Prairie View
A&M University
(Prairie View, College of Nursing and Northwest Houston Center Campuses)

2019 Annual Security and Fire Safety Report
Crime and Fire Statistics for 2016-2018

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)
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Chapter I – Prairie View A&M University Annual Security Report

Overview

Founded in 1876, Prairie View A&M University (PVAMU) is the second oldest public institution of higher learning in the state of Texas. PVAMU is accredited by the Southern Association of Colleges and Schools as a comprehensive public institution of higher education. With an established reputation for producing engineers, nurses and educators, PVAMU offers baccalaureate and master’s degrees in numerous academic disciplines, as well as several doctoral degree programs, through nine colleges and schools. A member of the Texas A&M University System (TAMUS), PVAMU is dedicated to fulfilling its land-grant mission of achieving excellence in teaching, research and service. The main campus is located in Waller County, approximately 40 miles northwest of Houston and one mile north of US Highway 290 on Farm Road 1098.


Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions’ obligations under the Act. The Act was also renamed the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (hereafter the Clery Act).

The Clery Coordinator composes the Annual Security and Fire Safety Report and statistical information with input from various sources such as the UPD, local law enforcement agencies, RMS, Student Affairs, and various university officials.

**Notifications**

An e-mail and text message notification is sent to all current students, faculty and staff, which provides website access to this report. Upon request, prospective students and employees may obtain a written paper copy of the report at the Office of University Compliance, located in W.R. Banks Building, Suite 224. The building is located directly across from the A.I. Thomas Building. The report may also be obtained on the university’s [Clery website](#).

Prospective employees are provided with the direct link to view the university’s most current Annual Security and Fire Safety Report on the university’s [career site](#).

Prospective students and parents of students can read about and reference Clery Act information on the [Undergraduate Admissions webpage](#) and the [Graduate Admissions webpage](#). Prospective students are notified about the Clery Act via an email that is sent to applicants after they have completed an application in the online enrollment system. Additionally, students who are admitted also receive an email with information related to the Annual Security and Fire Safety Report. The email includes the availability of the Annual Security and Fire Safety Report, as well as a direct link to the current Annual Security and Fire Safety Report.

**Campus Law Enforcement Policies**

**Prairie View A&M University Police Department Overview**

Under the Texas Education Code, Subchapter E, Chapter 51, PVAMU is authorized to operate its own police department. The department is staffed by licensed and commissioned police officers.

The UPD takes the lead in providing a safe environment for the university community by protecting life and property. To achieve this protection, the UPD maintains year-round 24-hour per day patrols to deter and detect crime, report fires and safety hazards, and control traffic on campus.

All police officers have completed their training at a state-approved police academy and have the same authority and power as other peace officers within the State of Texas, as set forth in [Article 14.03 of the Texas Code of Criminal Procedure](#), including arrest authority for violations of the law. Police officers enforce all applicable federal, state, county, and city laws as well as university rules.

The police department utilizes vehicle, foot and bicycle patrols to protect the safety of all who work at, visit, or attend PVAMU. PVAMU police officers periodically walk through the buildings and residential areas of the campus.

Contract police and security officers provide supplemental patrols, particularly around parking and residential areas. These contract police and security officers provide an additional presence, and report suspicious or criminal activity to the UPD. The contract security officers employed by PVAMU do not have arrest authority. However, the contract police officers do have arrest authority. In both cases, the scope of their official duties is confined to the campus of PVAMU.
University Police Department Jurisdiction, Enforcement Authority, Arrest Authority, Working Relationships & Mutual Agreements, and Interagency Cooperation

The UPD is the primary police authority for PVAMU. PVAMU police officers are certified Texas peace officers as defined in Article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, PVAMU police officers have full peace officer authority, including authority to detain and arrest, in all counties in which property is owned, leased, rented, or otherwise under the control of PVAMU. However, the primary jurisdiction of PVAMU police officers is the campus of PVAMU and the immediately surrounding streets. As peace officers, the UPD armed police officers have the same authority to detain and arrest as municipal police officers.

The UPD is computer-linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to UPD are investigated and are referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving university students may also be referred to university administration for disciplinary action.

The UPD does not have a written mutual aid agreement or memorandum of understanding with any area law enforcement agency. However, UPD maintains good working relationships with all area law enforcement agencies including the City of Prairie View Police Department, Hempstead Police Department, Waller Police Department, Brookshire Police Department, Houston Police Department, Waller County Sheriff’s Office, Harris County Sheriff’s Office and the Texas Department of Public Safety. This cooperation extends to the reporting of crimes to the appropriate agencies, participation in police radio communications and computer network training programs, special events coordination, and investigations of serious crimes. Information on crimes that may impact or relate to the surrounding community and state is shared directly with appropriate law enforcement agencies. UPD has an open line of communication between UPD and neighboring agencies, where critical information regarding crimes, crime trends or other relevant information is shared.

When a PVAMU student is involved in an offense at a non-campus location, the UPD may, upon request, assist with the investigation in cooperation with local, state, or federal law enforcement agencies. However, PVAMU does not use local law enforcement to monitor and document criminal activity allegedly perpetrated by students at off-campus locations of officially recognized student organizations.

Professional Standards

The UPD relationship with the community, and ensuring that excellent service is provided, is vital to achieving the overall mission of a safe and secure campus. All members of the PVAMU community, and visitors to the campus, can expect to be treated in a courteous and professional manner by members of the police department. The UPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. UPD also wishes to recognize instances in which its employees have been especially helpful or have exceeded expectations in the service they have provided.

The quality of police service is dependent in part on feedback from the community, which is served. Please help to improve the department by bringing complaints and compliments to the attention of any of the following individuals in a timely manner:
• Request the on-duty Police Supervisor by calling (936) 261-1375. A supervisor is available 24-hours a day.
• Address written correspondence to: Chief of Police, Prairie View A&M University Police Department, P.O. Box 519: MS#1430, Prairie View, TX 77446.

Prairie View A&M University Police Department Telephone Directory

Visit:  http://www.pvamu.edu/upd/

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Reporting Crimes

Incident Reporting and Response

Any on-campus emergency, criminal offense, or suspected criminal activity, should be reported immediately to the UPD by dialing 4-911 (campus phone) or 911 (emergency), in person, or dialing (936) 261-1375 (non-emergency). You can use one of the many emergency telephones located throughout campus, and near Residence Hall entrances. Campus elevators are also equipped with emergency phones. Upon receipt of the call, the UPD Communications Center personnel will supply information or dispatch officers as necessary. For non-emergencies, the UPD also has an on-line reporting form at: https://www.pvamu.edu/upd/forms/report-an-offense/.

The University Police Department encourages accurate and prompt reporting of crimes when the victim of such crimes elects or is unable to make such a report. The UPD criminal investigators and UPD patrol officers, provide information regarding victims’ rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to report. UPD officers provide crime-victim information to victims and witnesses encountered in the field. UPD personnel and university officials will assist crime victims with notifying the proper law enforcement authorities, if the victim so chooses. UPD’s goal is to provide assistance wherever the report is made and to ensure that the crime is included in our crime statistics as required.

Reporting Criminal Offenses to University Officials

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to UPD. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. However, in certain circumstances, a victim of a crime may be more inclined to report the offense to someone other than a law enforcement officer. For this reason, the Clery Act requires the collection of crime reports from individuals who are considered to be a Campus Security Authority (CSA). PVAMU has designated the following types of individuals as CSAs:
CSAs commonly report information to the following:

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<td>University Police Department</td>
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</tr>
<tr>
<td>Student Affairs</td>
<td>(936) 261-2130</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>(936) 261-2166</td>
</tr>
<tr>
<td>Human Resources</td>
<td>(936) 261-1730</td>
</tr>
<tr>
<td>Clery Coordinator</td>
<td>(936) 261-2117</td>
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Upon request, CSAs, including professional counselors, should treat crime reports as confidential and respect the privacy of the person making the report, consistent with their reporting obligations and all applicable laws. Professional mental health counselors are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and to inform them of reporting procedures, especially if the incident may pose an ongoing threat to the campus community.

For additional information on the duties and responsibilities of CSAs, see “Resources for Campus Security Authorities” on the Clery website.

Confidential and Anonymous Reporting of Crimes

Aside from the guidelines above pertaining to professional counselors acting in that capacity, PVAMU does not specifically have policies or procedures for victims, or witnesses, to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, upon the request of the person making a report, a CSA may maintain that person’s privacy to the extent allowed by law and pass along crime report details to UPD without including personally identifying information for the reporting party.

The University Police Department encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Felony crimes can be reported anonymously by calling Crime Stoppers at 1-800-252-8477. Non-emergency crimes can be reported anonymously via the University Police Department web page. UPD also operates a TIPS line (936-261-2222) to allow people to report non-emergency security or safety related concerns anonymously, as well as to provide the police department with information about criminal incidents or behavior.

The UPD and all CSAs will accept anonymous reports of crimes for inclusion in the annual crime statistics for PVAMU.

Timely Warnings

The procedures disclosed in this section apply to incidents occurring at the Prairie View A&M campus that warrant a Timely Warning (Crime Alert).
The circumstances in which a Timely Warning will be generated includes, but are not limited to, the receipt of a good faith report to the UPD or other CSA of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. Examples of such crimes may include, but are not limited to, arson, criminal homicide, sexual assault and robbery. The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining if a Timely Warning will be issued. The determination will be made on a case-by-case basis after due consideration of all available pertinent facts, such as the nature of the crime and whether or not a continuing danger to the campus community exists.

The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining the content of Timely Warnings. The Chief of Police or their designee is primarily responsible for distributing Timely Warnings to the university community. However, the Clery Coordinator and the Office of Information Resource Management (OIRM) can also distribute Timely Warnings, if necessary. The Office of Marketing and Communications (MARCOMM) can also put out information via social media channels as a supplement, and update the PVAMU website with information related to the Timely Warning. Anyone with information warranting a Timely Warning should report the circumstances immediately to the UPD, by phone (936-261-1375) or in person.

Timely Warnings shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences. Timely Warnings are distributed to PVAMU students and employees via email. Timely Warnings will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property from similar occurrences. Timely Warnings will generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s) or composite picture.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures that members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names are never included in Timely Warnings.

PVAMU will not issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

The Clery Coordinator tests the Timely Warning notification system on a quarterly basis.

**Emergency Response and Evacuation**

*“Panther Alert” Emergency Notification System*
Panther Alert is PVAMU’s emergency notification system that gives the university the ability to communicate health and emergency information by phone, text message, and e-mail.

PVAMU will only use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of PVAMU to notify the campus community, via the Panther Alert Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Clery Coordinator and personnel from the UPD, RMS, and MARCOMM coordinate as needed to determine whether a significant emergency or dangerous situation exists. This is done by evaluating information received from entities, which may include, but are not limited to law enforcement, fire department, emergency medical services, the National Weather Service, other personnel from RMS and various additional offices/departments on campus. Personnel authorized to make a final determination of whether or not a significant emergency or dangerous situation exists, and if a Panther Alert should be issued are: The Clery Coordinator, Chief of Police or their designee, MARCOMM, and the Director of RMS or their designee.

For law-enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system, is generally the responsibility of the Chief of Police or their designee. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Chief of Police or their designee will, without delay, and taking into account the safety of the community, determine the content of the emergency notification. The Chief of Police, or their designee, will initiate the notification system; unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The Chief of Police, or their designee, is primarily responsible for distributing Panther Alerts to the university community via blast email, text and phone call. However, the Clery Coordinator, OIRM, RMS, and MARCOMM can also distribute Panther Alerts via email, text and phone messaging system, if necessary.

For non-law enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system is generally the responsibility of MARCOMM and/or RMS. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, MARCOMM and/or RMS will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system. MARCOMM and/or RMS will initiate the notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. MARCOMM and/or RMS are primarily responsible for distributing Panther Alerts to the university community via email, text and phone call for non-law enforcement incidents. However, UPD, the
Clery Coordinator, and OIRM can also distribute Panther Alerts via the email, text and phone call system if necessary.

For both law-enforcement related and non-law enforcement related incidents, the content of the notification and necessary follow-up messages will provide information that will aid the campus community in response or evacuation measures. Follow-up notification is provided upon mitigation of the threat via the Panther Alert System.

The Clery Coordinator tests the Panther Alert system on a quarterly basis.

**Registering for “Panther Alert” Emergency Notifications**

**Students, Faculty, and Staff Access:**
The Panther Alert emergency notification system allows students, faculty and staff who have a PantherNet username and password (which are the same as their email username and password) to register numbers to receive text message and/or phone calls. Emergency alerts are also sent to all PVAMU email addresses. Students, faculty and staff are automatically registered to receive the notifications, and can update their contact information as needed. Students, faculty and staff that no longer wish to receive emergency notifications are able to update their contact information and “opt out” of receiving these notifications by visiting the university’s Emergency website.

**Public Access:**
Parents, family, and friends of PVAMU can receive voice or text message emergency alerts by subscribing to the Panther Alert System. To learn how, visit: https://pvamu.bbcportal.com/.

**Provision of Information to the General Public**

In the event that a crisis occurs on university property, a notification is sent to MARCOMM as soon as possible. As chief spokesperson for the university, MARCOMM will ultimately be responsible for the external communication efforts that relate to the crisis. As such, MARCOMM will coordinate communication efforts as appropriate with the university and/or other governmental agencies that may be involved in the crisis event. MARCOMM will disseminate press releases, respond to media inquiries, produce radio and television announcements, maintain/update the university web site, provide logistics and support for press conferences, and serve in supporting other forms of communication as needed. In case of an emergency, the PVAMU main web site may be updated with current information pertaining to the incident.

**Emergency Preparedness**

**Procedures and Policies**
The Emergency Management Plan (EMP) and contents within is a guide to how the university conducts all-hazards response. The EMP is written in support of emergency management and is structured according to the National Response Framework to provide scalable, flexible and adaptable coordinating guidance to inform those having key roles and responsibilities in the event of an emergency affecting PVAMU.
Drills, Tests, Training & Evacuation Procedures
To ensure that personnel and community first responders are aware of their duties and responsibilities under the EMP and the most current procedures, the various training, drills, and exercise actions will occur. These include training sessions for all applicable university personnel, a table top or functional scenario test of the EMP exercised annually, a full-scale exercise every three years, and tests/exercises with other agencies and emergency response entities. Testing of the EMP may be announced or unannounced.

Evacuations in response to emergency situations are often managed by the UPD, RMS, or the fire department. These include large-scale evacuations, persons with function and access needs, and university housing evacuation. Evacuation plans are detailed in the EMP, which is distributed to the campus community on an annual basis in conjunction with the annual test. RMS and the UPD will manage documentation of the test, description of the exercise, date/time, and details related to if the test was announced or unannounced. If an immediate emergency response and/or evacuation is needed, the Panther Alert System (PAS) will be utilized to communicate via text message, email and phone call.

An evacuation (fire) drill is coordinated at least annually by RMS for all residential facilities on the PVAMU campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation.

The Daily Crime Log
Each business day, the UPD publishes a Daily Crime Log using information from the UPD, local law enforcement, Student Conduct and other CSAs. The Daily Crime Log is available to the media, the public, and various campus offices. This summary identifies the type, location, time, and date the crime was reported to UPD.

The Daily Crime Log may be viewed at the UPD, located in the front of the Central Receiving Warehouse on the corner of Reda Bland Evans and Anne Preston Street. A printed copy of the Daily Crime Log may be obtained by calling (936) 261-1375. Note that a request for Daily Crime Log information older than 60 days may take up to two business days from the date the request is received to be fulfilled.

Furthermore, be advised that certain information may be temporarily withheld from the Daily Crime Log if there is clear and convincing evidence that the release of said information would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee or evade detection or result in the destruction of evidence. Once it is determined that the release of the information would no longer have such an adverse effect, the information must be added to the Daily Crime Log.

Security of and Access to Campus Facilities
Access
The Dean, Director, Department Head, or Senior Building Coordinator is responsible for determining access to facilities under their control.
It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (Texas Education Code Section 51.204).

