n. *Sexual Harassment*. Unwelcome, sex-based verbal or physical conduct that:
 - i. In the employment context, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive; or
 - ii. In the education context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities.
 - iii. Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) exposing one's genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender-

based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

- o. *Sexual Misconduct*. A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal Violence, sexual violence, and other misconduct based on sex.
- p. *Stalking*. A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety or the safety of others or would cause that individual to suffer substantial emotional distress. A "course of conduct" means two or more acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- q. *Supportive Measures*. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complaining Party or the Responding Party before or after the filing of a complaint or where no complaint has been filed.
- r. *Title IX Sexual Misconduct*. Certain sexual misconduct as defined in and governed by [System Regulation 07.06.A](#).
- s. *University Community*. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

5. Contact Information for University Title IX Coordinators and the System Office of Equal Opportunity

- a. *University Title IX Coordinators (Students)*. Each University has a Title IX Coordinator who oversee the University's compliance with Title IX. Students seeking information, to report sexual misconduct of any kind (including both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct), or to file a complaint of Sexual Misconduct, should contact the appropriate University Title IX Coordinator:

TITLE IX COORDINATOR EMAIL & PHONE	OFFICE ADDRESS	TITLE IX WEBSITE & REPORTING LINK
Angelo State University: Jessica Gooch 325.486.6311 jessica.gooch@angelo.edu	Mayer Administration Building 2601 W. Avenue N., Suite 205 San Angelo, TX 76909	<i>Title IX Website:</i> https://www.angelo.edu/title-ix <i>Reporting Link:</i> https://www.angelo.edu/incident-form
Midwestern State University Laura Hetrick 940.397.4213 laura.hetrick@msutexas.edu	Vinson Health Center Room H-136 3410 Taft Blvd. Wichita Falls, TX 76308	<i>Title IX Website:</i> https://msutexas.edu/titleix/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6
Texas Tech University: Kimberly Simon 806.834.1949 kimberly.simon@ttu.edu	Student Union Building Suite 232, Box 42005 Lubbock, TX 79409	<i>Title IX Website:</i> http://titleix.ttu.edu/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=40

Texas Tech University Health Sciences Center: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4 th Street UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> https://www.ttuhsc.edu/title-ix/ <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&layout_id=10
Texas Tech University Health Sciences Center El Paso: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4 th Street UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> https://ttuhscep.edu/title-ix/default.aspx <i>Reporting Link:</i> https://elpaso.ttuhsc.edu/title-ix/report-incident.aspx

- b. *System Title IX Coordinator for Employees.* The System Office of Equal Opportunity serves as the Title IX Coordinator for employees for all Universities to oversee compliance with Title IX relating to employees.* Employees seeking information, to report sexual misconduct of any kind (including both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct), or to file a complaint of Sexual Misconduct should contact the System Title IX Coordinator (which may be referred to hereinafter as “System Office of Equal Opportunity”):

SYSTEM TITLE IX COORDINATOR FOR EMPLOYEES EMAIL & PHONE	OFFICE ADDRESS	WEBSITE & REPORTING LINK
Texas Tech University System: Dawn R. Payne 806.742.3627 eeo@ttu.edu <i>System Title IX Coordinator for Employees* (all Universities and System Administration)</i>	Office of Equal Opportunity System Administration Building 1508 Knoxville Ave, Suite 309 Lubbock, TX 79409	<i>Office of Equal Opportunity Website:</i> https://www.texastech.edu/offices/equal-employment <i>Reporting Link:</i> https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=40

* Exception: Student Employees who are named as a Respondent in a Complaint of Sexual Misconduct and whose employment status is conditioned on their enrollment in the academic program connected to the Student Employee’s position (e.g., teaching assistants, research assistants, graduate part time instructors). For these Respondent Student Employees, the designated Title IX Coordinator shall be the respective personnel listed in Section 5.a., above.

6. Reporting Sexual Misconduct

- a. *Mandatory Reporting to University by Employees.* Texas law requires Employees to report certain types of Sexual Misconduct to appropriate University personnel. All Employees, including student Employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking under this regulation is a violation of state law that shall result in termination of employment and may result in criminal penalties.

- b. *Contents of Report.* Except as provided by Section 6(c) below, the report must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complaining Party has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complaining Party has expressed a desire for confidentiality.
- c. *Contents of Report by Employee with Confidential Relationship.* An Employee designated by the University as an individual with whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this Regulation, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This Subsection does not affect the Employee's duty to report an incident under any other law.
- d. *Reporting by Students and Third Parties Encouraged.* All students and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity.
- e. *Limited Exception to Mandatory Employee Reporting.* Notwithstanding Section 6(a) above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of Sexual Misconduct; or (ii) an incident of which the individual received information due to a disclosure made at a Sexual Misconduct public awareness event sponsored by or affiliated with the University.
- f. *Reporting to Law Enforcement Agencies.* All students, Employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including University and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or the OEO in contacting these authorities if the individual wishes. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- g. *Victims Encouraged to Seek Medical Care.* An individual who experiences Sexual Misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a Sexual Assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.
- h. *Preservation of Evidence.* An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- i. *Good Faith Actors.* The University may not discipline or otherwise discriminate against an Employee who in good faith: (i) makes a report as required under this regulation or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. This Subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported

under this regulation.

- j. *Non-Disclosure of Private Information to Medical Providers.* Absent consent from the Complaining Party, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complaining Parties with information and guidance regarding University reporting options and available resources. This Subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.
- k. *Request of Complaining Party Not to Investigate.* If the Complaining Party of an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complaining Party whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:
 - i. The seriousness of the alleged incident;
 - ii. Whether the University has received other reports of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking committed by the alleged perpetrator or perpetrators;
 - iii. Whether the alleged incident poses a risk of harm to others; and
 - iv. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking based on the Complaining Party's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- l. *How to Submit a Report.* Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form, available at the links set forth in Section 5, above. Reporting Employees should keep a receipt or proof of the submission of the report.
- m. *False or Malicious Claims.* An individual found to have knowingly submitted a false or malicious claim may be subject to disciplinary action.

7. Complaints By or Against Students

- a. If a student has a complaint of Sexual Misconduct by another student, see the respective University's *Student Handbook*.
- b. If a student has a complaint regarding Sexual Misconduct involving a student organization, see the respective University's *Student Handbook*.
- c. If a student has a non-employment based complaint of Sexual Misconduct by an Employee, see the respective University's *Student Handbook*. Alternatively, the student may contact the University's Title IX Office or the System Office of Equal Opportunity. Student complaints of Sexual Misconduct by an Employee may be investigated jointly by the University's Title IX Office and the System Office of Equal Opportunity.