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

**Residence Halls/On Campus Apartments**
Access to residence halls is restricted to residents, their approved guests, and other authorized members of the university community. Exterior doors to on-campus residence halls are equipped with electronic card access that is connected to a centralized software system with 24-hour recording. Residents gain entry to on-campus halls and apartments (including interior residence hall doors) by swiping their key. Residents are cautioned against permitting strangers to enter the residence halls, and are urged to require individuals seeking entry to use their own access cards. Residence areas are patrolled regularly by UPD officers. Additionally, private security patrols the residence areas during the night.

**Off Campus Apartments**
Off-campus apartments are accessed by tenants, their approved guests, and other authorized members of the university. The facilities are equipped with 24-hour property maintenance and security. Residents may gain entry by property issued keys, which are provided through the property manager. Residents are cautioned against permitting strangers to enter the apartment complex, and are urged to require individuals seeking entry to use their own key. All apartment doors are key-locked with deadbolts and have peepholes. Residence areas are patrolled regularly by third party security or managerial security. Professional staff conduct weekly checks of residence facilities. In addition, increased random facility checks during peak university events (i.e. Homecoming and Spring Fest).

**Academic and Administrative Buildings**
The main campus of PVAMU is located within the City of Prairie View, and the public areas are therefore readily accessible. In general, the academic and administrative buildings are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Information about access to a specific facility can be obtained from the Senior Building Coordinator for that facility. UPD personnel generally are not assigned to specific academic or administrative buildings. However, they do patrol such areas on a regular basis.

**Parking Areas**
PVAMU has numerous parking areas and no parking garages. Various parking areas on the campus are under video surveillance and may or may not be monitored. Visitors should obtain a visitor parking permit from the Information Center, located near the campus entrance.

**Maintenance of Campus Facilities**
Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the PVAMU campus. The group addresses maintenance, renovation, and repair projects for facilities,
_custodial and landscaping. Prairie View A&M's Utilities Department provides electricity, heating and cooling, running water, and wastewater disposal. Faculty and staff are encouraged to report maintenance problems to their respective Senior Building Coordinator, or to Building Maintenance at (936) 261-9703.

**Residence Halls and On Campus Apartments**

Each housing facility is responsible for making repairs in their facility. Students are encouraged to report maintenance issues online at [connect.studenthousing.com](http://connect.studenthousing.com). For after-hours emergency repairs, please contact the 24-hour on-call phone service for the residential facility: University College at 979-221-8875, University View at 936-264-6725, University Village Phase I at 979-221-4405, Phase II at 979-221-4406, Phase III at 979-221-4310, and University Square at 979-221-9675. Residence Life, RMS, and the UPD regard security and life safety service needs as priorities.

Residence hall staff conducts daily "on-duty rounds," and reports any known maintenance issues for life/safety and security. Residence hall staff will submit work orders for needed repairs to the residence facility maintenance department. Staff is on call daily for emergency issues. The operations of the emergency telephones are checked on a periodic basis.

UPD personnel closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected. UPD personnel survey campus lighting while on patrol and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action.

**Off Campus Apartments**

Each property leased on behalf of the university is responsible for making repairs in a timely manner as stated in contracts. Students are to report all maintenance and after hour emergency repairs to the property directly as detailed in each property contract. Both student and the leased property are to report all PVAMU housing business and maintenance concerns or requests to the university via the Department of Residence Life email at residence_life@pvamu.edu. On-call hours are from 6:00 pm- 8:00 am, while all other concerns should be provided to the front desk during normal business hours.

**Alcoholic Beverages, Illegal Drugs, and Weapons**

**Education Programs & Policies**


**Alcohol Policy**

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.
Texas A&M University System (TAMUS) & PVAMU strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS/PVAMU property, while on official duty, and/or as part of any TAMUS/PVAMU activities (System Policy 34.02, Drug and Alcohol Abuse). Possession or consumption of alcoholic beverages on property under control of the TAMUS/PVAMU will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis (System Policy 34.03, Alcoholic Beverages).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS/PVAMU shall in all respects comply with state law (System Policy 34.03, Alcoholic Beverages). All purchases of alcoholic beverages by any member must comply with guidelines as established in System Policy 34.03, Alcoholic Beverages regarding the purchase’s source of funds, purpose, and required documentation.

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

As a deterrent to alcohol and other drug use and abuse, PVAMU supports, promotes and sponsors programs to enhance student, faculty, and staff awareness of the devastating effects and consequences of indulging in the use and abuse of alcohol and other drugs. PVAMU has recently implemented a campus wide online training platform, EVERFI, which will require all students to complete an AlcoholEDU training course. AlcoholEDU is an alcohol education course that provides awareness training, alcohol abuse prevention and safe drinking tips for college students.

The Office of Student Affairs is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the alcohol & drug abuse and rehabilitation program for staff and faculty. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

Illegal Drugs Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. UPD is responsible for enforcing state and federal drug laws. Alleged violations of this law may result in criminal charges and will also be adjudicated through university disciplinary procedures. (System Policy 34.02 Drug and Alcohol Abuse; System Regulation 34.02.01 Drug and Alcohol Abuse and Rehabilitation; University Rule 34.02.01.P1 Drug and Alcohol Abuse and Rehabilitation Programs).

Additionally, PVAMU Student Code of Conduct prohibits using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances. (PVAMU Student Code of Conduct). Alleged violations of federal and state laws may result in criminal charges.
University conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

The Office of Student Affairs is committed to promoting responsible decision making regarding drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the drug abuse and rehabilitation program for faculty and staff. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

**Weapons Policy**

In accordance with Texas Penal Code Ch. 46.03, it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution. This includes any grounds or buildings on which an activity sponsored by the school or educational institution in being conducted, or a passenger transportation vehicles under the direct control of the educational institution. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder’s person while the license holder is on the premises of the TAMUS/PVAMU offices (where the TAMUS/PVAMU offices has operational responsibility) or in a TAMUS/PVAMU vehicle, unless prohibited by state law or federal law. Concealed carry is prohibited in any premises where TAMUS/PVAMU offices, as directed or approved by the chancellor as necessary for institutional safety, gives effective notice on a temporary basis pursuant to Section 30.06, Texas Penal Code. The open carry of handguns on TAMUS/PVAMU offices’ land or premises is prohibited (TAMUS Rule 34.06.02.S1). Please see Campus Carry at PVAMU for a list of places where concealed carry by license holders will be prohibited, as well as additional information to campus carry. (PVAMU Rule 34.06.02.P1).

**Missing Persons**

It is the policy of the UPD to thoroughly investigate all reports of missing persons. In addition, this agency immediately considers a missing child, and an adult that is mentally impaired, to be “at risk” until significant information to the contrary is confirmed.

**Missing Student Notification**

PVAMU requests that all new students voluntarily provide emergency contact information at the beginning of each year. This information is kept confidential and may only be utilized by PVAMU employees with emergency response job responsibilities, in the case of emergencies involving students such as death, life threatening injuries or a missing person report.

Students may register or update their emergency contact information at any time. Students that live in on-campus housing can identify a contact person(s) whom the institution shall notify within 24 hours of the determination that the student is missing. Students are able to update this information at any time. This information will be kept confidential, being accessible only to authorized campus officials and disclosed only to law enforcement personnel in furtherance of a missing person investigation. Whether or not a student has designated an emergency contact person to be notified, if a student is less than 18 years old and not an emancipated individual, PVAMU must notify a custodial parent or guardian, in addition to the contact person(s) designated by the student, within 24 hours of the determination that the student is missing.
If a student has been missing for 24 hours, students, employees or other individuals should contact one of the following groups:

<table>
<thead>
<tr>
<th>Contact Group</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Police Department</td>
<td>(936) 261-1375</td>
</tr>
<tr>
<td>Student Affairs</td>
<td>(936) 261-2130</td>
</tr>
<tr>
<td>Clery Coordinator</td>
<td>(936) 261-2117</td>
</tr>
</tbody>
</table>

If Student Affairs or the Clery Coordinator receive a report of a missing student, the information will be provided to UPD within 24 hours of the determination that the student is missing, unless UPD was the entity that received the report.

**Missing Student Procedures**

The procedures below should be followed upon receiving a report of a missing student.

1. The UPD must be contacted immediately with all information provided regarding the missing student so that an investigation can be initiated. This is required by Federal Law.

2. The UPD should be provided with the names and contact information of any people designated as a “missing person contact” found in the “Emergency Contact” database. This is also required by Federal Law.

3. The UPD will make contact with the designated emergency contact(s) within 24 hours of the determination that the student is missing. Whether or not a student has designated an emergency contact person to be notified, if a student is less than 18 years old and not an emancipated individual, PVAMU must notify a custodial parent or guardian, in addition to the contact person(s) designated by the student, within 24 hours of the determination that the student is missing.

4. The UPD will notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing regardless of whether a student has designated an emergency contact person to be notified, if a student is above the age of 18, or is an emancipated individual.

5. Housing personnel will contact the Emergency Contact designee of the student if advised to do so by UPD. All reports of missing students made to the housing staff or UPD will be investigated.

Anyone receiving a missing student report must immediately contact the UPD with all information available regarding the missing student so that an investigation can be initiated. Whether or not a student has designated an emergency contact person to be notified, if a student is above the age of 18 or is an emancipated individual, the UPD will notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing.

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

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance ([System Regulation 08.01.01](#) & [PVAMU Rule 08.01.01.P1](#)), PVAMU prohibits discrimination...
and harassment on the basis of sex, including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including non-consensual sexual contact, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, quid pro quo and hostile environment sexual harassment), complicity, and retaliation as prohibited conduct. The policies apply whether the prohibited conduct occurs on or off campus and when it is reported to the university. All policies described in this section apply to PVAMU students, faculty, and staff.

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

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

The following local law enforcement may be contacted to report sexual assault, dating violence, domestic violence, or stalking:

- PVAMU Police Department: 936-261-1375
- City of Prairie View Police Department: 979-826-80233
- Waller County Sheriff’s Office: 979-826-8282
- In case of emergency, call 911.

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

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters, which they believe, are criminal to the appropriate local law enforcement agency.

It is the victim’s choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

If a victim would like to make a report to the university, they may contact:
Title IX Compliance
titleixteam@pvamu.edu

Alexis Boyd (Title IX Coordinator)
alboyd@pvamu.edu
Victims are also able to anonymously report an incident. The anonymous reports are forwarded directly to the Title IX Coordinator for follow up.

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

The Office of Title IX Compliance (Title IX) has procedures in place to inform individuals of their rights to file criminal charges, as well as the availability of services on and off campus. A complainant may request assistance from and/or will be assisted by Title IX in notifying law enforcement authorities, if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual may pursue disciplinary remedies by reporting to the university and criminal remedies by reporting to law enforcement. Disciplinary and criminal remedies may be pursued separately or at the same time. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of prohibited conduct should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

When a student reports, in good faith, experiencing or witnessing an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking, the university will not take disciplinary action against that student for violations of the Student Conduct Code occurring at or near the time of the incident reported. The university may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking was made in good faith. The university’s granting of amnesty does not apply to students who report their own commission of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking.

The university’s response to allegations of prohibited conduct will be prompt and equitable. The response is intended to stop/prevent recurrence of any prohibited conduct and remedy discriminatory effects of the conduct, as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment or separation from the university. Third parties who commit prohibited conduct may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn.
Title IX conducts an initial review and preliminary assessment of all reports/complaints of alleged prohibited conduct to assess the safety and well-being of the complainant, respondent, and the campus community. As part of the initial review, Title IX will attempt to meet with the complainant to obtain more information about the allegations. Initial review steps include: (1) informing the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with PVAMU; (2) providing assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses; (3) informing the individual of the right to decline to contact law enforcement; and, (4) informing the individual of the right to file a complaint with state and federal agencies. In coordination and consultation with other university officials, Title IX will offer the opportunity to request interim support, academic adjustments, and protective measures to provide for the safety of the individual and campus community.

The Office of Title IX Compliance/UPD will also take steps to advise about: (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in the investigation; (2) the university’s procedures for investigation and resolution; and, (3) the university’s prohibition against retaliation. At this time, the Office of Title IX Compliance/UPD will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

Title IX provides a written notification of available resources, rights, and options to each individual reporting prohibited conduct including sexual assault, dating violence, domestic violence, and stalking (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue institutional disciplinary measures or criminal remedies. This includes information regarding:

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

Individuals reporting to Student Health Services and UPD also receive the above information.
Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking (as applicable to the specific incident)

• Go to a safe place as soon as you can.
• Contact the Police Department at 911 (911 or 4-911 using an on-campus phone).
• Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Memorial Hermann Hospital (6400 Fannin Street, Houston, TX 77030), Harris County Hospital District (1615 N Main St, Houston, TX 77009), North Cypress Medical Center (21214 Northwest Fwy., Cypress, TX 77429), or Scott & White Hospital (700 Scott and White Dr., College Station, TX 77845) are the designated forensic nursing facilities offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. Go to the hospital’s emergency room and request to be seen by a SANE.
• Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
• Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.

Medical Treatment (as applicable to the specific incident)

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

Confidentiality

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Confidential employees include, but are not limited to, licensed health care providers and professional psychologists/counselors, who receive reports when acting in this capacity as part of their official employment. When an individual shares information with a confidential employee, the confidential employee will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. However, such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or, (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly.

Additionally, allegations of prohibited conduct disclosed to confidential employees will not be reported to the institution, except as required by law. Publicly available recordkeeping must not include personally identifying information. Incidents are shared in a way that does not identify the individuals. For example,
licensed healthcare providers share de-identified information regarding this conduct that may be statistics in the Clery Annual Security and Fire Safety Report and/or disclosed in the daily crime log without identifying the individuals concerned.

Personally identifiable information 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. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The university is committed to protecting the privacy of reporting parties, complainants, and respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university’s response. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, the university’s ability to respond to the allegations may be limited.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim’s name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

**Resources, Rights and Options**

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Available assistance is also covered through prevention and awareness education.

The following are on-campus and community resources available to complainants, respondents, and others.

<table>
<thead>
<tr>
<th>On-Campus</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling (Students)</td>
<td>Counseling</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564 8:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Health</td>
<td>Medical care and health education</td>
<td>Owens-Franklin Health Center</td>
<td>(936) 261-1410 8:00 a.m. – 6:00 p.m.</td>
</tr>
<tr>
<td>Mental Health (Students)</td>
<td>Mental health assistance</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564 8:00 a.m. – 5:00 p.m.</td>
</tr>
</tbody>
</table>
## 2019 Annual Security and Fire Safety Report

### On-Campus

<table>
<thead>
<tr>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual and group support, crisis intervention, housing and coursework advocacy, referrals, student conduct process advising</td>
<td>Relationship &amp; Sexual Violence Program (RSVP) Manager</td>
<td>(936)261-1468, (832) 853-5288 (RSVP after hours line)</td>
</tr>
<tr>
<td>Legal advocacy</td>
<td>RSVP Manager</td>
<td>(936)261-1468, (832) 853-5288 (RSVP after hours line)</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>Office of Student Financial Aid and Scholarships</td>
<td>(936) 261-1000</td>
</tr>
<tr>
<td>Health education peer support</td>
<td>RSVP Manager</td>
<td>(936)261-1468, (832) 853-5288 (RSVP after hours line)</td>
</tr>
<tr>
<td>Stop-It app</td>
<td>RSVP Manager</td>
<td>Students download the app</td>
</tr>
<tr>
<td>Referral only</td>
<td>RSVP Manager</td>
<td>(936)261-1468, (832) 853-5288 (RSVP after hours line)</td>
</tr>
</tbody>
</table>

### Off Campus

<table>
<thead>
<tr>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling (Employees)</td>
<td>ComPsych Guidance Resources</td>
<td><a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a></td>
</tr>
<tr>
<td>Medical</td>
<td>Emergency Care –EMS&lt;br&gt;Memorial Hermann Cypress Hospital&lt;br&gt;Scott &amp; White –Brenham, TX&lt;br&gt;Memorial Hermann Tomball Hospital</td>
<td>911 or 4-911&lt;br&gt;(936) 261-1375&lt;br&gt;(346)-231-4000&lt;br&gt;(979) 337-5000&lt;br&gt;(281) 516-0911</td>
</tr>
<tr>
<td>Mental Health (Employees)</td>
<td>ComPsych Guidance Resources</td>
<td><a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a></td>
</tr>
<tr>
<td>Hospital accompaniment and support</td>
<td>Focusing Families</td>
<td>(979) 826-8024</td>
</tr>
<tr>
<td>Off Campus</td>
<td>Type of Services Available</td>
<td>Service Provider</td>
</tr>
<tr>
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</tr>
<tr>
<td>(Employees)</td>
<td>Assistance with criminal complaints and protective orders</td>
<td>Waller County District Attorney’s Office</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Assistance with criminal complaints and protective orders</td>
<td>Harris County District Attorney’s Office</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Sexual assault legal services</td>
<td>Legal Aid for Survivors of Sexual Assault (LASSA)</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Visa and Immigration Assistance</td>
<td>U.S. Citizenship and Immigration Services (USCIS)</td>
</tr>
</tbody>
</table>

**Institutional Rights and Options (Interim Measures)**

The institution is obligated to offer and assist the complainant, the respondent, and other affected individuals in obtaining a range of accommodations, support services, academic adjustments, and interim, remedial, and protective measures. The measures are intended to facilitate continued access to university employment, academic programs, and university activities; stop and prevent the reoccurrence of prohibited conduct; and support the individuals involved.

The institution is obligated to comply with the individual’s reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of an individual involved with the report, Title IX can assist with measures including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact directives. The various options are provided on a temporary or permanent basis (subject to periodic review), if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. The university also provides reasonable interim, remedial, and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures before the investigation and will promptly address any violation of protective measures. These measures may be available regardless of whether a formal or informal disciplinary investigation is pursued. The university will maintain the privacy of a person receiving support services, academic adjustments, or protective measures provided to the extent practical and will promptly address any violation of the protective measures. In determining which institutional measures to impose and the reasonableness of the related measures, Title IX considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Title IX will also consider whether requesting an interim suspension or interim restriction (for student respondents) or an interim administrative action such as a leave of absence (for employee respondents) would enhance the safety and well-being of the complainant, respondent, and campus community.
Measures provided by the institution vary and may include, but are not limited to, the following:

- Changing on-campus living situations including obtaining emergency housing or moving into another residential facility;
- Providing academic accommodations such as transferring, withdrawing, or retaking classes; postponing due dates; or rescheduling exams or assignments;
- Changing work schedules, job assignments, work locations, or other arrangements;
- Transportation and parking assistance and/or modification;
- Assistance in obtaining access to medical, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, and financial aid guidance;
- Imposing institutional no-contact directives as described below;
- Imposing interim suspensions of students as described below;
- Obtaining interim administrative actions for employees, such as a leave of absence as described below; and,
- Imposing institutional interim restrictions on students including restrictions in representing the university, and/or restriction of participation in university affiliated organization meetings, events, and/or activities.

**No-contact Directive:** A no contact directive is an interim measure issued by the institution that prohibits two parties from contacting one another through any means. No contact directives can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. Title IX may issue a no-contact directive at any time prior to or during an investigation based on information provided by the requestor. A no-contact directive may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no-contact directive is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system for no-contact directives involving students.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a no-contact directive. Violations should be reported to Title IX and may result in further disciplinary action.

**Interim Suspensions of Students:** A student may not be expelled or suspended prior to a decision of responsibility for prohibited conduct or for other violations of university rules, policies, regulations, codes, or administrative procedures except when the Dean of Students believes that an interim suspension should be imposed.

Interim suspensions may be imposed only to ensure the safety and well-being of members of the university community or guest, or preservation of university property; to ensure the student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.

The interim suspension does not replace the investigation and resolution process. The investigation and resolution process shall proceed as outlined in the policy, except that the timelines referenced in the policy may not be followed and the allegations will be resolved as soon as possible.
Interim Administrative Actions for Employees: In accordance with university rules and administrative procedures, Title IX may request that an employee be placed on leave during the investigation and resolution process. Title IX may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures): The university will maintain as confidential, any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. Title IX is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Title IX uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure.

Legal Rights and Options

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

Protective Orders: Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual’s home, workplace, and/or children’s schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county/district attorney (Waller County District Attorney’s Office, 979-826-7718), or a private attorney. UPD (936-261-1375) will also provide assistance in applying for protective orders.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant’s address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney's office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family. Additionally, an emergency protective order may be recommended and automatically issued by the court following the original report and arrest of the respondent. A hearing is held at a later date to determine if the order should be extended or modified. Violating protective orders generally carry authority for the violator’s immediate arrest by UPD or other law enforcement agencies.

Criminal Trespass Warning: A criminal trespass warning is an interim protective measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property, which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 936-261-1375 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is
determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy.

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

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

- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials; and,
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.

Individuals conducting investigations and other decision makers, at a minimum, receive training annually regarding university rules and administrative procedures and handling of civil rights investigations. Investigators receive additional training in regards to conducting fair and impartial investigations including trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Once an individual discloses information to Title IX, a complaint will be considered to be filed with the university, and the investigation process is initiated regardless of whether the complainant choses to pursue criminal charges.

The complaint regarding prohibited conduct is initially reviewed by Title IX, not only to assess safety, but also to determine whether a potential violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy could have occurred. During the initial review and preliminary assessment, Title IX will:

- Inform the complainant of formal and informal resolution policies and solicit the complainant’s preferred method for resolving the matter. The complainant may request a formal resolution of the allegations of prohibited conduct or may request “no resolution” of the allegations or prohibited conduct.
- If applicable, inform the complainant of the right to use a pseudonym in university documents related to the complaint.
- Offer assistance to the complainant in submitting a written complaint that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.
- Make a preliminary determination about whether to resolve the case informally or through a formal investigation of the allegations.
If a complaint alleges conduct that may be prohibited conduct as well as a violation of one or more rules, administrative procedures, regulations, codes, or policies, Title IX will consult with other university officials, as appropriate, and coordinate procedures to utilize to resolve the allegations, in addition to those required by the policy.

**No Resolution**

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university’s ability to enhance the safety and security of the complainant and the university community. Title IX will consider the following factors when evaluating such requests:

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

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

If the university determines that the complainant’s request cannot be honored, the complainant will be notified of the decision, and Title IX will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and imposing protective measures and (2) initiating a formal investigation.

**Formal Resolution**

The allegations will be considered for investigation pursuant to the following procedures. Title IX reserves the right to resolve the complaint through no resolution rather than a formal investigation if the allegation does not rise to the level of prohibited conduct.

As soon as practicable after receiving the report, Title IX may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations should be performed. The preliminary determination may include, but is not limited to, the following:
• An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
• An assessment of whether the allegations are baseless;
• An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
• An assessment of whether a complainant’s request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute prohibited conduct; or, that an investigation will not occur due to the complainant’s request for no resolution, Title IX may, after consultation with OGC, dismiss the complaint or refer the report to a different office at the university. The university office may review the conduct and take disciplinary action against the respondent for violations of other university rules, administrative procedures, regulations, codes, or policies, if applicable.

Once it has been determined that the university will proceed with a formal investigation, Title IX will appoint the Investigative Authority (IA) to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy occurred. An IA is a trained individual appointed to conduct a formal investigation to discover and examine the facts related to an allegation. The IA may also draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The IA may also draw conclusions as to whether or not any other university rules, administrative procedures, regulations, codes, or policies were violated.

After the IA’s appointment, the complainant(s) and respondent(s) shall simultaneously be notified in writing of the commencement of the investigation. The notice of investigation will include:

• the identity (or pseudonym, if requested and applicable) of the complainant and the respondent;
• the date, time (if known), location, and nature of the alleged misconduct;
• the identity of and contact information for the IA; the identity of the Designated Administrator (DA) and Appellate Authority (AA);
• an explanation of the prohibition against retaliation;
• the regulation(s), policies(s), rule(s), administrative procedure(s), or code(s) alleged to have been violated;
• an instruction to the parties to preserve any potentially relevant evidence in any format;
• information about the university’s process for challenging the neutrality or bias of the IA, DA, or AA; and,
• a redacted copy of the written complaint, if any, with appropriate admonishments about privacy.

If the complainant has requested that a pseudonym be used in the university’s paperwork, the respondent will be verbally notified of the complainant’s name at the respondent’s intake meeting. The notice will also include an assurance that the parties will be kept apprised of the status of the investigation and resolution process and provide a contact person for the party to contact for periodic update.

Title IX is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees’ or students’ time away from work or class to participate in the investigative process, making reports to university administrators, and other responsibilities necessary to properly conduct the investigation.
To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the university cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of university policies and to comply with applicable laws.

If the respondent is an employee, Title IX shall notify, in writing, the respondent’s department head and/or Vice President, that Title IX is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 or other university rules, administrative procedures, codes, or policies.

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

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

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

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

Witnesses must have observed the acts in question or have information relevant to the incident in order to participate in the process. A witness cannot participate solely to speak about an individual’s character. However, a respondent may provide letters or other written testimonials to the IA that include information
about the respondent’s character, which will be provided to the DA after a decision on responsibility has been made but before sanctions, if any, are considered.

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (any individual who provides the complainant or respondent support, guidance or advice) of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. The advisor may be any person selected by a party, including legal counsel, except that the advisor may not be another party or a witness in the case. Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. The advisor’s participation will be limited to the role of an observer, although the advisor may request a break at any point to give advice to a party. An advisor can be barred from being present during the process if, in the judgment of the IA, the DA, the AA, or the Title IX Officer, the advisor attempts to directly address the IA, DA or AA, advocate on behalf of a party, or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations. Any fees charged by the advisor are the responsibility of the individual who selected the advisor.

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

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

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

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. With respect to allegations of prohibited conduct based on sex or gender, the sexual history of the complainant or respondent is generally irrelevant and will not be used to prove character or reputation. Sexual history of the parties may be relevant in limited circumstances, such as when it aids in determining the manner and nature of prior communications of consent between the parties.

At the conclusion of the investigation, the IA will prepare a draft investigation report summarizing the relevant information gathered and outlining any relevant contested and uncontested information. The draft investigation report will not include any conclusions as to whether allegations are substantiated, unsubstantiated or that there is insufficient information to substantiate.
In cases that include allegations against a **student respondent**, the complainant and the respondent will be notified that the draft investigation report is complete and will be given the opportunity to review the draft investigation report and submit a written response to the IA. The exhibits to the draft investigation report may be reviewed by the parties upon request.

Involved parties have the opportunity to review and respond to the draft investigation report by: (1) providing written comment or feedback; (2) submitting additional evidence or information; (3) identifying additional witnesses or requesting the collection of other information by the IA; and/or, (4) suggesting questions to be asked (at the discretion of the IA) of the other parties. A party’s written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit. If a party knows, or through the exercise of reasonable diligence, should know, of information or evidence that was not provided to the IA during the investigation, the party must provide such information or, if the party does not have access to the information, a description of such evidence to the IA during the review and respond period or such evidence will not be considered, absent good cause, in the determination of responsibility for a violation of a university rule, administrative procedure, regulation, code, or policy.

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the investigation report. If the amended investigation report contains any material or substantial changes, the complainant and respondent will be allowed to review the amended investigation report and submit a written response as set forth above. The opportunity to review and respond to an amended investigation report will be extended to the complainant and respondent until the IA determines that no material or substantial changes were made to the draft investigation report.

The IA may add a conclusion for each allegation to the investigation report after the final review and response period concludes. The conclusion will be: substantiated, unsubstantiated, or insufficient information to substantiate based on the evidence and information in the report. In addition, the IA may add a conclusion as to whether System Regulation 08.01.01 was violated, and, if appropriate, the IA may make a conclusion as to whether other university rules, administrative procedure, regulations, codes, or policies were violated. The IA will use the preponderance of the evidence standard (i.e., more likely than not) in making conclusions. The IA will not make any recommendations or conclusions with respect to sanctions. The conclusions of the IA are merely advisory and are not the final decision with respect to responsibility.

After the final review and respond period concludes, Title IX will forward the investigation report, as amended with conclusions (if applicable), along with the documentary evidence and any other relevant information, to the OGC. OGC will conduct a legal review in accordance with Section 4.2.5 of System Regulation 08.01.01. OGC will provide its legal review to the IA. After receiving the legal review, the IA will finalize the investigation report. The Title IX Coordinator (or designee) will submit the final report directly to the DA for decision-making. In cases that involve a **student respondent**, all parties will receive a copy of the final investigation report (which does not include conclusions or exhibits) at the time the report is sent to the DA. Exhibits may be reviewed upon request in the Title IX office.

In cases that include allegations against an **employee or third party respondent**, all parties may review the exhibits and the investigation report after a decision has been rendered.
**Designated Administrators**

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 or PVAMU Rule 08.01.01.P1. If violation(s) are found, the DA may issue sanctions.

**Sanctioning for Employees**

If an employee is found to have sexually harassed another member of the university or agency community, the sanction will be termination of employment. Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcomed. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

If an employee is found to have engaged in prohibited conduct other than sexual harassment, the DA may assign appropriate sanction(s), which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other rule, administrative procedure, regulation, code, or policy, the DA will assign appropriate sanctions, which may have educational, restorative, and rehabilitative components.

**Sanctioning for Students**

If a student is found responsible for sexual harassment, sexual assault, domestic abuse/violence, dating abuse/violence, stalking based on sex or gender, or sexual exploitation, the student will be sanctioned in accordance with the Model Sanctioning Matrix, as outlined in System Regulation 08.01.01, which is outlined below. If a student is found responsible for engaging in any other form of prohibited conduct, or if the student is found responsible for violating any other university rule or system regulation, the DA will assign appropriate sanctions, which may have educational, restorative, and rehabilitative components.

**MODEL SANCTIONING MATRIX FOR SEXUAL VIOLENCE AND SEXUAL HARASSMENT VIOLATIONS BY STUDENTS IN THE TEXAS A&M UNIVERSITY SYSTEM**

When a student is found in violation of misconduct related to sexual harassment, sexual assault, relationship violence, domestic violence, sexual exploitation, and stalking, the following information should be utilized to formulate appropriate sanctions.
Sanctioning is not to be considered by a designated administrator or member of an adjudicatory board until a finding of responsibility has been rendered. Once a finding has been established, the administrator or adjudicatory board then considers various sanctions under the following guidelines.

Sanctioning Considerations

1. Nature of the offense
   a. What are the facts? What happened? What effect has this conduct had on the reporting party?
   b. What additional harm or damage could have occurred?
   c. Does the respondent represent a foreseeable risk of harm to others?

2. Prior disciplinary history of respondent
   a. Does the respondent have a disciplinary record?
   b. Is it for similar offenses?
   c. Is there evidence of escalating behavior?

3. Aggravating factors
   a. What additional factors argue for a more severe sanction? Aggravating factors include, but are not limited to: failure to cooperate with the investigation, providing false information, wrongful personal conduct during the course of the investigations and adjudicatory process (such as violating no-contact orders), use or threat of use of a weapon, and a refusal to accept any culpability even when provided with overwhelming evidence of responsibility.

4. Mitigating factors
   a. What additional factors argue for a less severe sanction? Mitigating factors include, but are not limited to: relationship history of the parties, evidence of unintentional behavior, demonstrations of responsibility for the conduct in question, demonstration of remorse for one’s behavior, commitment to reforming behavior in the future, adherence to directives, cooperation with the investigation, and reduced risk of recurrence or harm to the broader community.

The questions each designated administrator or adjudicatory board must ultimately answer include:

1. Do we believe the student respondent represents a threat to the complainant and/or other members of the campus community?
2. What do we want the student respondent to take away from this experience?
3. What learning outcomes do we want to relay to the student respondent?
4. How will the sanctions we impose address any potential threat to campus community and appropriate learning outcomes?

As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

Inactive and Active Sanctions

Inactive Sanctions
Inactive sanctions are official, written university responses to misconduct that generally do not require any action by the respondent. These sanctions (with the exception of suspension and expulsion) generally do not explicitly serve as teaching tools, but instead provide a baseline for sanctions for any future conduct violations.