- d. If a student enrolled at the University reports Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the Code of Student Conduct in accordance with the amnesty provisions set forth in the respective University's *Student Handbook*.
- e. Sanctions for violations of this regulation or the Code of Student Conduct by students may be found at:

UNIVERSITY	LINK
<i>Angelo State University</i>	https://www.angelo.edu/student-handbook/
<i>Midwestern State University</i>	https://msutexas.edu/student-life/assets/files/handbook.pdf
<i>Texas Tech University</i>	http://www.depts.ttu.edu/dos/handbook/
<i>Texas Tech University Health Sciences Center</i>	https://www.ttuhsc.edu/student-services/documents/HSC_Institutional_Student_Handbook.pdf
<i>Texas Tech University Health Sciences Center El Paso</i>	https://el Paso.ttuhsc.edu/student-services/_documents/Institutional-Handbook.pdf

- f. If a student Employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the University, against an Employee, the student should follow the procedure set forth for Employees in this regulation.
- g. If an Employee has a complaint of Sexual Misconduct against a student, the Employee should contact the University's Title IX Office and/or file an incident report form, found at the Title IX websites set forth in Section 5, above.
- h. The Complaining or Responding Party who is the subject of an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.
- i. If a student withdraws or graduates from the University pending a disciplinary charge alleging the student violated this regulation and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, the University:
 - i. May not end the disciplinary process or issue a transcript to the student until the University makes a final determination of responsibility;
 - ii. Shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution; and
 - iii. On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated this Regulation and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.

8. Employee Complaint Procedures, Including Student Employees

- a. *Type and Location for Filing a Complaint.* If an Employee has a complaint of Sexual Misconduct against another Employee, the general provisions relating to Employees and the Employee complaint procedures set forth in [System Regulation 07.10](#) shall apply.
- b. *Required Form of Complaint.* To initiate an investigation, an Employee having a complaint

under this regulation must submit a completed *Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct* form, which is available at:
http://www.depts.ttu.edu/hr/documents/TTU_Misconduct_40.03.pdf.

- c. In addition, in complaints of Sexual Misconduct, the following provisions shall control.
- i. While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.
 - ii. Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator, or the System Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.
 - iii. Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.
 - iv. Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this regulation.
 - v. After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the following: (1) determination of the outcome; (2) the finding of the System Office of Equal Opportunity is final and not appealable by either party; (3) in the event a finding of a violation of this regulation is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment; and (4) if either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, they may appeal within five business days to the University Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to the University's Tenure Policy.
 - vi. The Complaining Party and Responding Party will be simultaneously notified in writing of any changes to the results of an appeal of any disciplinary action that occur prior to the time such results become final and when such results become final.

9. Complaints Involving Non-University Individuals

- a. *Complaints Against University Students or Employees.* If a non-University individual has a complaint of Sexual Misconduct by a University student or a University Employee acting in the scope of their employment, the individual involved may file a report with either the University's Title IX Office or the OEO, and the University may investigate and take steps to address the situation.

- b. *Complaints By University Students or Employees.* If a University Employee or a University student has a complaint of Sexual Misconduct by a non-University party that affects the Employee's work environment or student's educational program or activity, the Employee or student may make a report to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity. University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, responses may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the Employee or student and, where appropriate, the broader University Community.

10. Retaliation and False Information

- a. *Retaliation.* Retaliation against an individual who reports a potential violation in good faith under this regulation, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation or in the resolution of a complaint made under this regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this regulation will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this regulation.
- b. Subsection (a) does not apply to an Employee who:
 - i. Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;
 - ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking; or
 - iii. Makes a report of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking which after investigation is found not to have been made in good faith.
- c. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
- d. *False Information.* An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Responding Party is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Responding Party is responsible for a policy violation does not imply that a Responding Party's statements disclaiming responsibility were false.

11. Interim Measures

- a. The Complaining Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may

include, but are not limited to: (i) separating the Complainant Party's and Responding Party's academic or working situations; (ii) forbidding contact between parties involved in a complaint; and (iii) suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.

- b. Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Complainant Party pursues a formal University action or criminal action.

12. Confidentiality

- a. The protections provided by this Section apply to:
 - i. Complainant Party;
 - ii. Reporting Party;
 - iii. An individual who sought guidance from the University concerning an incident;
 - iv. An individual who participated in the University's investigation of an incident; or
 - v. Responding Party, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
 - i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
 - ii. May be disclosed only to: (1) University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings; (2) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended;¹ (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Responding Party, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.
- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.
- d. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant Party or Responding Party, may affect the integrity of the investigation.

¹ The University's *Clery Act* compliance is governed by [System Regulation 07.05](#).

- e. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by University. Likewise, Employees may make confidential reports through the Employee Assistance Program. All Complainant Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant Party's or Responding Party's consent.

13. Cooperation and Non-Interference with an Investigation or Grievance Process

- a. *Cooperation by University Employees.* All University Employees who are not a Complainant Party or Responding Party are required to comply with the Interim Measures, Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator or System Office of Equal Opportunity
- b. *Non-Interference.* Any individual who knowingly and intentionally interferes with an investigation or grievance process conducted under this regulation is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation or grievance process may include, but is not limited to: (i) attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information; (ii) divulging confidential information; (iii) removing, destroying, or altering documentation relevant to the investigation; (iv) providing false or misleading information to the investigator, or encouraging others to do so; or (v) making a report under this regulation that, after investigation, is found not to have been made in good faith.

14. Training and Education

- a. The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this regulation includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this regulation to students at the beginning of each academic semester. This regulation is published on the University's website and information regarding this regulation and related policies is required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including Sexual Assault, Sexual Harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, the University Employees and administrators responsible for implementing this regulation, including the University Title IX Coordinators, the System Office of Equal Opportunity, Title IX Deputy Coordinators, OEO employees, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this regulation.