Examples include:

- Reprimand
- Censure
- Warning
- Disciplinary Probation
- Suspension
- Expulsion

**Active Sanctions**

Active sanctions are generally those designed to achieve learning outcomes by the student respondent by providing them with information and/or experiences that help them deepen their understanding of university expectations and cause them to reflect on the implications of their own actions.

Examples include:

- Assessment, treatment, and/or education for alcohol and other drug issues.
- Workshops (e.g., healthy relationships, conflict management, anger management).
- Counseling assessment - Interviews and educational essays.
- Guided reflection papers.

Active sanctions in Title IX cases should generally not place the student respondent in a setting with either the complaining party or other vulnerable parties (such as a shelter or support group).

Additionally, other active sanctions can solidify interim measures and/or deter further contact between the parties, such as contact restrictions and restrictions from specific campus areas or activities.

In general, there should be (except in cases of permanent expulsion) a pairing of inactive and active sanctions that address all desired learning outcomes. All active sanctions should have written reflection components assigned to them that are then included in the student’s conduct record.

It is important to emphasize that disciplinary suspensions should be conditional on, and reinstatement only allowed upon, successful completion of all assigned active sanctions.

**Minimum Sanctions**

The following sanctions are deemed to be appropriate minimum sanctions:

**SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITH PREDATION)**

Examples:
• Intimate partner violence (with a pattern of previous violence or predation).
• Penetration (with predation), no matter how slight, of a person’s anus or vagina with any bodily part or object.
• Performing oral sex on another person without consent or forcing a person to perform oral sex.

Inactive Sanctions (as required by 08.01.01)

Active Sanctions

Restriction from campus grounds and/or events.

SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITHOUT PREDATION)

Examples:
• Intimate partner violence (without a pattern of previous violence or predation).
• Penetration (with predation), no matter how slight, of a person’s anus or vagina with any bodily part or object.
• Performing oral sex on another person without consent or forcing a person to perform oral sex.

Inactive Sanctions (as required by 08.01.01 and in absence of significant mitigating factors)

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

NONCONSENSUAL SEXUAL CONTACT

Examples:
• Intentional touching (no matter how slight), without consent, of another person’s breasts, thighs, buttocks, genitals, groin; touching another area if the act of touching is sexual in nature; or
knowingly touching a person with one’s own genitals, breasts, or buttocks. Touching may be with any part of one’s body and/or any object.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**SEXUAL EXPLOITATION**

Examples:

- Secretly video-taping and/or broadcasting sexual activity.
- Purposeful sharing of sexually explicit images, video, or recorded sounds of another person without that person’s full knowledge and consent.
- Nonconsensual voyeurism.
- Invasion of sexual privacy.
- Indecent exposure.
- Knowingly transmitting or exposing someone to a sexually transmitted disease without consent.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**STALKING**

Examples:

- Following or conducting surveillance of another person.
- Repeated and unsolicited contact (e.g., phone calls, text messages, social media posts and messages, emails, and gifts).
Repeated and unsolicited visits to residence, business, or classes when having no legitimate and reasonable purpose for the visit other than to make contact with the person.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

SEXUAL HARASSMENT

Examples:

- Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. These may include:
  - Sexual jokes, questions, remarks, and teasing.
  - Sexual gestures.
  - Inappropriate comments on appearance (dress and/or body parts).
  - Unwelcome gifts of a sexual nature.
  - Attempting to coerce, threaten, or intimidate another into dates and/or sexual acts.
  - Sexually explicit visual or audio material outside of one’s own private residence that is considered inappropriate to the environment and not reasonably attached to academic pursuits for which a student is enrolled.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).
**Appeals**

Appeals of the decision, the sanctions, or both may be made by the complainant and/or the respondent. All appeals will be confined to a review of the record from the investigation and any pertinent evidence, as well as the DA’s decision as related to the grounds for appeal. The appeal does not create an entitlement to a new investigation.

Appeals must be filed in writing and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Appeals must be filed within receipt of the notice of the decision and/or sanctions to be appealed. Complainants and respondents are deemed to have received notice of the decision and/or sanctions on the day that the notice is emailed to the party’s university email account or to any other email account that was provided to Title IX by the party.

If no appeal is filed within the receipt of the DA’s decision or Title IX determines that the appeal does not identify one of the bases for appeal or provide credible information or evidence substantiating the identified bases for appeal, Title IX will provide simultaneous notice to the parties that no valid appeal was filed and the decision and sanctions are final and the case is closed.

If a timely and valid appeal is filed by either party, the other party will be notified as soon as practical thereafter. Title IX will forward the appeal and any supporting information or evidence to the appropriate AA.

The AA, in consultation with OGC, will review the appeal documents, the decision of the DA, any new evidence submitted by the parties, and the investigation report and exhibits. The AA will render a written decision, which includes a rationale for the decision as to each of the grounds appealed. If an appeal is sought by both parties within the allowed time frame, the AA will review both appeals and will render decisions accordingly.

The AA will render one or more of the following written decisions after reviewing: a) the final investigation report, the documentary evidence and other relevant information; and, b) the DA’s decision on responsibility and/or sanctions:

- Affirm the DA’s decision on responsibility and/or the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, which was unknown or unavailable during the investigation, appears to be relevant and could have significantly affected the outcome of the decision on responsibility or the sanctions. The DA will instruct the IA to review the new evidence and amend the investigation report, as appropriate. The IA will submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.
- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred during the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the investigation report, as appropriate. The IA will then submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. If the procedural error occurred in the resolution phase, the DA
will correct the procedural error or omission and then issue a new decision in accordance with established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.

- Modify the decision of sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances. If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision, which modifies the sanctions. The AA will impose new sanctions, which are final.

The AA will forward the appellate decision to Title IX. The decision of the AA will be final.

**Extensions**

The university will make every reasonable effort to comply with the timelines required in System Regulation 08.01.01 Civil Rights Compliance. However, extensions may be obtained by the IA, DA, or AA, as appropriate under the circumstances. Circumstances that warrant an extension may include, but are not limited to:

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to Title IX. Title IX will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

**For all investigations and disciplinary proceedings**

If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Title IX Coordinator will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Title IX Coordinator will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.

The university’s disclosure of information related to an investigation, the DA’s decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.
Prevention and Awareness Programs

Primary prevention programs are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The university has developed primary prevention and awareness programs for new students and employees intended to end dating violence, domestic violence, sexual assault and stalking. Violence Against Women Act (VAWA) information is presented to new students during Panther Camp and to new employees during new employee orientation through a web-based training “Creating a Discrimination-Free Workplace”. Information is provided about sexual assault, dating violence, domestic violence, stalking, bystander intervention and risk reduction.

The university has also partnered with EVERFI, an online training platform, that will require all incoming students and staff to complete a sexual assault prevention training. The online training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services offers assistance to victims of dating or domestic violence, sexual assault and stalking. Student Counseling Services and the Women’s Center serve victims by offering free and confidential direct services to victims at PVAMU. The Title IX Coordinator facilitates education with students, faculty and staff on the role of Title IX at the university. In addition, the Title IX Coordinator oversees investigations into Title IX-related incidents and partners with campus departments to provide resources to students who have been impacted by sexual assault and harassment, dating and domestic violence and stalking.

Ongoing prevention and awareness campaigns are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution’s primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

The university has also partnered with EVERFI, an online training platform, that will require all ongoing students and ongoing staff to complete a sexual assault prevention training. The online training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services and the RSVP Program Manager offers assistance to victims of dating or domestic violence, sexual assault and stalking by offering free and confidential individual, group, and couples counseling to the student population. The licensed mental health staff also engages in referral and outreach presentations to students, faculty, staff, and the community on sexual violence, intervention, and prevention methods. The RSVP Program Manager and RSVP Student Advocates,
along with the partnership of Title IX and Focusing Families, will present the following ongoing awareness and prevention educational events and materials.

- **RSVP Student Advocacy Program**
  RSVP Student Advocacy Program is for any student interested in serving as an advocate on the PVAMU campus. Students have to fill out an application and go through an interview process in order to be selected for the program. Each student is required to complete 40 hours of training on sexual assault, dating violence, and stalking. At the end of the training, the students are required to take a two-part test. Each student will have to pass each part at 100% in order to become a RSVP Student Advocate. Training sessions are offered twice a week for 1 hour and 15 minutes. Their main job is to provide education to the campus community on the dynamics of sexual assault, dating violence, and stalking. They also serve as student advocates that assist survivors with resources and information. They are liaisons between the RSVP Program Manager and the survivor. Making sure the survivor is aware of the advocacy services provided by the RSVP Program Manager. They are required to inform the RSVP Program Manager of all reports, and to set up an appointment for the survivor to meet with the RSVP Program Manager.

- **The RSVP Volunteer Program**
  Interested students that would like to be a RSVP volunteer will complete an application and go through an interview process to be selected for the program. Those participates are required to complete 15 hours of training before they can volunteer with the program. Their duties are to assist, coordinate, and organize all RSVP events, trainings, and activities. All RSVP Student Advocates and Volunteers are confidential.

- **Classroom Presentations**
  Classroom presentations define sexual assault, dating violence and stalking, presents facts and myths and describes how to recognize, respond to and refer survivors of such crimes.

- **Collaboration with Title IX**
  The RSVP Program Manager along with the Title IX Coordinator will assist in providing training for the campus community.

- **Awareness Month Activities**
  Programs, activities, and/or trainings during all of the awareness months. (These are week long activities and/or events.)
  - January – Stalking Awareness Month
  - February – Dating Violence Awareness Month
  - April – Sexual Assault Awareness Month
  - October – Domestic Violence Awareness Month.

- **Trauma Informed and Victim Centered Training**
  Provide on-going trauma informed victim centered training on relationship and sexual violence to the campus community.
• **RSVPIX Red Zone Liaison Training**
  An eight hour training for faculty and staff of PVAMU on how to effectively respond to incidents of relationship and sexual violence.

• **Relationship and Sexual Violence Support Group**
  This group is for survivors of relationship and sexual violence that are in the first steps of their healing process. This group is held once a week for 1 hour and 15 minutes, and is facilitated by the RSVP Program Manager.

• **RSVP Social Media Platforms**
  RSVP provides education, awareness, information, and resources via Twitter and Instagram. There are weekly posts on sexual assault, dating/domestic violence, and/or stalking.

**Bystander Intervention and Risk Reduction**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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

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

Sexual assault is never a victim’s fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:

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

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

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

Prairie View A&M University has implemented a new Bystander Intervention Program, Be the One. The new program was presented to all incoming first year students at Panther Camp in August 2019. Presentations will continue throughout the school year to all students through classroom presentations and workshops. Be the One covers sexual assault, stalking, dating/domestic violence, alcohol, drugs, hazing and bullying.

Other Considerations

Retaliation

Prairie View A&M University prohibits retaliation. An officer, employee, or agent of PVAMU may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

Victim Notification

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

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

Sex Offender Registry

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information
submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

The DPS public web page can be found at: https://records.txdps.state.tx.us/SexOffender/.

The UPD receives notification of registered sex offenders from the Waller County Sheriff's Sex Offender Registration Office that are currently employed, work, teach, volunteer, or attend classes on the campus of PVAMU.

Additional resources for gathering sex offender and sex crime data in the area:
Waller County Sheriff’s Office – (979) 826-8282
Prairie View Police Department – (936) 857-3521

Definitions of Clery Act Offenses

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

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

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

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

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

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

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

Consent:
Texas A&M University System Regulation System Regulation 08.01.01, Civil Rights Compliance provides guidance in complying with local, state and federal civil rights laws and regulations and related system policy. This regulation establishes system wide standards for the receipt and processing of complaints, appeals, or reports of discrimination, sexual harassment and/or related retaliation based on protected class including complaints made by employees, students, and/or third parties.
According to System Regulation 08.01.01, Civil Rights Compliance, consent is clear, voluntary, and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent.

Texas Penal Code
Texas Penal Code, Sec. 1.02, Objectives of Code establishes a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

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

Sexual Assault is defined in the Texas Penal Code, Section 22.011 as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

   (A) causes the penetration of the anus or sexual organ of a child by any means;
   (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
   (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
   (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
   (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force or violence;
(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

(c) In this section:

(1) "Child" means a person younger than 17 years of age.

(2) "Spouse" means a person who is legally married to another.

(3) "Health care services provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;
(B) a chiropractor licensed under Chapter 201, Occupations Code;
(C) a physical therapist licensed under Chapter 453, Occupations Code;
(D) a physician assistant licensed under Chapter 204, Occupations Code; or,
(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 505.002, Occupations Code;
(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
(C) licensed professional counselor as defined by Section 503.002, Occupations Code;
(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
(E) member of the clergy;
(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

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

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

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

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

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

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or,
(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and,

(B) the victim:

(i) was a child of 14 years of age or older; and,
(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

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

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

*Dating Violence* is defined in the [Texas Family Code, Section 71.0021](https://www.fldps.state.tx.us/tfcs/AccrualTopics/DatingViolence.aspx) as follows:
(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or,
(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and,

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;
(2) the nature of the relationship; and,
(3) the frequency and type of interaction between the persons involved in the relationship.

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

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

Family Violence is defined by the Texas Family Code, Section 71.004 as follows:

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

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

*Stalking* is defined in the [Texas Penal Code, Section 42.072](https://www.statutes.texas.gov/toc/title42/section42.072.html) as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening:

   (A) bodily injury or death for the other person;
   (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or,
   (C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

   (A) fear bodily injury or death for himself or herself;
   (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
   (C) fear that an offense will be committed against the person's property; or,
   (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;
(2) the laws of a federally recognized Indian tribe;
(3) the laws of a territory of the United States; or,
(4) federal law.

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

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

Sec. 42.07. Harassment.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
(5) makes a telephone call and intentionally fails to hang up or disengage the connection;
(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or,
(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and,
(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.
Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

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

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

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

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

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

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

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

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

Gender Identity: A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals (a person who does not conform to the gender-based expectations of society).
Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

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

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

Additional Hate Crime Definitions:

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

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

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

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

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

Weapons - Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapons: carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.
Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law where your institution is located and all illegally obtained prescription drugs.

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

Definitions of Clery Act Locations

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

On-campus Student Housing Facilities (Residential Facilities): For students on campus is a subset of the “One Campus” category.

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

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
Prairie View A&M University, Prairie View - Reportable Crimes 2016-2018

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities (Subset - On Campus)</th>
<th>Non-Campus Property</th>
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### Prairie View A&M University, Prairie View - Reportable Crimes 2016-2018

<table>
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<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities (Subset - On Campus)</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
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Statistics were requested from local law enforcement agencies and PVAMU victim advocate. Local law enforcement were unable to provide crime statistics in a usable format enabling a determination to be made as to whether or not they should be counted. PVAMU victim advocate was able to provide statistics, although the individuals who reported remained confidential and/or did not provide enough information to accurately report for Clery.

*In 2016, 2017 and 2018 there were no reported criminal incidents involving hate/bias.

§ Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless. In 2017 and 2018 no crimes were determined to be unfounded. In 2016, one rape was unfounded due to the alleged victim stating that no rape took place.
Chapter II – Prairie View A&M University Annual Fire Safety Report

Preparation of the Annual Fire Safety Report

Prairie View A&M University Office of University Compliance compiles the Annual Fire Safety Report. Information is provided, including the log of fire statistics from the Campus Fire Marshal. Additionally, other information is provided from various sources such as Housing, RMS, and UPD. The Annual Fire Safety Report is published every year by October 1st and contains three years of selected fire statistics in accordance with the Higher Education Opportunity Act (HEOA). The 2019 Annual Fire Safety Report contains fire statistics for calendar years 2018, 2017, and 2016.

Annual Fire Safety Report and Related Information

The Annual Fire Safety Report is required by the HEOA for any Title IV institution that maintains an on-campus student housing facility. Per HEOA, an institution that maintains an on-campus student housing facility must collect fire statistics, maintain a Fire Log and publish an Annual Fire Safety Report.