15. Free Expression

- a. This regulation encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

16. Pregnancy and Parenting Status

- a. *Overview.* In accordance with Texas Education Code, Section 51.982, the System and its Universities are committed to providing an environment for pregnant students and Parenting Students free from discrimination on the basis of pregnancy and parenting status.
- b. *University Prohibitions.* A University may not require a student due to the student's pregnancy or status as a Parenting Student to: (i) take a leave of absence or withdraw from the student's degree or academic program; (ii) limit the student's studies; (iii) change the student's major, degree, or academic program, including mandated participation in alternative major, degree or academic program; or (iv) refrain from joining or cease participating in any course, activity, or program at the institution.
- c. *University Action.* The University's Title IX Coordinator for students, specified in Section 5(a) above, and their respective Title IX Office, in order to ensure equal access to education opportunities—including to prevent prohibited action under Section 16(b), above—may, upon a student's request, provide individualized, appropriate supportive measures based upon the student's pregnancy and/or parenting status or needs. Such supportive measures under these circumstances may include, but are not limited to (all as reasonable and appropriate, and which shall be provided by the faculty member and/or University administrator as determined by the University's Title IX Coordinator and/or Title IX Office):
 - (i) for pregnant students (relating to a student's pregnancy, childbirth, or any resulting medical status or condition):
 1. excusing student absences and providing access to instructional materials and video recordings of lectures (to the extent such materials and recordings are made available to any student with an excused absence);
 2. providing opportunity to make up missed assignments/assessments;
 3. providing additional time to complete assignments/assessments (applied in the same manner as the University grants and provides ADA/504 accommodations for additional time);
 4. allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant women or unborn children; and
 5. facilitating break(s) during class(es) for breastfeeding and/or expressing breastmilk.
 - (ii) for pregnant students or Parenting Students:
 1. facilitate a voluntary leave of absence from the University if in good academic standing at the time the student takes a leave of absence, return to the student's degree or certificate program in good academic standing without being required to reapply for admission;
 - (iii) for Parenting Students:
 1. facilitating priority registration to the extent the University provides early registration for any other group of students.

Students seeking such supportive measures will be expected to first contact their University's respective Title IX Coordinator or Title IX Office to request such measures. Thereafter, complaints of discrimination on the basis of pregnancy against University employees should be submitted to *System Title IX Coordinator for Employees*, listed under Section 5(b), above. Complaints of discrimination on the basis of pregnancy against University students should be submitted to Title IX Coordinator for Students for the respective University, listed under Section 5(a), above.

- d. *Parenting Student Liaison*: Each University has a designated parenting student liaison staff member who is responsible for providing current and incoming parenting students with information regarding supportive measures and other resources available to parenting students at the respective University.

PARENTING STUDENT LIAISON EMAIL & PHONE	OFFICE ADDRESS
Angelo State University: Candace Aguirre 325.486.6650 candace.aguirre@angelo.edu	Texan Hall 106 2104 Van Buren St, San Angelo, TX 76909
Midwestern State University Ruby Garrett 940-397-4937 ruby.garrett@msutexas.edu	Clark Student Center 194 3410 Taft Blvd. Wichita Falls, TX 76308
Texas Tech University: Alex Faris 806.834.3420 alfaris@ttu.edu Reporting Form (Pregnancy/Parenting Students): https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=4	Student Union Building Suite 232 Lubbock, TX 79409
Texas Tech University Health Sciences Center: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4th Street UC Suite 330A, MS 6262 Lubbock, TX 79430
Texas Tech University Health Sciences Center El Paso: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4th Street UC Suite 330A, MS 6262 Lubbock, TX 79430

17. University Referencing Operating Policies

See the following for University Operating Policies and Procedures (OP):

UNIVERSITY	OPERATING POLICY AND PROCEDURE
<i>Angelo State University</i>	OP 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
<i>Midwestern State University</i>	MSU OP 16.02, Sexual Misconduct
<i>Texas Tech University (and System Administration)</i>	OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
<i>Texas Tech University Health Sciences Center</i>	HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
<i>Texas Tech University Health Sciences Center El Paso</i>	HSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

18. Websites and Other Resources

- a. *University and System Title IX Websites.* The University and System Office of Equal Opportunity maintain websites, set forth above in Section 5, that provide relevant information about this regulation as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.
- b. *Additional Resources.* In addition to the website set forth in Section 5, the following additional online resources are available to members of the University Community:

Title IX for faculty/staff:

ASU: <https://www.angelo.edu/current-students/title-ix/employee-help-guide/>

MSU: <https://msutexas.edu/human-resources/>

TTU: <http://www.depts.ttu.edu/hr/TitleIX>

TTUHSC: <https://www.ttuhs.edu/human-resources/default.aspx>

TTUHSC EP: <https://el Paso.ttuhs.edu/hr/titleIXcompliance.aspx>

Title IX for athletics:

TTU: <http://texastech.com/sports/2016/6/8/school-bio-title-ix-html.aspx>

Office of the Dean of Students/ Student Affairs:

ASU: https://www.angelo.edu/services/student_services/

MSU: <https://msutexas.edu/student-life/dean/>

TTU: <http://www.depts.ttu.edu/dos/>

Risk Intervention & Safety Education (RISE):

TTU: <http://www.depts.ttu.edu/rise/>

Student Counseling Centers:

ASU: <https://www.angelo.edu/services/counseling/>

MSU: <https://msutexas.edu/student-life/counseling/>

TTU: <http://www.depts.ttu.edu/scc/>;

TTUHSC: <https://www.ttuhs.edu/centers-institutes/counseling/pas.aspx>

TTUHSC EP: <https://el Paso.ttuhs.edu/student-services/SCS.aspx>

Operating Policies & Procedures:

ASU: <https://www.angelo.edu/opmanual/>;

MSU: <https://public.powerdms.com/MidwesternState/tree/>

TTU: <http://www.depts.ttu.edu/opmanual/>;

TTUHSC: <https://www.ttuhs.edu/administration/operating-policies/default.aspx>

TTUHSC EP: <https://el Paso.ttuhs.edu/opp/>

Employee Assistance Program (EAP):

TTU: <https://www.ttuhs.edu/centers-institutes/>

TTUHSC: <https://www.ttuhs.edu/centers-institutes/counseling/about.aspx>

19. Authoritative References

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

34 CFR Part 106

Texas Labor Code Chapter 21

Violence Against Women Act (VAWA)

Campus Sexual Violence Elimination Act of 2013 (Campus SaVE)

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

Texas Education Code Sections 51.9363; 51.251 – 51.260; 51.281 – 51.295; 51.982 – 51.983;
and 51.9357
Texas Family Code Sections 71.004 and 71.0021
Texas Penal Code Section 42.072

20. Right to Change Regulation

- a. Texas Tech University System reserves the right to interpret, change, modify, amend, or rescind this regulation, in whole or in part, at any time without notice to or consent of its Employee, or other members of the University Community.

Contact Office: System Office of General Counsel
806-742-2155

Programs to Prevent Domestic Violence Dating Violence, Sexual Assault, and Stalking

Midwestern State University will not tolerate crimes related to dating violence, domestic violence, sexual assault and stalking. All necessary action, both criminal and administrative, will be taken against any student who violates any provisions of the criminal laws of Texas, the MSU Texas Code of Student Conduct or MSU Texas policies and procedures related to dating violence, domestic violence, sexual assault and stalking. Awareness programs are designed to increase the students, faculty and staff awareness of prevention techniques and tactics, how to report an incident and how to intervene safely as a bystander. The MSU Texas Sexual misconduct policy includes the violations of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act.

Midwestern State University administers educational programming consisting of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

1. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).
2. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking as defined by the Violence Against Women Act (VAWA).
3. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms.
4. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the Texas Tech System Regulations, the Code of Student Conduct, and Texas State law.
5. Provide a description of safe and positive options for bystander intervention.
6. Provide information on risk reduction.
7. Provide information regarding:
 - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs.
 - b. How the institution will protect the confidentiality of victims and other necessary parties.
 - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community.
 - d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
 - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

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

Primary Prevention and Awareness Programs

Incoming students - Midwestern State University offered the following primary prevention and awareness program for all incoming students:

Everfi - All new Midwestern State University undergraduates under the age of 25 and non-distance education students must complete a comprehensive online training course from Everfi called “Sexual Assault Prevention for Undergraduates.” The course features Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs. The program must be completed prior to students’ ability to register for subsequent term courses. New graduate students, distance education students, and undergraduates age 25 or older are made aware of and invited to complete the program, but not required.

New Employees Midwestern State University offered the following primary prevention and awareness program for all new employees:

Campus SaVE Act – All new Midwestern State University employees must complete several online training courses including Campus SaVE Act, which educates employees of MSU Texas’ zero tolerance policy and prevention measures for sexual assault, domestic violence, dating violence, and stalking. The training covers definitions, university policy, how to report incidences, contact information, and additional resources.

Ongoing Prevention and Awareness Programs

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, bystander intervention programming; and programming specific to developing healthy relationships. The following are some specific examples of annual programs currently offered by the University. This list is not all inclusive:

MWSU 1233 – College Connections - College Connections is a 3 hour elective course designed to assist new students in their transition to the university. It is offered to all incoming freshmen and required of all conditionally admitted freshmen. One of the topics covered in this class is healthy relationships. Students sit in groups at tables where they interact, discuss topics, and form small communities. Discussions of healthy relationships include: verbal, emotional, and sexual abuse; dating violence; stalking and boundary issues. The focus is on making healthy choices, emphasizing positive decision-making. Information on community and campus resources is provided.

Student Affairs – Office of Student Rights and Responsibilities - For minor incidents when students are found responsible for violating the University Code pertaining to alcohol, drug, or sexual misconduct, they are sanctioned to complete a variety of educational programming or awareness training designed to help prevent the recurrence or recidivism of future conduct of a similar nature.

Office of Residence Life and Housing – Offers multiple programs for ongoing awareness and prevention.

- **Safe Zone Training** – Awareness and safety training covering the topics of sexual assault and stalking. Held at Legacy Hall
- **Responding to Sexual Assault and Violence** – Training covers a variety of topics dealing with sexual assault, domestic violence, dating violence and stalking. Discusses definitions, safety, and after incident options. Training held at Legacy Hall
- **Promoting a Cultural of Safety and Security** – Provides in-depth look at prevention of sexual assault, domestic violence, dating violence, and stalking, and building a support culture to prevent occurrences. Training provided at Legacy Hall.

Athletics – Step-Up Bystander Intervention Training

Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Gold award and recently was identified as a ‘Best Practice’ by the NCAA Sports Science Institute of national and international scholars.

Safe Spring Break - An event held on campus with various campus departments participating. Departments include Title IX, Counseling Center, Police Department, Wellness Center, Vinson Health Center, Student Leadership and Involvement, and Residence Life and Housing. Topics covered at this event include prevention of dating and domestic violence, stalking, how not to be a victim, proper reporting procedures and bystander intervention.

Sexual Assault Awareness Month – During the month of April, several ongoing awareness and prevention programs are arranged by departments within the Division of Student Affairs: It's On Us Pledge Campaign, Campus Climate Survey, Inclusion Now! Festival, Clothesline Project, Myths & Facts Poster Campaign, Yes! Yes! Yes! A Conversation About Consent, Personal Safety & Self Defense Workshop, Welcome to College: Interactive Theatre, Reporting Sexual Violence Panel, Coffee Talks: Peer Conversations About Sexual Assault, Trauma Informed Yoga, Sex Signals.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the United Regional Hospital. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to the MSU Texas Police Department or local law enforcement agency, it is the victim's choice whether or not to make such a report. A victim may be assisted in notifying law enforcement if they choose. Furthermore, victims have the right to decline to notify law enforcement.

Reporting Incidents to the University

Victims are always encouraged to report incidents to the police, and any of the below individuals or office can assist, but also have the option of reporting to any university employee, Midwestern State University Title IX Office, the Office of Student Rights and Responsibilities, a Campus Security Authority or confidentially at Student Counseling. A victim can report directly to the Title IX Coordinator (office: Vinson Health Center; phone: 940-397-4213) by calling, writing or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to MSU Texas PD will automatically be referred to the Title IX Director for review. The Title IX Director is not a confidential reporting entity and is required to report criminal incidents to MSU Texas PD.

When a report is made to any university employee, except those at Student Counseling, the employee is required to complete the Campus Security Authority Crime Report

(https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=11) and the Title IX/Sexual Misconduct Report Form (https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6) which submits details of the incident to the Title IX coordinator for follow up and the Clery Compliance Officer for consideration of timely warning notices and for inclusion in the crime statistics.

File a Formal Complaint

Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct or by contacting the University Title IX Coordinator or Deputy Title IX Coordinator. (See Policy 4-161.A above)

Upon receiving such report, or when the University has actual knowledge of alleged sexual misconduct, the Title IX Coordinator will promptly contact the Complainant to: (1) discuss the availability of supportive measures, which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.

Such a report may be made at any time by calling the Title IX Office at 940-397-4213, or emailing the Title IX Coordinator at titleix@msutexas.edu , or using the Title IX/Sexual Misconduct Report Form. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this regulation.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University 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 local law enforcement. Students and employees should contact the Title IX Coordinator (office: Vinson Health Center; phone: 940-397-4213) by calling, emailing (titleix@msutexas.edu), or coming into the office to report in person.

The Title IX Coordinator will collaborate and coordinate with the Director of Student Rights and Responsibilities for student cases and Human Resources for employee cases. If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that will be followed.