The Clery Act was amended by HEOA in 2008, requiring future reports to include campus housing fire safety statistics. The information contained in this document relates to fire safety for on-campus student residential housing only. The report can be obtained on the university’s Clery Website.

Fire Log

The Campus Fire Marshall maintains a Fire Log that is available to the public. The Fire Log is currently maintained by the RMS Department in the Harrington Science Building, room 104. The Fire Log is available for viewing during normal business hours (Monday – Friday; 8:00 am – 5:00 pm). Please contact the Campus Fire Marshall at (936) 261-1746 or via email at rms@pvamu.edu for more information about viewing or obtaining a copy of the Fire Log.

Reporting Fires

Per federal law, PVAMU is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. In the event of an emergency, please call 911 from any phone. For non-emergency purposes of including fire statistics in the Annual Fire Safety Report, students and employees should report all instances that a fire occurred in on-campus student housing. If you find evidence of such a fire or if you hear about such a fire occurring in any facility included in this report, please contact one of the following:

<table>
<thead>
<tr>
<th>Contact Group</th>
<th>Contact Information</th>
</tr>
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<tbody>
<tr>
<td>University Police Department</td>
<td>(936) 261-1375</td>
</tr>
<tr>
<td>Campus Fire Marshall</td>
<td>(936) 261-1746</td>
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</tbody>
</table>

When calling, please provide as much information as possible about the location, date, time, and cause of the fire to aid in annual fire report statistical disclosures.
Fire Safety Education and Training Programs

At the beginning of each semester, building meetings are held with the residents to discuss safety issues, to include the response procedures referenced in the “Fire Drill and Evacuation Procedures” section. The Residence Hall Handbook is given to each resident along with the police department conducting safety and educational sessions. Such topics discussed during the sessions include: familiarizing new residents with campus rules and regulations; personal safety on and off campus; Resident Survival Skills Workshops; and, Class Action-College Students and Texas Law.

Every community poses its own fire risks. In order to assess the risks at each community, the general manager and maintenance supervisor should complete an annual walk-through with fire department personnel to inspect fire and alarm systems and to identify potential fire hazards in need of correction. This is an excellent time to build a good relationship with the local fire department so they are familiar with the site in the event of an emergency, and also to open doors for building a good programming relationship. Listed below are several safety measures that residence staff are trained in, and which should be implemented at the site level. Although they are divided into areas by staff position, keep in mind that the general manager and/or maintenance supervisor may delegate responsibilities as they deem necessary.

Prevention and Preparedness

Residence staff should:

- Keep office and storage areas clear of large quantities of paper, trash or other combustible material.
- Keep halls and doorways clear of obstructions.
- Never tamper with, or attach anything to, the fire safety system or related hardware.
- Keep electrical appliances and extension cords in good repair and report any deficiencies to staff at once.
- Keep heating appliances away from walls and combustible materials.
- Take note of the fire extinguishers closest to your area. If you ever notice that a fire extinguisher is missing, damaged or defective, report the matter to the maintenance supervisor immediately.

Use of a Fire Extinguisher:

- Remove pin from handle.
- Stand back approximately eight (8) feet from the fire.
- Aim at the base of the fire, and squeeze the handle.
- Direct the spray from side to side to cover the source of the flames.

On-Campus Student Housing Information

All on-campus student housing is located on the main campus of PVAMU in Prairie View, TX, and is on the PVAMU shuttle bus route. American Campus Communities (ACC) manages all on-campus student housing, which is the nation's premier owner and manager of luxurious, academically-oriented student
housing. The Department of Housing and Residence Life provides liaison, program guidance and evaluation, and oversight for on-campus student housing.

University Village, Phases I & II – 900 sq. ft. 4/2 or 630 sq. ft. 2/2 units
University Village, Phase III – 727 sq. ft. 2/2 units
University College, Phase IV – 252 sq. ft. double bed/1 units
University Village, Phase VI – 1100 sq. ft. 4/4 units
University View, Phase VII – 787 sq. ft. to 1248 sq. ft. 2/2 to 4/4 units
University Square, Phase VIII – 800 sq. ft. to 1300 sq. ft. 2/2 to 4/4 units

Off-campus Student Housing Information

All off-campus apartment complexes are subject to change as seen fit by the university. All current leased facilities are on the PVAMU shuttle bus route. The Department of Housing and Residence Life manages all off-campus housing.

2017 – 2018 Academic Year
Panther Quarters: 711 Thompson Drive, Prairie View, TX 77446 (4/4 duplexes)
The Ranch at Waller: 31200 Farm to Market 2920, Waller, TX 77484 (2/2 and 3/2 units)

2018 – 2019 Academic Year
Panther Quarters: 711 Thompson Drive, Prairie View, TX 77446 (4/4 duplexes)
Oxford at The Ranch at Waller: 31200 Farm to Market 2920, Waller, TX 77484 (2/2 and 3/2 units)

2019 – 2020 Academic Year
Panther Quarters: 711 Thompson Drive, Prairie View, TX 77446 (4/4 duplexes)
Oxford at The Ranch at Waller: 31200 Farm to Market 2920, Waller, TX 77484 (2/2 and 3/2 units)

Residence Hall Fire Safety

Use of Candles and Other Open Flames: The majority of fires that occur in residence halls across the nation are a result of burning candles. All open flame devices are prohibited in student rooms, including burning incense. If candles are found in your room, they will be confiscated. Use of candles, incense, etc., may result in a student's referral to the Office of Student Affairs, and may result in one’s relocation or removal from university housing.

Cooking appliances: Used inappropriately, all cooking devices can be extremely hazardous. According to the terms and conditions of student housing, any misuse of cooking appliances or use of non-approved devices may result in a student’s referral to the Office of Student Affairs for disciplinary action.

Electrical Overloads/ Extension Cords: Use of extension cords as a permanent power supply (over 8 hours) is prohibited; instead, invest in a power strip. To ensure reasonable safety standards, minimum power strip requirements include that they be 3- prong grounded, have an auto-reset breaker in the strip, be UL-listed, and be made of 12-gauge or larger wire. Do not overload power strips or outlets by plugging one power strip into another, and do not route cords under doors, carpets, or furniture that will pinch the wire.
Smoke Detectors: Never cover, attempt to dismantle, or otherwise tamper with the smoke detectors in your room or hallways. If you see a problem with any smoke detector, immediately report it to the residence hall maintenance personnel. Any malfunctioning or broken smoke detectors will be replaced immediately. Interference with or misuse of fire alarms or other safety/security equipment or programs is a violation of the Student Conduct Code and may result in a student’s relocation or removal from university housing.

Smoking: Smoking in bed is extremely dangerous and is one of the primary causes of fires in living areas. Careless disposal of matches and cigarette butts is also a common cause of fires. Smoking is prohibited in all residential facilities and university buildings.

Halogen Lamps: Due to high temperatures emitted from halogen lamps, they are prohibited in the residence halls. Many fires have been caused by materials coming in contact with halogen bulbs or other parts of the lamp.

Decorations: Flammable items such as tapestries, fishnets, and sheets may not be hung on the ceilings, walls, or lighting fixtures.

Flammable Liquids/Materials: Solvents like gasoline, ether, paint, etc., are not permitted in student rooms or storage areas. In addition, charcoal, gas, butane, and propane grills/burners are prohibited.

Sprinkler Systems: Sprinkler systems help contain and extinguish fires in buildings. The sprinkler heads are delicate pieces of equipment and will discharge water if damaged. Residents are required to maintain an 18-inch clearance around sprinkler heads. Never play sports in the hall or hang items from sprinkler heads as they are easily damaged and may activate. One sprinkler head will discharge 15-40 gallons of water per minute, can cost several hundred dollars to replace, and can do thousands of dollars of damage to personal property. Misuse/tampering with a sprinkler head is a violation of the Student Conduct Code and may result in a student’s relocation or removal from university housing.

Fire Safety Inspection Program

Prairie View A&M University conducts several levels of fire and life safety inspections in its residence facilities. Inspections are done by the ACC staff on a routine, or as needed, basis along with maintenance personnel during repair operations. RMS personnel perform inspections in conjunction with fire drills and as requested by students or ACC personnel.

Residence Halls and On Campus Apartments

Weekly Inspections – Each week ACC personnel in University Village, University View and University Square perform weekly health and wellness checks. Learning Community Coordinators (LLCs) in University College perform these checks as well on a bi-weekly basis.

Monthly Inspections – Each month, ACC staff conduct egress area fire safety and preventive maintenance inspections. These areas include corridors, stairways, and exit paths.

Pre-Occupancy Inspections – Prior to occupancy of residence halls each fall, spring and summer semester, a more in-depth inspection is conducted. These inspections include all common areas, mechanical, electrical, and custodial areas within each building as well as exit paths outside of the facilities.
**Annual Inspections** – Once each calendar year, a complete fire and life safety inspection is conducted by ACC in conjunction with the Campus Fire Marshall. The intent of these inspections is to increase the level of safety and safety awareness for all occupants of the residence halls and apartments. These inspections include residential rooms and staff offices as well as mechanical and common areas. Safety practices in general and the Fire Life safety rules found in the rules section will be the primary focus of the inspection. These inspections will look for such items as:

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

**Off Campus Apartments**

Fire safety inspections are conducted for leased housing structures.

**Fire Drill and Evacuation Procedures**

It is policy that upon activation of an alarm, or upon being instructed to do so by residence facility staff, all occupants of university on-campus residential structures will immediately evacuate and relocate to a safe distance away from the facility. Fire drills are conducted at least once each year in every on-campus residential structure.

If you are in a building when you become aware of a fire or a smoke or fire alarms sounds:

- Immediately evacuate the building via the shortest and safest route. Do not use elevators.
- If you notice smoke, use an alternate escape route.
- If you **must** go through an area with smoke, crawl as low as possible.
- Use caution before opening any doors. Feel the door with the back or your hand. If the door is cool to the touch, stay low and open the door to exit. If the door feels hot, find an alternate escape route. Close doors behind you.
- Pull the nearest fire alarm if the building alarm has not already sounded.
- Call 911 after you get to safety.
- Do not re-enter your apartment until the fire department has declared that it is safe to do so.
If you are trapped in a building when a fire or smoke alarm sounds:

- Keep the door closed and seal cracks around the door with tape, wet clothes, towels or sheets, etc.
- Call 911 to report that you are trapped and state your location.
- Hang a light-colored piece of cloth outside your window to signal firefighters.
- Stay low, stay calm and await the arrival of firefighters.

**Plans for Future Improvements in Fire Safety**

At the present time there are no improvements in fire safety planned. The systems already in place meet all applicable fire safety standards.

**Description of On-Campus Student Housing Facility Fire Safety Systems**

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<th>Fire Detection Information</th>
<th>Fire Suppression Information</th>
<th>Other Fire Safety Features</th>
<th>Number of Fire Drills Each Year</th>
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§Fully Sprinkled means that there are sprinklers in common areas and in individual rooms.
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</table>
# 2017 Statistics and Related Information Regarding Fires in Residential Facilities

<table>
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<tr>
<th>Facility Name</th>
<th>Total Fires in Each Facility</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries Requiring Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire</th>
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### 2018 Statistics and Related Information Regarding Fires in Residential Facilities

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<tr>
<th>Facility Name</th>
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### 2018 Statistics and Related Information Regarding Fires in Residential Facilities

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<th>Facility Name</th>
<th>Total Fires in Each Facility</th>
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<th>Cause of Fire</th>
<th>Number of Injuries Requiring Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire</th>
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<tbody>
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<td>University Square* 202 Anne Preston St. PVAMU Prairie View, TX 77446</td>
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*University Square was not in use by PVAMU prior to 2017.*
Chapter III – Prairie View A&M University College of Nursing Annual Security Report

Overview

The College of Nursing (CON) is located at 6436 Fannin Street, Houston, Texas in the Texas Medical Center. The purpose of the CON is to prepare beginning professionals as nurse generalists (BSN); and graduate prepared nurses with an area of specialization (MSN) and/or a doctoral prepared (DNP) expert clinical practice scholar, all of whom have foundations for continuing personal, professional and educational growth. Graduates are prepared to practice in a variety of settings and to assume leadership roles as socially responsible and accountable professionals in response to the health needs of a rapidly changing, technologically complex society.


Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions’ obligations under the Act. The Act was also renamed the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (hereafter the Clery Act).

The Clery Coordinator composes the Annual Security Report and statistical information with input from various sources such as the UPD, local law enforcement agencies, RMS, Student Affairs, and various university officials.

**Notifications**

An e-mail and text message notification is sent to all current students, faculty and staff, which provides website access to this report. Upon request, prospective students and employees may obtain a written paper copy of the report at the Office of University Compliance, located in W.R. Banks Building, Suite 224. The building is located directly across from the A.I. Thomas Building. The report may also be obtained on the university’s [Clery website](#).

Prospective employees are provided with the direct link to view the university’s most current Annual Security and Fire Safety Report on the university’s [career site](#).

Prospective students and parents of students can read about and reference Clery Act information on the [Undergraduate Admissions webpage](#) and the [Graduate Admissions webpage](#). Prospective students are notified about the Clery Act via an email that is sent to applicants after they have completed an application in the online enrollment system. Additionally, students who are admitted also receive an email with information related to the Annual Security and Fire Safety Report. The email includes the availability of the Annual Security and Fire Safety Report, as well as a direct link to the current Annual Security and Fire Safety Report.

Additionally, for information related to the Annual Security and Fire Safety Report can be found on the [College of Nursing webpage](#) for prospective students and parents of students to read and reference.

**Campus Law Enforcement Policies**

**The College of Nursing Campus Security**

The CON does not have an on-site police department. However, the CON facilities are staffed by security guards. The security guards do not have arrest authority. The Houston Police Department (HPD) and the Texas Medical Center (TMC) Police patrols the CON campus on an as-needed basis, and is the primary law enforcement authority for the campus for emergency purposes. Campus security works closely with other state and local police agencies, including the HPD.

Neither the UPD, nor the CON security contractor have written mutual aid agreements with any area law enforcement agency. However, the CON maintains good working relationships with all area law enforcement agencies. The appropriate local law enforcement agency will investigate alleged criminal offenses at the CON. Crime statistics are requested from local law enforcement on an annual basis for all applicable Clery geographical categories for inclusion in the Annual Security Report. The CON does not use local law enforcement to monitor and document criminal activity allegedly perpetrated by students at off-campus locations of officially recognized student organizations.
Reporting Crimes

Incident Reporting and Response

Any on-campus emergency, criminal offense, or suspected criminal activity, should be reported immediately to the HPD or TMC Police by dialing 911. Report non-emergency public safety incidents (crimes, medical/fire incidents, safety hazards, suspicious behavior, etc.) accurately and promptly to an on-site security guard (713-790-7296). Non-emergency crimes can also be reported to the HPD (713-884-3131), TMC Police (713-795-0000) or the UPD (936-261-1375). For non-emergencies, the UPD also has an online reporting form at: https://www.pvamu.edu/upd/forms/report-an-offense/.

The College of Nursing encourages accurate and prompt reporting of crimes when the victim of such crimes elects or is unable to make such a report. Campus officials will assist crime victims with notifying the proper law enforcement authorities, if the victim so chooses. The goal is to provide assistance wherever the report is made and to ensure that the crime is included in our crime statistics as required. On-site security will respond promptly to incidents within their capabilities. In the case of an incident outside the scope of on-site security response capabilities, the HPD, TMC Police or the UPD will be contacted. Police will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and the severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls.

If you are the victim of a crime and do not want to pursue action within the university or the criminal justice system, you may still want to consider making a confidential report. Students, faculty and staff may confidentially report criminal or unethical behavior through HPD Crime Stoppers at (713) 222-TIPS (8477) or online at: http://crime-stoppers.org/tips.html.

Reporting Criminal Offenses to University Officials

Students, faculty and staff are encouraged to report any criminal offenses within the campus environment directly to HPD. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. However, in certain circumstances, a victim of a crime may be more inclined to report the offense to someone other than a law enforcement officer. For this reason, the Clery Act requires the collection of crime reports from individuals who are considered to be a Campus Security Authority (CSA). PVAMU has designated the following types of individuals as CSAs:

- UPD officers, security officers and individuals outside of the UPD who have campus security responsibilities.
- Individuals or organizations specified in the Annual Security Report to which students and employees could report crimes.
- Any university official who has significant responsibility for student and campus activities.