Incident Being Reported	Procedures Institution Will Follow
Domestic Violence	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Domestic Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Domestic Violence or for assisting in the investigation.
Dating Violence	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Dating Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Dating Violence or for assisting in the investigation.

Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Sexual Assault or for assisting in the investigation.
Stalking	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Stalking to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Stalking or for assisting in the investigation.

Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors

Professional Counselors assigned to Student Counseling are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to MSU Texas Police, or local law enforcement. Students may request the Counseling Center to facilitate anonymous reporting by capturing general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report.

Assistance for Victims - Rights & Options

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

Such written information will include:

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

Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a criminal, civil, or tribal court

When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order may be issued by the Office for Student Rights and Responsibilities, the Title IX Officer, or Housing. The notice serves as an official directive that the parties have no contact. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Case Manager or Investigator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order.

Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The No Contact Order will run for the life of the Title IX case and may be extended as part of sanctions.

All criminal or civil protective orders must be requested through the court and requires evidence to show the need for such order. A victim advocate or local attorney can assist in the process of obtaining a protective order from the court.

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to victims about options for, available assistance, and how to request Supportive Measures at the institution. Supportive Measures are described in writing in the initial communication following a report and include areas such as academic, living, transportation, and working situations. A copy of the Supportive Measures document is also presented to parties during intake meetings.

The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University's Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures. At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

- Students: Contact the Title IX Coordinator for assistance.
- Employees/Faculty: Contact the Office of Human Resources

Confidentiality

Midwestern State University is committed to ensuring confidentiality during all stages of the Grievance Process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of

misconduct, to protect the University Community, and to the extent allowed by law. Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar's Office. Employees can contact the Office of Human Resources to make a similar request regarding directory information. Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures.

By only sharing personally-identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

Unless waived in writing by the individual, the identity of aforementioned individuals:

- Is confidential and not subject to disclosure under Texas Chapter 552, Government Code (Public Information); and
- May be disclosed only to
 - University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
 - a law enforcement officer as necessary to conduct a criminal investigation of the report;
 - a health care provider in an emergency, as determined necessary by the University;
 - the Responding Party, to the extent required by other law or regulation; and
 - potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

Campus and Community Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including MSU Texas PD, will offer the victim a

wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Midwestern State University.

Initial Review of Formal Complaint

Upon receipt of a Formal Complaint, the University will: complete the actions required upon receiving notice, evaluate jurisdiction and mandatory and discretionary dismissal, assess appropriate supportive measures for both parties, evaluate the need for emergency removal or administrative leave, and initiate the Grievance Process (MSU Texas Policy 4-161.A and Policy 4-161.B, Texas Tech University System [Regulation 07.06.A](#) and [Regulation 07.06.B](#)).

Annual Training

Title IX Coordinators, Investigators, Hearing Officers, and Appeal officers receive adequate and unbiased training on the application of the sexual misconduct policy, and the Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy decisions. All materials used to train these staff members are publicly available at: <https://www.depts.ttu.edu/titleix/tixtraining.php>

Employee Non-Title IX Sexual Misconduct Complaint, Investigation, and Response

The following information pertains to employees who are respondents in a reported incident. Type and Location for Filing a Complaint. If an Employee has a complaint of Sexual Misconduct against another Employee, the general provisions relating to Employees and the Employee complaint procedures set forth in [System Regulation 07.10](#) shall apply.

Required Form of Complaint: To initiate an investigation, an Employee having a complaint under this regulation must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at: https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6.

While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and Midwestern State University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.

Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator, or Human Resources. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.

Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual’s choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.

Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this regulation.

After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the determination of the outcome and the finding of the System Office of Equal Opportunity. In the event a finding of a violation of this regulation is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment.

Notification to Victims of Crimes of Violence

The University will, upon written request, disclose, to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee 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 next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Informal Resolution Process

An alternative resolution to Formal Complaints to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the informal resolution process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the informal resolution process by obtaining the parties' voluntary, written consent to use this informal resolution process. Notwithstanding the foregoing, the informal resolution process will not be offered to resolve allegations that a University employee engaged in conduct against a student that would constitute Title IX or Non-Title IX sexual misconduct.

The University will not require any person to participate in the informal resolution process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the informal resolution process. Any party may withdraw from the informal resolution process at any time prior to agreeing to a resolution and resume the grievance process with respect to the Formal Complaint.

Sanction and Remedies

The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the grievance process are set forth below. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.

Sanctions and Remedies Against Students

Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary

expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Sanctions and Remedies Against Employees

Possible sanctions or remedies that may be imposed on employee respondents can include, but are not limited to: employment probation; job demotion or reassignment; suspension with or without pay for a specified period of time; dismissal or termination; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Remediated Steps Available

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

Victims of sexual assault, dating violence, domestic violence or stalking are entitled to rights to ensure they are protected and can begin the process of getting back to life prior to being a victim. A victim may work with the Office of Student Rights and Responsibilities to do so. The University will work with the student and help them through the processes below:

Interim Suspension or Emergency Removal

The University may remove one or more students who are suspected of violating policy from the university prior to a hearing on the issues if there is a potential for risk to one or more members of the University community.

Temporary No Contact Order

The University may impose a temporary "no contact" order restricting contact between individuals during the course of an investigation.

Standing No Contact Order and Geographic Restrictions

The University may impose a permanent "no contact" order, or an order restricting students who are found to have violated university policy from specific buildings or areas of campus.

Security Escorts

The University may discuss options for ensuring travel safety to and from specific locations on and off campus.

Temporary Modifications of Living Arrangements

The University can provide a temporary modification of living arrangements, to the extent possible, at any time. The University also reserves the right to adjust the housing assignment of students who are alleged to have violated university policy. The University can also provide emergency on-campus housing to students living off-campus if the situation warrants it.

Permanent Alteration of Living Arrangements

If it is determined that an on-campus housing assignment is affecting academic success, the University will assist in adjusting that situation, to the extent possible. The University also

reserves the right to adjust or cancel the housing contract of any student who is found to have violated university policy.

If an off-campus living situation is no longer conducive to academic success as a result of your experience, the University will assist in finding on-campus accommodations, if available.

Temporary Modification of On-Campus Employment

The University can provide temporary reassignment of on-campus employment duties within the University during the course of an investigation. The University may also review the assigned duties of students who are alleged to have violated University policy.

Permanent Adjustment of Student Employment

If an employment assignment is no longer comfortable due to the experience, the University will assist in exploring other potential options within the University and may review the assigned duties of students who are found to have violated University policy.