CSAs commonly report information to the following:

<table>
<thead>
<tr>
<th>Contact Group</th>
<th>Contact Information</th>
</tr>
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<tr>
<td>University Police Department</td>
<td>(936) 261-1375</td>
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<tr>
<td>Student Affairs</td>
<td>(936) 261-2130</td>
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<tr>
<td>Title IX Coordinator</td>
<td>(936) 261-2166</td>
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Upon request, CSAs, including professional counselors, should treat crime reports as confidential and respect the privacy of the person making the report, consistent with their reporting obligations and all applicable laws. Professional mental health counselors are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and to inform them of reporting procedures, especially if the incident may pose an ongoing threat to the campus community.

The CON does not have a full time professional or pastoral counselor on the campus. However, counseling services are available once a week at the CON through the Counseling Services Department. In addition, counseling services are also available at the Prairie View campus for CON students. Counselors are encouraged to refer persons they are counseling, if and when they deem it appropriate, to report crimes on a voluntary, confidential basis for inclusion in the annual statistics, particularly if the incident may pose an ongoing threat to the campus community.

For additional information on the duties and responsibilities of CSAs, see “Resources for Campus Security Authorities” on the Clery website.

Confidential and Anonymous Reporting of Crimes

Aside from the guidelines above pertaining to professional counselors acting in that capacity, PVAMU does not specifically have policies or procedures for victims, or witnesses, to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, upon the request of the person making a report, a CSA may maintain that person’s privacy to the extent allowed by law and pass along crime report details to UPD without including personally identifying information for the reporting party.

The UPD encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Felony crimes can be reported anonymously by calling Crime Stoppers at 1-800-252-8477. Non-emergency crimes can be reported anonymously via the University Police Department web page. UPD also operates a TIPS line (936-261-2222) to allow people to report non-emergency security or safety related concerns anonymously, as well as to provide the police department with information about criminal incidents or behavior.

The UPD and all CSAs will accept anonymous reports of crimes for inclusion in the annual crime statistics for PVAMU.

Timely Warnings

The procedures disclosed in this section apply to incidents occurring at the Prairie View A&M campus that warrant a Timely Warning (Crime Alert).

The circumstances in which a Timely Warning will be generated includes, but are not limited to, the receipt of a good faith report to the UPD or other CSA of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. Examples of such crimes may include, but are not
limited to, arson, criminal homicide, sexual assault and robbery. The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining if a Timely Warning will be issued. The determination will be made on a case by case basis after due consideration of all available pertinent facts, such as the nature of the crime and whether or not a continuing danger to the campus community exists.

The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining the content of Timely Warnings. The Chief of Police or their designee is primarily responsible for distributing Timely Warnings to the university community. However, the Clery Coordinator and the Office of Information Resource Management (OIRM) can also distribute Timely Warnings, if necessary. The Office of Marketing and Communications (MARCOMM) can also put out information via social media channels as a supplement, and update the PVAMU website with information related to the Timely Warning. Anyone with information warranting a Timely Warning should report the circumstances immediately to the UPD, by phone (936-261-1375) or in person.

Timely Warnings shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences. Timely Warnings are distributed to PVAMU students and employees via email. Timely Warnings will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property from similar occurrences. Timely Warnings will generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s) or composite picture.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures that members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names are never included in Timely Warnings.

PVAMU will not issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

The Clery Coordinator tests the Timely Warning notification system on a quarterly basis.

**Emergency Response and Evacuation**

**“Panther Alert” Emergency Notification System**
Panther Alert is PVAMU's emergency notification system that gives the university the ability to communicate health and emergency information by phone, text message, and e-mail.

PVAMU will only use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of PVAMU to notify the campus community, via the Panther Alert Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Clery Coordinator and personnel from the UPD, RMS, and MARCOMM coordinate as needed to determine whether a significant emergency or dangerous situation exists. This is done by evaluating information received from entities, which may include, but are not limited to law enforcement, fire department, emergency medical services, the National Weather Service, other personnel from RMS and various additional offices/departments on campus. Personnel authorized to make a final determination of whether or not a significant emergency or dangerous situation exists, and if a Panther Alert should be issued are: The Clery Coordinator, Chief of Police or their designee, MARCOMM, and the Director of RMS or their designee.

For law-enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system, is generally the responsibility of the Chief of Police or their designee. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Chief of Police or their designee will, without delay, and taking into account the safety of the community, determine the content of the emergency notification. The Chief of Police, or their designee, will initiate the notification system; unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The Chief of Police, or their designee, is primarily responsible for distributing Panther Alerts to the university community via blast email, text and phone call. However, the Clery Coordinator, OIRM, RMS, and MARCOMM can also distribute Panther Alerts via email, text and phone messaging system, if necessary.

For non-law enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system is generally the responsibility of MARCOMM and/or RMS. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, MARCOMM and/or RMS will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system. MARCOMM and/or RMS will initiate the notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. MARCOMM and/or RMS are primarily responsible for distributing Panther Alerts to the university community via email, text and phone call for non-law enforcement incidents. However, UPD, the Clery Coordinator, and OIRM can also distribute Panther Alerts via the email, text and phone call system if necessary.

For both law-enforcement related and non-law enforcement related incidents, the content of the notification and necessary follow-up messages will provide information that will aid the campus
community in response or evacuation measures. Follow-up notification is provided upon mitigation of the threat via the Panther Alert System.

The Clery Coordinator tests the Panther Alert system on a quarterly basis.

### Registering for “Panther Alert” Emergency Notifications

**Students, Faculty, and Staff Access:**
The Panther Alert emergency notification system allows students, faculty and staff who have a PantherNet username and password (which are the same as their email username and password) to register numbers to receive text message and/or phone calls. Emergency alerts are also sent to all PVAMU email addresses. Students, faculty and staff are automatically registered to receive the notifications, and can update their contact information as needed. Students, faculty and staff that no longer wish to receive emergency notifications are able to update their contact information and “opt out” of receiving these notifications by visiting the university’s Emergency website.

**Public Access:**
Parents, family, and friends of PVAMU can receive voice or text message emergency alerts by subscribing to the Panther Alert System. To learn how, visit: https://pvamu.bbcportal.com/.

### Provision of Information to the General Public

In the event that a crisis occurs on university property, a notification is sent to MARCOMM as soon as possible. As chief spokesperson for the university, MARCOMM will ultimately be responsible for the external communication efforts that relate to the crisis. As such, MARCOMM will coordinate communication efforts as appropriate with the university and/or other governmental agencies that may be involved in the crisis event. MARCOMM will disseminate press releases, respond to media inquiries, produce radio and television announcements, maintain/update the university web site, provide logistics and support for press conferences, and serve in supporting other forms of communication as needed. In case of an emergency, the PVAMU main web site may be updated with current information pertaining to the incident.

### Emergency Preparedness

The CON emergency response and evacuation procedures are intended to provide students, faculty, and staff with a directional system to facilitate safe preparations for emergency natural and human-caused disasters, such as hurricanes and local, state and national threats (hazardous materials, biological and chemical threats, radiological materials, and pandemic flu) in congruence with the TMC and City of Houston Emergency Preparedness plans.

During the CON orientation, all students, faculty and staff are given instruction on evacuating the building. Discussions on safety and emergency preparedness are shared with students during the college convocation each semester. The students, faculty and security participate in the convocation. A test of the emergency response and evacuation procedures are tested on an annual basis. A description of the exercise, date, time and whether it was announced or unannounced is documented after each test.

The CON conducts a fire drill each semester that includes all occupants of the building. The drill is facilitated by the PVAMU Campus Fire Marshall and the Houston Fire Department. At the sound of the
audible alarm and the flashing of the strobes, the CON security officers sound the fire alarm to the fire department and ensure that all occupants have vacated the facility safely via the stairwells. In addition, each floor has a helper(s) who assumes the responsibility of ensuring that all occupants on the respective floor have closed the doors of their office, classrooms, etc. and have vacated the floor via the closest stairwell. The drills are used to both educate and remind CON students, faculty and staff about the proper evacuation procedure and to survey the facility for any non-functional safety devices. Reports on the results of the drills are submitted to the proper officials at the CON.

The Daily Crime Log

Each business day, the on-site security contractor updates the Daily Crime Log using information from local law enforcement, on-site security personnel and other CSAs. The Daily Crime Log is available to the media, the public, and various campus offices. This summary identifies the type, location, time, and date the crime was reported to the on-site security personnel. The Daily Crime Log may be viewed at the CON security desk. A printed copy of the Daily Crime Log may be obtained by calling (936) 261-1375. Note that a request for Daily Crime Log information older than 60 days may take up to two business days from the date the request is received to be fulfilled.

Security of and Access to Campus Facilities

Access

The Dean, Director, Department Head, or Senior Building Coordinator is responsible for determining access to facilities under their control.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (Texas Education Code Section 51.204).

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

Badges

All students, faculty and staff members must have a building access badge to enter the CON. Badges are made during the week of registration and other times as designated. Should a badge need to be replaced, submit a request in the Office of Admissions and Student Services.

Security Desk

Students who do not have their badges will be required to sign in at the security desk, first floor. Visitors to the CON must also sign in at the security desk and wait for approval to proceed beyond the first floor. The CON security desk may be contacted at (713) 797-7296.

Building Hours

Students may use the CON student areas from 6:00 am to 12:00 midnight. After 5:00 pm and prior to 8:00 am students must use their building access card to enter the building and other designated areas. Students
must use access badges individually and must not use their badges to allow other students, visitors, etc. to enter building.

**Maintenance of Campus Facilities**

The facilities and landscaping are maintained to minimize conditions that might pose a danger. Malfunctioning doors or lights, or other unsafe conditions should be reported to the CON security desk at (713) 797-7296.

**Alcoholic Beverages, Illegal Drugs, and Weapons**

**Education Programs & Policies**


**Alcohol Policy**

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

Texas A&M University System (TAMUS) & PVAMU strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS/PVAMU property, while on official duty, and/or as part of any TAMUS/PVAMU activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the TAMUS/PVAMU will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcoholic beverages in facilities under the control of the TAMUS/PVAMU shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase’s source of funds, purpose, and required documentation.

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

As a deterrent to alcohol and other drug use and abuse, PVAMU supports, promotes and sponsors programs to enhance student, faculty, and staff awareness of the devastating effects and consequences of indulging in the use and abuse of alcohol and other drugs. PVAMU has recently implemented a campus wide online training platform, EVERFI, which will require all students to complete an AlcoholEDU training
course. AlcoholEDU is an alcohol education course that provides awareness training, alcohol abuse prevention and safe drinking tips for college students.

The Office of Student Affairs is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the alcohol & drug abuse and rehabilitation program for staff and faculty. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

Illegal Drugs Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. UPD is responsible for enforcing state and federal drug laws. Alleged violations of this law may result in criminal charges and will also be adjudicated through university disciplinary procedures. (System Policy 34.02 Drug and Alcohol Abuse; System Regulation 34.02.01 Drug and Alcohol Abuse and Rehabilitation; University Rule 34.02.01.P1 Drug and Alcohol Abuse and Rehabilitation Programs).

Additionally, PVAMU Student Code of Conduct prohibits using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances. (PVAMU Student Code of Conduct). Alleged violations of federal and state laws may result in criminal charges. University conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

The Office of Student Affairs is committed to promoting responsible decision making regarding drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the drug abuse and rehabilitation program for faculty and staff. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

Weapons Policy

In accordance with Texas Penal Code Ch. 46.03, it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution. This includes any grounds or buildings on which an activity sponsored by the school or educational institution in being conducted, or a passenger transportation vehicles under the direct control of the educational institution. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder’s person while the license holder is on the premises of the TAMUS/PVAMU offices (where the TAMUS/PVAMU offices has operational responsibility) or in a TAMUS/PVAMU vehicle, unless prohibited by state law or federal law. Concealed carry is prohibited in any premises where TAMUS/PVAMU offices, as directed or approved by the chancellor as necessary for institutional safety, gives effective notice on a temporary basis pursuant to Section 30.06, Texas Penal Code. The open carry of handguns on TAMUS/PVAMU offices’ land or
premises is prohibited (TAMUS Rule 34.06.02.S1). Please see Campus Carry at PVAMU for a list of places where concealed carry by license holders will be prohibited, as well as additional information to campus carry. (PVAMU Rule 34.06.02.P1).

Sexual Assault, Dating Violence, Domestic Violence, and Stalking

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance (System Regulation 08.01.01 & PVAMU Rule 08.01.01.P1), PVAMU prohibits discrimination and harassment on the basis of sex, including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including non-consensual sexual contact, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, quid pro quo and hostile environment sexual harassment), complicity, and retaliation as prohibited conduct. The policies apply whether the prohibited conduct occurs on or off campus and when it is reported to the university. All policies described in this section apply to PVAMU students, faculty, and staff.

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

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

The following local law enforcement may be contacted to report sexual assault, dating violence, domestic violence, or stalking:

PVAMU Police Department: 936-261-1375
Houston Police Department: 713-884-3131
Harris County District Attorney: 713-274-5800
In case of emergency, call 911.

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

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters, which they believe, are criminal to the appropriate local law enforcement agency.
It is the victim’s choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

If a victim would like to make a report to the university, they may contact:
Title IX Compliance
titleixteam@pvamu.edu
Alexis Boyd (Title IX Coordinator)
alboyd@pvamu.edu
936-261-2166

Victims are also able to anonymously report an incident. The anonymous reports are forwarded directly to the Title IX Coordinator for follow up.

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

The Office of Title IX Compliance (Title IX) has procedures in place to inform individuals of their rights to file criminal charges, as well as the availability of services on and off campus. A complainant may request assistance from and/or will be assisted by Title IX in notifying law enforcement authorities, if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual may pursue disciplinary remedies by reporting to the university and criminal remedies by reporting to law enforcement. Disciplinary and criminal remedies may be pursued separately or at the same time. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of prohibited conduct should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

When a student reports, in good faith, experiencing or witnessing an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking, the university will not take disciplinary action against that student for violations of the Student Conduct Code occurring at or near the time of the incident reported. The university may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking was made in good faith. The university’s granting of amnesty does not apply to students who report their own commission of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking.
The university’s response to allegations of prohibited conduct will be prompt and equitable. The response is intended to stop/prevent recurrence of any prohibited conduct and remedy discriminatory effects of the conduct, as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment or separation from the university. Third parties who commit prohibited conduct may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn.

Title IX conducts an initial review and preliminary assessment of all reports/complaints of alleged prohibited conduct to assess the safety and well-being of the complainant, respondent, and the campus community. As part of the initial review, Title IX will attempt to meet with the complainant to obtain more information about the allegations. Initial review steps include: (1) informing the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with PVAMU; (2) providing assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses; (3) informing the individual of the right to decline to contact law enforcement; and, (4) informing the individual of the right to file a complaint with state and federal agencies. In coordination and consultation with other university officials, Title IX will offer the opportunity to request interim support, academic adjustments, and protective measures to provide for the safety of the individual and campus community.

The Office of Title IX Compliance/UPD will also take steps to advise about: (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in the investigation; (2) the university’s procedures for investigation and resolution; and, (3) the university’s prohibition against retaliation. At this time, the Office of Title IX Compliance/UPD will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

Title IX provides a written notification of available resources, rights, and options to each individual reporting prohibited conduct including sexual assault, dating violence, domestic violence, and stalking (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue institutional disciplinary measures or criminal remedies. This includes information regarding:

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

Individuals reporting to Student Health Services and UPD also receive the above information.

**Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking (as applicable to the specific incident)**

• Go to a safe place as soon as you can.
• Contact the Police Department at 911 (911 or 4-911 using an on-campus phone).
• Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Memorial Hermann Hospital (6400 Fannin Street, Houston, TX 77030), Harris County Hospital District (1615 N Main St, Houston, TX 77009), North Cypress Medical Center (21214 Northwest Fwy., Cypress, TX 77429), or Scott & White Hospital (700 Scott and White Dr., College Station, TX 77845) are the designated forensic nursing facilities offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. Go to the hospital’s emergency room and request to be seen by a SANE.
• Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
• Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.

**Medical Treatment (as applicable to the specific incident)**

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

**Confidentiality**

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Confidential employees include, but are not limited to, licensed health care providers and professional psychologists/counselors, who receive reports when acting in this capacity as part of their official employment. When an individual shares information with a confidential employee, the confidential employee will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. However, such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely
cause serious physical harm to self or others; or, (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly.

Additionally, allegations of prohibited conduct disclosed to confidential employees will not be reported to the institution, except as required by law. Publicly available recordkeeping must not include personally identifying information. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding this conduct that may be statistics in the Clery Annual Security and Fire Safety Report and/or disclosed in the daily crime log without identifying the individuals concerned.

Personally identifiable information 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. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The university is committed to protecting the privacy of reporting parties, complainants, and respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university’s response. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, the university’s ability to respond to the allegations may be limited.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim’s name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

**Resources, Rights and Options**

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Available assistance is also covered through prevention and awareness education.

The following are on-campus and community resources available to complainants, respondents, and others.

<table>
<thead>
<tr>
<th>On-Campus</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling (Students)</td>
<td>Counseling</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8:00 a.m. – 5:00 p.m.</td>
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</table>
## On-Campus Type of Services

<table>
<thead>
<tr>
<th></th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>Owens-Franklin Health Center</td>
<td>(936) 261-1410&lt;br&gt;8:00 a.m. – 6:00 p.m.</td>
</tr>
<tr>
<td>Mental Health (Students)</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564&lt;br&gt;8:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Victim Advocacy (Students)</td>
<td>Relationship &amp; Sexual Violence Program (RSVP) Manager</td>
<td>(936)261-1468&lt;br&gt;(832) 853-5288&lt;br&gt;(RSVP after hours line)</td>
</tr>
<tr>
<td>Legal Assistance (Students)</td>
<td>RSVP Manager</td>
<td>(936)261-1468&lt;br&gt;(832) 853-5288&lt;br&gt;(RSVP after hours line)</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>Office of Student Financial Aid and Scholarships</td>
<td>(936) 261-1000</td>
</tr>
<tr>
<td>Peer Support</td>
<td>RSVP Manager</td>
<td>(936) 261-1468&lt;br&gt;(832) 853-5288&lt;br&gt;(RSVP after hours line)</td>
</tr>
<tr>
<td>Social Support &amp; Advocacy</td>
<td>RSVP Manager</td>
<td>Students download the app</td>
</tr>
<tr>
<td>Visa &amp; Immigration Assistance</td>
<td>RSVP Manager</td>
<td>(936)261-1468&lt;br&gt;(832) 853-5288&lt;br&gt;(RSVP after hours line)</td>
</tr>
</tbody>
</table>

## Off Campus Type of Services

<table>
<thead>
<tr>
<th></th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling (Employees)</td>
<td>ComPsych Guidance Resources</td>
<td><a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a></td>
</tr>
<tr>
<td>Health</td>
<td>Emergency Care – EMS</td>
<td>911 or 4-911</td>
</tr>
<tr>
<td></td>
<td>Memorial Hermann Cypress Hospital</td>
<td>(346)-231-4000</td>
</tr>
<tr>
<td></td>
<td>Scott &amp; White – Brenham, TX</td>
<td>(979) 337-5000</td>
</tr>
</tbody>
</table>
### Institutional Rights and Options (Interim Measures)

The institution is obligated to offer and assist the complainant, the respondent, and other affected individuals in obtaining a range of accommodations, support services, academic adjustments, and interim, remedial, and protective measures. The measures are intended to facilitate continued access to university employment, academic programs, and university activities; stop and prevent the reoccurrence of prohibited conduct; and support the individuals involved.

The institution is obligated to comply with the individual’s reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of an individual involved with the report, Title IX can assist with measures including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact directives. The various options are provided on a temporary or permanent basis (subject to periodic review), if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. The university also provides reasonable interim, remedial, and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures before the investigation and will promptly address any
violation of protective measures. These measures may be available regardless of whether a formal or informal disciplinary investigation is pursued. The university will maintain the privacy of a person receiving support services, academic adjustments, or protective measures provided to the extent practical and will promptly address any violation of the protective measures. In determining which institutional measures to impose and the reasonableness of the related measures, Title IX considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Title IX will also consider whether requesting an interim suspension or interim restriction (for student respondents) or an interim administrative action such as a leave of absence (for employee respondents) would enhance the safety and well-being of the complainant, respondent, and campus community.

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

- Changing on-campus living situations including obtaining emergency housing or moving into another residential facility;
- Providing academic accommodations such as transferring, withdrawing, or retaking classes; postponing due dates; or rescheduling exams or assignments;
- Changing work schedules, job assignments, work locations, or other arrangements;
- Transportation and parking assistance and/or modification;
- Assistance in obtaining access to medical, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, and financial aid guidance;
- Imposing institutional no-contact directives as described below;
- Imposing interim suspensions of students as described below;
- Obtaining interim administrative actions for employees, such as a leave of absence as described below; and,
- Imposing institutional interim restrictions on students including restrictions in representing the university, and/or restriction of participation in university affiliated organization meetings, events, and/or activities.

No-contact Directive: A no contact directive is an interim measure issued by the institution that prohibits two parties from contacting one another through any means. No contact directives can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. Title IX may issue a no-contact directive at any time prior to or during an investigation based on information provided by the requestor. A no-contact directive may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no-contact directive is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system for no-contact directives involving students.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a no-contact directive. Violations should be reported to Title IX and may result in further disciplinary action.

Interim Suspensions of Students: A student may not be expelled or suspended prior to a decision of responsibility for prohibited conduct or for other violations of university rules, policies, regulations, codes, or
administrative procedures except when the Dean of Students believes that an interim suspension should be imposed.

Interim suspensions may be imposed only to ensure the safety and well-being of members of the university community or guest, or preservation of university property; to ensure the student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.

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

**Interim Administrative Actions for Employees:** In accordance with university rules and administrative procedures, Title IX may request that an employee be placed on leave during the investigation and resolution process. Title IX may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

**Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures):** The university will maintain as confidential, any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. Title IX is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Title IX uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure.

**Legal Rights and Options**

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

**Protective Orders:** Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual’s home, workplace, and/or children’s schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county/district attorney (Waller County District Attorney’s Office, 979-826-7718), or a private attorney. UPD (936-261-1375) will also provide assistance in applying for protective orders.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant’s address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney’s office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law
Criminal Trespass Warning: A criminal trespass warning is an interim protective measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property, which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 936-261-1375 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy.

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

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

- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials; and,
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.

Individuals conducting investigations and other decision makers, at a minimum, receive training annually regarding university rules and administrative procedures and handling of civil rights investigations. Investigators receive additional training in regards to conducting fair and impartial investigations including trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Once an individual discloses information to Title IX, a complaint will be considered to be filed with the university, and the investigation process is initiated regardless of whether the complainant chooses to pursue criminal charges.

The complaint regarding prohibited conduct is initially reviewed by Title IX, not only to assess safety, but also to determine whether a potential violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy could have occurred. During the initial review and preliminary assessment, Title IX will:
Inform the complainant of formal and informal resolution policies and solicit the complainant's preferred method for resolving the matter. The complainant may request a formal resolution of the allegations of prohibited conduct or may request "no resolution" of the allegations or prohibited conduct.

If applicable, inform the complainant of the right to use a pseudonym in university documents related to the complaint.

Offer assistance to the complainant in submitting a written complaint that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

Make a preliminary determination about whether to resolve the case informally or through a formal investigation of the allegations.

If a complaint alleges conduct that may be prohibited conduct as well as a violation of one or more rules, administrative procedures, regulations, codes, or policies, Title IX will consult with other university officials, as appropriate, and coordinate procedures to utilize to resolve the allegations, in addition to those required by the policy.

No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university’s ability to enhance the safety and security of the complainant and the university community. Title IX will consider the following factors when evaluating such requests:

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

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

If the university determines that the complainant’s request cannot be honored, the complainant will be notified of the decision, and Title IX will take appropriate actions, including but not limited to, (1) offering
support services or academic adjustments and imposing protective measures and (2) initiating a formal investigation.

**Formal Resolution**

The allegations will be considered for investigation pursuant to the following procedures. Title IX reserves the right to resolve the complaint through no resolution rather than a formal investigation if the allegation does not rise to the level of prohibited conduct.

As soon as practicable after receiving the report, Title IX may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations should be performed. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
- An assessment of whether a complainant’s request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute prohibited conduct; or, that an investigation will not occur due to the complainant’s request for no resolution, Title IX may, after consultation with OGC, dismiss the complaint or refer the report to a different office at the university. The university office may review the conduct and take disciplinary action against the respondent for violations of other university rules, administrative procedures, regulations, codes, or policies, if applicable.

Once it has been determined that the university will proceed with a formal investigation, Title IX will appoint the Investigative Authority (IA) to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy occurred. An IA is a trained individual appointed to conduct a formal investigation to discover and examine the facts related to an allegation. The IA may also draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The IA may also draw conclusions as to whether or not any other university rules, administrative procedures, regulations, codes, or policies were violated.

After the IA’s appointment, the complainant(s) and respondent(s) shall simultaneously be notified in writing of the commencement of the investigation. The notice of investigation will include:

- the identity (or pseudonym, if requested and applicable) of the complainant and the respondent;
- the date, time (if known), location, and nature of the alleged misconduct;
- the identity of and contact information for the IA; the identity of the Designated Administrator (DA) and Appellate Authority (AA);
- an explanation of the prohibition against retaliation;
- the regulation(s), policies(s), rule(s), administrative procedure(s), or code(s) alleged to have been violated;
- an instruction to the parties to preserve any potentially relevant evidence in any format;
• information about the university’s process for challenging the neutrality or bias of the IA, DA, or AA; and,
• a redacted copy of the written complaint, if any, with appropriate admonishments about privacy.

If the complainant has requested that a pseudonym be used in the university’s paperwork, the respondent will be verbally notified of the complainant’s name at the respondent’s intake meeting. The notice will also include an assurance that the parties will be kept apprised of the status of the investigation and resolution process and provide a contact person for the party to contact for periodic update.

Title IX is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees’ or students’ time away from work or class to participate in the investigative process, making reports to university administrators, and other responsibilities necessary to properly conduct the investigation.

To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the university cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of university policies and to comply with applicable laws.

If the respondent is an employee, Title IX shall notify, in writing, the respondent’s department head and/or Vice President, that Title IX is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 or other university rules, administrative procedures, codes, or policies.

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

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

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

Witnesses must have observed the acts in question or have information relevant to the incident in order to participate in the process. A witness cannot participate solely to speak about an individual's character. However, a respondent may provide letters or other written testimonials to the IA that include information about the respondent’s character, which will be provided to the DA after a decision on responsibility has been made but before sanctions, if any, are considered.

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (any individual who provides the complainant or respondent support, guidance or advice) of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. The advisor may be any person selected by a party, including legal counsel, except that the advisor may not be another party or a witness in the case. Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. The advisor’s participation will be limited to the role of an observer, although the advisor may request a break at any point to give advice to a party. An advisor can be barred from being present during the process if, in the judgment of the IA, the DA, the AA, or the Title IX Officer, the advisor attempts to directly address the IA, DA or AA, advocate on behalf of a party, or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations. Any fees charged by the advisor are the responsibility of the individual who selected the advisor.

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

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

Standards for the resolution of criminal allegations are different than the standards for resolution of a violation of System Regulation 08.01.01 and/or any other university rule, administrative procedure, code or policy; therefore, the university will not base its decisions on any law enforcement determination and/or the outcomes of any criminal proceedings.
The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. With respect to allegations of prohibited conduct based on sex or gender, the sexual history of the complainant or respondent is generally irrelevant and will not be used to prove character or reputation. Sexual history of the parties may be relevant in limited circumstances, such as when it aids in determining the manner and nature of prior communications of consent between the parties.

At the conclusion of the investigation, the IA will prepare a draft investigation report summarizing the relevant information gathered and outlining any relevant contested and uncontested information. The draft investigation report will not include any conclusions as to whether allegations are substantiated, unsubstantiated or that there is insufficient information to substantiate.

In cases that include allegations against a student respondent, the complainant and the respondent will be notified that the draft investigation report is complete and will be given the opportunity to review the draft investigation report and submit a written response to the IA. The exhibits to the draft investigation report may be reviewed by the parties upon request.

Involved parties have the opportunity to review and respond to the draft investigation report by: (1) providing written comment or feedback; (2) submitting additional evidence or information; (3) identifying additional witnesses or requesting the collection of other information by the IA; and/or, (4) suggesting questions to be asked (at the discretion of the IA) of the other parties. A party’s written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit. If a party knows, or through the exercise of reasonable diligence, should know, of information or evidence that was not provided to the IA during the investigation, the party must provide such information or, if the party does not have access to the information, a description of such evidence to the IA during the review and respond period or such evidence will not be considered, absent good cause, in the determination of responsibility for a violation of a university rule, administrative procedure, regulation, code, or policy.

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the investigation report. If the amended investigation report contains any material or substantial changes, the complainant and respondent will be allowed to review the amended investigation report and submit a written response as set forth above. The opportunity to review and respond to an amended investigation report will be extended to the complainant and respondent until the IA determines that no material or substantial changes were made to the draft investigation report.

The IA may add a conclusion for each allegation to the investigation report after the final review and respond period concludes. The conclusion will be: substantiated, unsubstantiated, or insufficient information to substantiate based on the evidence and information in the report. In addition, the IA may add a conclusion as to whether System Regulation 08.01.01 was violated, and, if appropriate, the IA may make a conclusion as to whether other university rules, administrative procedure, regulations, codes, or policies were violated. The IA will use the preponderance of the evidence standard (i.e., more likely than not) in making conclusions. The IA will not make any recommendations or conclusions with respect to sanctions. The conclusions of the IA are merely advisory and are not the final decision with respect to responsibility.

After the final review and respond period concludes, Title IX will forward the investigation report, as amended with conclusions (if applicable), along with the documentary evidence and any other relevant
information, to the OGC. OGC will conduct a legal review in accordance with Section 4.2.5 of System Regulation 08.01.01. OGC will provide its legal review to the IA. After receiving the legal review, the IA will finalize the investigation report. The Title IX Coordinator (or designee) will submit the final report directly to the DA for decision-making. In cases that involve a student respondent, all parties will receive a copy of the final investigation report (which does not include conclusions or exhibits) at the time the report is sent to the DA. Exhibits may be reviewed upon request in the Title IX office.

In cases that include allegations against an employee or third party respondent, all parties may review the exhibits and the investigation report after a decision has been rendered.

**Designated Administrators**

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 or PVAMU Rule 08.01.01.P1. If violation(s) are found, the DA may issue sanctions.

**Sanctioning for Employees**

If an employee is found to have sexually harassed another member of the university or agency community, the sanction will be termination of employment. Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcomed. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

If an employee is found to have engaged in prohibited conduct other than sexual harassment, the DA may assign appropriate sanction(s), which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other rule, administrative procedure, regulation, code, or policy, the DA will assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator.

**Sanctioning for Students**

If a student is found responsible for sexual harassment, sexual assault, domestic abuse/violence, dating abuse/violence, stalking based on sex or gender, or sexual exploitation, the student will be sanctioned in accordance with the Model Sanctioning Matrix, as outlined in System Regulation 08.01.01, which is outlined below. If a student is found responsible for engaging in any other form of prohibited conduct, or if the student is found responsible for violating any other university rule or system regulation, the DA will assign appropriate sanctions, which may have educational, restorative, and rehabilitative components.
MODEL SANCTIONING MATRIX FOR SEXUAL VIOLENCE AND SEXUAL HARASSMENT VIOLATIONS BY STUDENTS IN THE TEXAS A&M UNIVERSITY SYSTEM

When a student is found in violation of misconduct related to sexual harassment, sexual assault, relationship violence, domestic violence, sexual exploitation, and stalking, the following information should be utilized to formulate appropriate sanctions.