Permanent Class Schedule Adjustments

If it is determined that the most effective way to help ensure academic success is to adjust one or more classes you are enrolled in, the University will assist in minimizing the impact to your academic plans and goals.

No-Cost Medical and Psychological Support

The University will provide no-cost medical and psychological services through the Student Health Services and/or Counseling Center to assist any student who requests them as a result of any experience under investigation by the university.

If it is determined that the experience placed the survivor's academic success in jeopardy, the university will make academic support services available at no cost.

Assistance in Adding, Dropping, or Retaking Courses

If the experience has made it difficult or impossible to continue with one or more classes for a period of time, the University will assist in the process of adding, dropping or retaking one or more courses at a different time, day, location or semester. The University will assist in determining the best course of action, taking financial aid, living and academic situation into account.

Judicial Orders

Victims of sexual assault, dating violence, domestic violence or stalking are entitled to judicial orders from the court upon request. The University will assist the survivor by working with him or her and a crime victim advocate to ensure that proper procedures are followed to obtain such an order.



Annual Disclosure of Campus Crime Statistics

Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f) et.seq., and its implementing regulations require colleges and universities across the United States to disclose information about crime on and around their campuses. This section includes information on crime statistics are specific to Midwestern State University, Wichita Falls, TX and are reflective of the calendar years 2021, 2022 and 2023.

Crime statistics reported within the table below are in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. This report includes statistics for crimes reported which occurred within Midwestern State University's Clery geography and were reported to university police or campus security authorities. The report also includes statistics for referrals for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These categories include liquor, drug and weapon law violations. Statistical information for certain off campus locations or property owned or controlled by the University, as well as public property within or immediately adjacent to campus, is gathered by MSU Texas Police after requesting such information from those local law enforcement agencies.

The crime statistic tables appearing on the following page(s) are prepared using data from documents provided, maintained and reviewed by the Midwestern State University Police Department, Human Resources, Title IX, Office of Student Rights and Responsibilities, General Counsel, Athletics, designated Campus Security Authorities (CSAs), Responsible Employees, and cooperating external law enforcement agencies.

Clery Geography

It is important to note that the below crime statistics are for reported crimes that occurred within a specific set of geography defined by the Clery Act as noted below. The crime statistics include all persons and incidents that occurred within this geography regardless of affiliation with the university. What this means is that not all reported crimes involved a student or employee. Clery geography is defined by a unique set of definitions as defined by the Clery Act. The statistics reported in the following tables are published according to where they occurred. The following definitions are used to distinguish these various locations for statistical reporting purposes.

On-Campus

- 1) Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- 2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (e.g., a food or retail vendor).

On-Campus Residence Halls

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Noncampus Property

- 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution, or
- 2) Any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

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

Reasonable Contiguous

As defined in the 2016 Handbook for Campus Safety and Security Report: Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

Clery Reporting Crime Definitions

The Clery Act divides reportable crimes into four categories to assist with a better understanding of each type of crime. The four categories, as reflected below, are Criminal Offenses, Hate Crimes, Violence Against Women Act Offenses, and Arrest and Referrals for Disciplinary Action. The following definitions and statistics are reported in accordance with those guidelines.

Criminal Offenses**MURDER/NON-NEGLIGENT MANSLAUGHTER**

The willing (non-negligent) killing of one human by another. NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

MANSLAUGHTER BY NEGLIGENCE

The killing of another person through gross negligence.

SEX OFFENSES

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An offense that meets the definition of rape, forcible fondling, incest, or statutory rape as used in the FBI's UCR program.

- 1) 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.
- 2) 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 of his/her temporary or permanent mental incapacity.
- 3) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 4) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

ROBBERY

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

AGGRAVATED ASSAULT

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

BURGLARY

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

MOTOR VEHICLE THEFT

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding.)

ARSON

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

Violence Against Women Act Offenses

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.

- 1) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- 2) For the purposes of this definition:
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
- 3) 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

DOMESTIC VIOLENCE

A Felony or misdemeanor crime of violence committed:

- 1) By a current or former spouse or intimate partner of the victim;
- 2) By a person with whom the victim shares a child in common;
- 3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 4) 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
- 5) 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.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress.
- 3) For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrest and Disciplinary Referrals Definitions

ARREST

An arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

DISCIPLINARY REFERRAL

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

LIQUOR LAW VIOLATIONS

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

DRUG ABUSE VIOLATION

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

WEAPON LAW VIOLATIONS

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Hate Crimes

HATE CRIME DEFINITIONS

The Clery Act defines a Hate Crime as a criminal offense (larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and other Clery Act crimes) that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, ethnicity, national origin, gender, gender identity, sexual orientation, religion and/or disability) against the victim.

In addition to any of the above Clery crimes, the following acts are reportable as Hate Crimes under the Clery Act. A crime is classified as a Hate Crime when the evidence suggests the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Midwestern State University is also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for all of the above Clery crimes and the additional hate crimes listed here. Although there are many possible categories of bias, under the Clery Act, only the below eight categories are reported.

ADDITIONAL HATE CRIMES

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

- a. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- 2) Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- 3) Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- 4) Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

BIAS CATEGORIES

- 1) Race: a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- 2) Religion: a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- 3) Sexual Orientation: a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- 4) Gender: preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- 5) Gender Identity: a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- 6) Ethnicity: a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology

that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

- 7) National Origin: a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- 8) Disability: a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hierarchy Rule

When counting multiple offenses, we are required to use the FBI’s UCR Hierarchy Rule. Under this rule, when more than one criminal offense was committed during a single incident we must only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the hierarchy for reporting Clery offenses is: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, and Motor Vehicle Theft. The crimes of Arson, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Hate Crimes are not governed by the hierarchy rule, and statistics for these incidents are reported in these categories in addition to in any other crime category covered under the hierarchy rule if applicable. The crime statistics also reflect no hierarchy rule for drug, liquor and weapon law violations, where the institution chooses the most severe infraction to count. An example of this would be if a person was arrested or referred for drug and liquor violations; a drug statistic would be counted and not the alcohol and an arrest is counted over a referral.

Unfounded Crimes

Under the reauthorization of the Violence against Women Reauthorization Act regulations, an institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded. Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, the failure to make an arrest, and a determination by a coroner, court or jury are not adequate grounds for unfounding a crime report.

Clery Act Statistics: Wichita Falls Main Campus

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	1	0	0	1	1
	2022	1	0	0	1	1
	2021	1	0	0	1	1
Fondling	2023	0	0	0	0	0
	2022	5	0	0	5	3
	2021	3	0	0	3	3
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	3	0	0	3	1
	2022	0	0	0	0	0
	2021	2	0	1	3	1
Burglary	2023	2	0	0	2	2
	2022	3	0	0	3	3
	2021	9	0	0	9	9
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	2	0	0	2	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	1	1	2	0
Drug Law Violation Arrests	2023	3	0	0	3	3
	2022	7	0	1	8	7
	2021	8	0	3	11	8
Weapons Law Violation Arrests	2023	1	0	1	2	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	32	0	0	32	31
	2022	18	0	0	18	18
	2021	23	0	0	23	23
Drug Law Violation Referrals for Disciplinary Action	2023	8	0	0	8	7
	2022	4	0	0	4	4
	2021	3	7	0	10	3
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	1	0	0	1	1
VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Domestic Violence	2023	1	0	0	1	0
	2022	2	0	0	2	2
	2021	4	0	0	4	4
Dating Violence	2023	2	0	0	2	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2023	5	2	0	7	0
	2022	6	0	0	6	2
	2021	3	0	0	3	3

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

Unfounded Crimes:

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2023 calendar year at this campus is 0.
The total number of unfounded crimes for the 2022 calendar year at this campus is 0.
The total number of unfounded crimes for the 2021 calendar year at this campus is 0.

Hate Crime Reporting:

There were no hate crimes reported at this campus in 2023.
There were no hate crimes reported at this campus in 2022.
There were no hate crimes reported at this campus in 2021.

**Clery Act Statistics: MSU Texas Study Abroad - London Campus
(Located at Queen Mary University)**

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapons Law Violation Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

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

Unfounded Crimes:

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2023 calendar year at this campus is 0.

The total number of unfounded crimes for the 2022 calendar year at this campus is 0.

The total number of unfounded crimes for the 2021 calendar year at this campus is 0.

Hate Crime Reporting:

There were no hate crimes reported at this campus in 2023.

There were no hate crimes reported at this campus in 2022.

There were no hate crimes reported at this campus in 2021.



Annual Fire Safety Report

Fire Safety Report: 2023 (Contains statistics for 2023, 2022 and 2021)

Fire Reporting Procedures

If a fire is reported in a MSU Texas Residential Facility, the person reporting the fire should notify the Wichita Falls Fire Department at 911 immediately. For the London campus, students and/or program staff should report any fire to the local campus security office and/or call 999 immediately. Once the emergency has passed, you should notify MSU Texas PD at 940-397-4239 to investigate and document the incident for disclosure in the University's annual fire statistics. In London, the report should be made to Program Staff, who will coordinate with the MSU Texas PD. If a member of the MSU Texas community finds evidence of a fire that has been extinguished, and the person is not sure whether MSU Texas PD has already responded, the community member should immediately notify MSU Texas PD at 940-397-4239 to investigate and document the incident for disclosure in the University's annual fire statistics. Other local emergency response units may also be called if needed (ambulance, Wichita Falls PD, etc.).

Per federal law, MSU Texas is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. The Office of Residence Life in conjunction with the Fire Safety Officer and MSU Texas PD will publish an Annual Fire Safety Report. This report will include all fire statistics, emergency response and evacuation procedures and all policies regarding fire drills and alarms. If interested in this material now, please see the Office of Residence Life for assistance.

Fire – Defined

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

Fire Safety Equipment

The fire safety equipment installed in University Housing MUST NOT be tampered with or used for any reason other than a genuine emergency. Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing fire extinguishers, hoses, smoke detectors, or any other emergency equipment from their proper location, except when done with real need for such equipment, is an extremely serious violation. Individuals found to be responsible for tampering with any fire safety equipment will be subject to disciplinary action that may include expulsion from University Housing and/or the University.

Fire Safety Education

Through the use of fire drills, Midwestern State University provides fire safety and education for students. These are conducted several times per semester. In the event the Office of Residence Life & Housing leases off-campus or privatized housing, MSU Texas Housing Staff also provides life safety information about the complex and evacuation routes for the MSU Texas residents contracted to stay in these locations.

Future Improvements

Midwestern State University Associate Vice President of Physical Plant and the Risk Management and Safety Officer regularly evaluate the fire safety systems being utilized on the campus and make recommendations when changes are required. MSU Texas does not currently have any identified plans for improvement to the fire safety systems.

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial * Sprinkler System	Full ** Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Evacuation (fire) drills each calendar year
Killingsworth Hall 3704 Jesse Rogers Promenade Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Pierce Hall 3730 Jesse Rogers Promenade Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
McCullough-Trigg 2485 Comanche Tr. Wichita Falls, TX ***	Yes	No	No	Yes	Yes	Yes	2
Legacy Hall 3705 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sundance CT. 3990 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #1 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #2 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #3 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #4 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #5 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #6 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #7 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #8 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Sunwatcher Village #9 3704 Louis J. Rodriguez Wichita Falls, TX	Yes	N/A	Yes	Yes	Yes	Yes	2
Arbor Creek Scholarship 4000 Weeks Parks Ln. Wichita Falls, TX	No	No	No	Yes	No	No	0
Varey House Queen St. Mary's Univ. London, UK	No	No	No	Yes	Yes	Yes	0

* Partial Sprinkler System is defined as having sprinklers in the common areas only.

** Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

*** Incorporates a dry standpipe system

Killingsworth Hall – a six-story building classified as existing dormitory of Type II construction with an occupancy load of 301 students. Features of fire protection include a complete alarm system, a full sprinkler system, standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

McCullough-Trigg Hall – a six-story building classified as existing dormitory of Type II construction with an occupancy load of 152 students. Features of fire protection include a complete alarm system, a standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Pierce Hall - a three-story building classified as existing dormitory of Type II construction with an occupancy load of 227 students. Features of fire protection include a complete alarm system, a full sprinkler system, standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Legacy Hall—a five-story building classified as existing dormitory of Type V construction with an occupancy load of 500 students. Features of fire protection include a complete alarm system with pull stations, audio/visual devices, smoke and heat detectors, a full sprinkler system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Sundance Court – a three-story, wood frame building with brick veneer and a composition roof, classified as an apartment building, occupancy with 96 two and four bedroom apartments with an occupancy load of 274 students. Features of fire protection include a complete alarm system with pull stations, audio/visual devices, smoke and heat detectors, a full sprinkler system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Sunwatcher Village – a three-story apartment complex consisting of eight residential buildings, one community building and one building housing boilers; and is classified as existing apartment occupancy of Type V construction with an occupancy load of 336 students. Features of fire protection include a complete fire alarm system, sprinklers, and portable fire extinguishers.

Varey House (London) – a four story dormitory which the university contracted for the London study abroad program. This building includes 100 individual bedrooms in 15 flats. Features of fire protection include a complete alarm system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Fire Drills

Midwestern State University conducts regular fire drills for all housing students. One fire drill is conducted at each residence hall once each long semester. Written procedures are also distributed to residents in the London program as part of their check-in packet from the host university, but no fire drills are conducted during the study abroad time period.

Persons Notified

The following is a list of personnel that should be notified if a fire is reported:

1. Wichita Fire Department
2. University Police

3. Director of Housing & Residence Life
4. VP for Student Affairs
5. Associate VP for Student Affairs

Allowable and Prohibited Items

The following guidelines have been established in the interest of individuals' safety and the preservation of University Housing property:

Students are permitted to possess and use the following electrical items in University Housing:

Irons	Small Fish Tanks	Televisions	Hair Dryers
Fans	Radio/Stereo	Computers/Tablets	Sewing Machines
Razors	Hand Mixers	DVD/Blu-Ray Players	Coffee Makers
Hot Pots	Curling Irons	Blenders	Hair Trimmer
Razors	Clocks	Electric Blankets	Refrigerator (less than 4.5 cubic ft.)

Other electrical items may be allowed. Please check with your Hall Director/Complex Coordinator before you bring an unlisted item into University Housing.

Students are encouraged to use breaker power strips. No extensions cords, other than breaker power strips, are allowed in University Housing. Please note that all electrical cords must be disconnected (unplugged) during school breaks and/or when University Housing is officially closed.

The following electrical items are not permitted in University Housing and will be confiscated and placed in storage if found during routine inspections:

Sun Lamps	Halogen Lamps	Christmas/Holiday Lights	Hot Plates
Deep Fryers	Electric Skillets	Microwave Ovens	Broilers
Space Heaters	Convection Ovens	Other types of grills	

Please note that the electrical system in University Housing has limitations. Overloading these systems can present fire and safety hazards. Therefore, no extension cords are 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.

The following items are also not permitted in University Housing and will be confiscated if found:

- Candles
- Knives (small pocket knives and table knives are allowed)
- Any explosive device including all forms of fireworks.
- Grills are not permitted unless they are kept ten (10) feet from all structures.
- Smoking and open flames are also prohibited in all of the MSU Texas residential facilities.

Procedures Students and Employees Should Follow In Case of a Fire

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.
- Killingsworth Hall and Pierce Hall – All students on the south side of the residence hall (the side towards the Fine Arts building) use the south stairs at the back (west end) of the building. All students on the north side of the residence hall should use the north stairs at the back (west end) of the building. The center stairs can also be used.
- McCullough-Trigg Hall - All students use the stairwells at the end of the hallways (**DO NOT use center stairwell for fire evacuation**).
- Legacy Hall – Students in the “D” wing (south side of the building near Fine Arts) should use the “D” stairwell (west side of the wing exiting behind Pierce Hall). Students may use the central stairwell as a secondary exit. Students in the “C” wing (south side of the building parallel to Louis J. Rodriguez Drive) may use the “D” stairwell or the central building stairwell. Students in the “B” wing (central wing oriented towards the Clark Student Center) should exit using the “B” stairwell or the central stairwell. Students living on the “A” wing (north side of the building parallel to Louis J. Rodriguez Drive) may use the “A” stairwell (north side of the building near McCullough-Trigg) or the central stairwell. When evacuating the building, remain calm, walk (**DO NOT RUN**), and keep to the right side of the stairwell (Emergency personnel may be using the same stairwell to enter the building).
- Sundance Court - All students should vacate their apartment and the premises immediately. Students should meet in the soccer field parking lot, directly across from the Sundance Court and listen for directions.
- Sunwatcher Village Apartments - All students should vacate their apartment and the premises immediately. Students should meet in the Legacy Commons, directly across from the Sunwatcher Village clubhouse and listen for directions.

- All residents from Killingsworth, Pierce, Legacy, and McCullough-Trigg are to congregate at a safe distance from the building (at least 100 feet) on the Sunwatcher Plaza between the Clark Student Center and Prothro-Yeager Hall (near the Sunwatcher Statue).
- Varey House (London) - All students should vacate their flat and the premises immediately. Students should meet in the open area nearest the cafeteria and await further instructions.
- Students should not reenter University Housing until instructed to do so by Fire Department personnel, University Police, or the Residence Hall/Apartment Director.

Fire Log

A fire log is available for review at the MSU Texas Police Department, Monday through Friday, during normal office hours, excluding holidays. The information in the fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

Statistics for Reported Fires in On-Campus Student Housing Facilities								
	Year	No. Fires Reported	Fire No.	Cause	No. People Injured	No. Deaths	Value Damage	Case Report No.
Killingsworth Hall	2023	0	0	0	0	0	0	
3704 Jess Rogers Promenade	2022	0	0	0	0	0	0	
Wichita Falls, TX	2021	0	0	0	0	0	0	
Pierce Hall	2023	0	0	0	0	0	0	0
3730 Jesse Rogers Promenade	2022	0	0	0	0	0	0	0
				Burning incense/ electrical from light	1 - minor burn to foot		\$1k-9,999/\$100-\$999	21-0020/21-0024
Wichita Falls, TX	2021	2	2-Jan			0		
McCullough-Trigg	2023	0	0	0	0	0	0	0
2485 Comanche Tr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Legacy Hall	2023	1	1	Stairwell light fixture/electrical unattended	0	0	0-\$1K	Maxient 06762
3707 Louis J. Rodriguez Dr.	2022	1	1	frying on stove in lounge	0	0	\$20K - \$50K	22-0017
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sundance Court	2023	1	1	Washing machine caught fire	0	0	0-\$1K	23-0129
3990 Louis J. Rodriguez Dr.	2022							
Wichita Falls, TX	2021							
Sunwatcher Village #1	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #2	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #3	2023	1	1	Grease stored in oven during preheat	0	0	\$1k-\$9,999	23-0173
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #4	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #5	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #6	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #7	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #8	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Sunwatcher Village #9	2023	0	0	0	0	0	0	0
3704 Louis J. Rodriguez Dr.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Arbor Creek Scholarship	2023	0	0	0	0	0	0	0
4000 Weeks Park Ln.	2022	0	0	0	0	0	0	0
Wichita Falls, TX	2021	0	0	0	0	0	0	0
Varey House	2023	0	0	0	0	0	0	0
Queen St. Mary's University	2022	0	0	0	0	0	0	0
London, UK	2021	0	0	0	0	0	0	0