Sanctioning is not to be considered by a designated administrator or member of an adjudicatory board until a finding of responsibility has been rendered. Once a finding has been established, the administrator or adjudicatory board then considers various sanctions under the following guidelines.

Sanctioning Considerations

1. Nature of the offense
   a. What are the facts? What happened? What effect has this conduct had on the reporting party?
   b. What additional harm or damage could have occurred?
   c. Does the respondent represent a foreseeable risk of harm to others?

2. Prior disciplinary history of respondent
   a. Does the respondent have a disciplinary record?
   b. Is it for similar offenses?
   c. Is there evidence of escalating behavior?

3. Aggravating factors
   a. What additional factors argue for a more severe sanction? Aggravating factors include, but are not limited to: failure to cooperate with the investigation, providing false information, wrongful personal conduct during the course of the investigations and adjudicatory process (such as violating no-contact orders), use or threat of use of a weapon, and a refusal to accept any culpability even when provided with overwhelming evidence of responsibility.

4. Mitigating factors
   a. What additional factors argue for a less severe sanction? Mitigating factors include, but are not limited to: relationship history of the parties, evidence of unintentional behavior, demonstrations of responsibility for the conduct in question, demonstration of remorse for one’s behavior, commitment to reforming behavior in the future, adherence to directives, cooperation with the investigation, and reduced risk of recurrence or harm to the broader community.

The questions each designated administrator or adjudicatory board must ultimately answer include:

1. Do we believe the student respondent represents a threat to the complainant and/or other members of the campus community?
2. What do we want the student respondent to take away from this experience?
3. What learning outcomes do we want to relay to the student respondent?
4. How will the sanctions we impose address any potential threat to campus community and appropriate learning outcomes?
As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

**Inactive and Active Sanctions**

**Inactive Sanctions**

Inactive sanctions are official, written university responses to misconduct that generally do not require any action by the respondent. These sanctions (with the exception of suspension and expulsion) generally do not explicitly serve as teaching tools, but instead provide a baseline for sanctions for any future conduct violations.

Examples include:

- Reprimand
- Censure
- Warning
- Disciplinary Probation
- Suspension
- Expulsion

**Active Sanctions**

Active sanctions are generally those designed to achieve learning outcomes by the student respondent by providing them with information and/or experiences that help them deepen their understanding of university expectations and cause them to reflect on the implications of their own actions.

Examples include:

- Assessment, treatment, and/or education for alcohol and other drug issues.
- Workshops (e.g., healthy relationships, conflict management, anger management).
- Counseling assessment - Interviews and educational essays.
- Guided reflection papers.

Active sanctions in Title IX cases should generally not place the student respondent in a setting with either the complaining party or other vulnerable parties (such as a shelter or support group).

Additionally, other active sanctions can solidify interim measures and/or deter further contact between the parties, such as contact restrictions and restrictions from specific campus areas or activities.

In general, there should be (except in cases of permanent expulsion) a pairing of inactive and active sanctions that address all desired learning outcomes. All active sanctions should have written reflection components assigned to them that are then included in the student’s conduct record.

It is important to emphasize that disciplinary suspensions should be conditional on, and reinstatement only allowed upon, successful completion of all assigned active sanctions.
Minimum Sanctions

The following sanctions are deemed to be appropriate minimum sanctions:

**SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITH PREDATION)**

Examples:

- Intimate partner violence (with a pattern of previous violence or predation).
- Penetration (with predation), no matter how slight, of a person’s anus or vagina with any bodily part or object.
- Performing oral sex on another person without consent or forcing a person to perform oral sex.

Inactive Sanctions (as required by 08.01.01)

Active Sanctions

Restriction from campus grounds and/or events.

**SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITHOUT PREDATION)**

Examples:

- Intimate partner violence (without a pattern of previous violence or predation).
- Penetration (with predation), no matter how slight, of a person’s anus or vagina with any bodily part or object.
- Performing oral sex on another person without consent or forcing a person to perform oral sex.

Inactive Sanctions (as required by 08.01.01 and in absence of significant mitigating factors)

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).
NONCONSENSUAL SEXUAL CONTACT

Examples:

- Intentional touching (no matter how slight), without consent, of another person’s breasts, thighs, buttocks, genitals, groin; touching another area if the act of touching is sexual in nature; or knowingly touching a person with one’s own genitals, breasts, or buttocks. Touching may be with any part of one’s body and/or any object.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

SEXUAL EXPLOITATION

Examples:

- Secretly video-taping and/or broadcasting sexual activity.
- Purposeful sharing of sexually explicit images, video, or recorded sounds of another person without that person’s full knowledge and consent.
- Nonconsensual voyeurism.
- Invasion of sexual privacy.
- Indecent exposure.
- Knowingly transmitting or exposing someone to a sexually transmitted disease without consent.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).
STALKING

Examples:

- Following or conducting surveillance of another person.
- Repeated and unsolicited contact (e.g., phone calls, text messages, social media posts and messages, emails, and gifts).
- Repeated and unsolicited visits to residence, business, or classes when having no legitimate and reasonable purpose for the visit other than to make contact with the person.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

SEXUAL HARASSMENT

Examples:

- Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. These may include:
  - Sexual jokes, questions, remarks, and teasing.
  - Sexual gestures.
  - Inappropriate comments on appearance (dress and/or body parts).
  - Unwelcome gifts of a sexual nature.
  - Attempting to coerce, threaten, or intimidate another into dates and/or sexual acts.
  - Sexually explicit visual or audio material outside of one’s own private residence that is considered inappropriate to the environment and not reasonably attached to academic pursuits for which a student is enrolled.
Inactive Sanctions

Reprimand  
Censure  
Warning

Disciplinary Probation

Suspension

Expulsion

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

Appeals

Appeals of the decision, the sanctions, or both may be made by the complainant and/or the respondent. All appeals will be confined to a review of the record from the investigation and any pertinent evidence, as well as the DA’s decision as related to the grounds for appeal. The appeal does not create an entitlement to a new investigation.

Appeals must be filed in writing and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Appeals must be filed within receipt of the notice of the decision and/or sanctions to be appealed. Complainants and respondents are deemed to have received notice of the decision and/or sanctions on the day that the notice is emailed to the party’s university email account or to any other email account that was provided to Title IX by the party.

If no appeal is filed within the receipt of the DA’s decision or Title IX determines that the appeal does not identify one of the bases for appeal or provide credible information or evidence substantiating the identified bases for appeal, Title IX will provide simultaneous notice to the parties that no valid appeal was filed and the decision and sanctions are final and the case is closed.

If a timely and valid appeal is filed by either party, the other party will be notified as soon as practical thereafter. Title IX will forward the appeal and any supporting information or evidence to the appropriate AA.

The AA, in consultation with OGC, will review the appeal documents, the decision of the DA, any new evidence submitted by the parties, and the investigation report and exhibits. The AA will render a written decision, which includes a rationale for the decision as to each of the grounds appealed. If an appeal is sought by both parties within the allowed time frame, the AA will review both appeals and will render decisions accordingly.

The AA will render one or more of the following written decisions after reviewing: a) the final investigation report, the documentary evidence and other relevant information; and, b) the DA’s decision on responsibility and/or sanctions:

- Affirm the DA’s decision on responsibility and/or the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, which was unknown or unavailable during the investigation, appears to be relevant and could have significantly affected the outcome...
of the decision on responsibility or the sanctions. The DA will instruct the IA to review the new evidence and amend the investigation report, as appropriate. The IA will submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.

- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred during the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the investigation report, as appropriate. The IA will then submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. If the procedural error occurred in the resolution phase, the DA will correct the procedural error or omission and then issue a new decision in accordance with established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.

- Modify the decision of sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances. If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision, which modifies the sanctions. The AA will impose new sanctions, which are final.

The AA will forward the appellate decision to Title IX. The decision of the AA will be final.

**Extensions**

The university will make every reasonable effort to comply with the timelines required in [System Regulation 08.01.01 Civil Rights Compliance](#). However, extensions may be obtained by the IA, DA, or AA, as appropriate under the circumstances. Circumstances that warrant an extension may include, but are not limited to:

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to Title IX. Title IX will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

**For all investigations and disciplinary proceedings**

If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Title IX Coordinator will consult with other relevant university officials and determine which
procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Title IX Coordinator will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.

The university’s disclosure of information related to an investigation, the DA’s decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

**Prevention and Awareness Programs**

Primary prevention programs are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The university has developed primary prevention and awareness programs for new students and employees intended to end dating violence, domestic violence, sexual assault and stalking. Violence Against Women Act (VAWA) information is presented to new students during Panther Camp and to new employees during new employee orientation through a web-based training “Creating a Discrimination-Free Workplace”. Information is provided about sexual assault, dating violence, domestic violence, stalking, bystander intervention and risk reduction.

The university has also partnered with EVERFI, an online training platform, that will require all incoming students and staff to complete a sexual assault prevention training. The online training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services offers assistance to victims of dating or domestic violence, sexual assault and stalking. Student Counseling Services and the Women’s Center serve victims by offering free and confidential direct services to victims at PVAMU. The Title IX Coordinator facilitates education with students, faculty and staff on the role of Title IX at the university. In addition, the Title IX Coordinator oversees investigations into Title IX-related incidents and partners with campus departments to provide resources to students who have been impacted by sexual assault and harassment.

Ongoing prevention and awareness campaigns are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution’s primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

The university has also partnered with EVERFI, an online training platform, that will require all ongoing students and ongoing staff to complete a sexual assault prevention training. The online
training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services and the RSVP Program Manager offers assistance to victims of dating or domestic violence, sexual assault and stalking by offering free and confidential individual, group, and couples counseling to the student population. The licensed mental health staff also engages in referral and outreach presentations to students, faculty, staff, and the community on sexual violence, intervention, and prevention methods. The RSVP Program Manager and RSVP Student Advocates, along with the partnership of Title IX and Focusing Families, will present the following ongoing awareness and prevention educational events and materials.

- **RSVP Student Advocacy Program**
  RSVP Student Advocacy Program is for any student interested in serving as an advocate on the PVAMU campus. Students have to fill out an application and go through an interview process in order to be selected for the program. Each student is required to complete 40 hours of training on sexual assault, dating violence, and stalking. At the end of the training, the students are required to take a two-part test. Each student will have to pass each part at 100% in order to become a RSVP Student Advocate. Training sessions are offered twice a week for 1 hour and 15 minutes. Their main job is to provide education to the campus community on the dynamics of sexual assault, dating violence, and stalking. They also serve as student advocates that assist survivors with resources and information. They are liaisons between the RSVP Program Manager and the survivor. Making sure the survivor is aware of the advocacy services provided by the RSVP Program Manager. They are required to inform the RSVP Program Manager of all reports, and to set up an appointment for the survivor to meet with the RSVP Program Manager.

- **The RSVP Volunteer Program**
  Interested students that would like to be a RSVP volunteer will complete an application and go through an interview process to be selected for the program. Those participate are required to complete 15 hours of training before they can volunteer with the program. Their duties are to assist, coordinate, and organize all RSVP events, trainings, and activities. All RSVP Student Advocates and Volunteers are confidential.

- **Classroom Presentations**
  Classroom presentations define sexual assault, dating violence and stalking, presents facts and myths and describes how to recognize, respond to and refer survivors of such crimes.

- **Collaboration with Title IX**
  The RSVP Program Manager along with the Title IX Coordinator will assist in providing training for the campus community.

- **Awareness Month Activities**
  Programs, activities, and/or trainings during all of the awareness months. (These are week long activities and/or events.)
  - January – Stalking Awareness Month
  - February – Dating Violence Awareness Month
  - April – Sexual Assault Awareness Month
October – Domestic Violence Awareness Month.

- **Trauma Informed and Victim Centered Training**
  Provide on-going trauma informed victim centered training on relationship and sexual violence to the campus community.

- **RSVPIX Red Zone Liaison Training**
  An eight hour training for faculty and staff of PVAMU on how to effectively respond to incidents of relationship and sexual violence.

- **Relationship and Sexual Violence Support Group**
  This group is for survivors of relationship and sexual violence that are in the first steps of their healing process. This group is held once a week for 1 hour and 15 minutes, and is facilitated by the RSVP Program Manager.

- **RSVP Social Media Platforms**
  RSVP provides education, awareness, information, and resources via Twitter and Instagram. There are weekly post on sexual assault, dating/domestic violence, and/or stalking.

### Bystander Intervention and Risk Reduction

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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

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

Sexual assault is never a victim’s fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:
• Be aware of your surroundings.
• Practice responsible drinking; alcohol is a factor in many sexual assaults.
• Never leave your drink unattended.
• Don’t accept drinks from someone you don’t know or trust.
• Stay with your friends and make sure your friends stay with you.
• Be careful of online relationships.
• Trust your instincts.

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

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

Prairie View A&M University has implemented a new Bystander Intervention Program, Be the One. The new program was presented to all incoming first year students at Panther Camp in August 2019. Presentations will continue throughout the school year to all students through classroom presentations and workshops. Be the One covers sexual assault, stalking, dating/domestic violence, alcohol, drugs, hazing and bullying.

**Other Considerations**

**Retaliation**

Prairie View A&M University prohibits retaliation. An officer, employee, or agent of PVAMU may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

**Victim Notification**

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

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.
Sex Offender Registry

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

The DPS public web page can be found at: https://records.txdps.state.tx.us/SexOffender/.

The UPD receives notification of registered sex offenders from the Harris County Sheriff’s Sex Offender Registration Office that are currently employed, work, teach, volunteer, or attend classes on the campus of PVAMU.

Additional resources for gathering sex offender and sex crime data in the area:
Harris County Sheriff’s Office – (281) 221-6000
Houston Police Department – (713) 884-3131

Definitions of Clery Act Offenses

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

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

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

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

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

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
Consent:
Texas A&M University System Regulation

System Regulation 08.01.01, Civil Rights Compliance provides guidance in complying with local, state and federal civil rights laws and regulations and related system policy. This regulation establishes system wide standards for the receipt and processing of complaints, appeals, or reports of discrimination, sexual harassment and/or related retaliation based on protected class including complaints made by employees, students, and/or third parties.

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

Texas Penal Code

Texas Penal Code, Sec. 1.02. Objectives of Code establishes a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

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

Sexual Assault is defined in the Texas Penal Code, Section 22.011 as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

   (A) causes the penetration of the anus or sexual organ of a child by any means;
   (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
   (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
   (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
   (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

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

(c) In this section:

(1) "Child" means a person younger than 17 years of age.
(2) "Spouse" means a person who is legally married to another.
(3) "Health care services provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;
(B) a chiropractor licensed under Chapter 201, Occupations Code;
(C) a physical therapist licensed under Chapter 453, Occupations Code;
(D) a physician assistant licensed under Chapter 204, Occupations Code; or,
(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 505.002, Occupations Code;
(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
(C) licensed professional counselor as defined by Section 503.002, Occupations Code;
(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
(E) member of the clergy;
(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

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

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

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

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

(A) the actor was not more than three years older than the victim and at the time of the offense:
   (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or,
   (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and,

(B) the victim:
   (i) was a child of 14 years of age or older; and,
   (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

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

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

**Dating Violence** is defined in the [Texas Family Code, Section 71.0021](http://www.statutes.texas.gov/Legislation/Texas-Family-Code.aspx) as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

   (A) with whom the actor has or has had a dating relationship; or,
   (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and,

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;
(2) the nature of the relationship; and,
(3) the frequency and type of interaction between the persons involved in the relationship.

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

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

**Family Violence** is defined by the [Texas Family Code, Section 71.004](http://www.statutes.texas.gov/Legislation/Texas-Family-Code.aspx) as follows:

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

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

*Stalking* is defined in the [Texas Penal Code, Section 42.072](https://www.capitol.texas.gov/Research/Laws/TexasPenalCode/Sections/Section-42.072) as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening:

(A) bodily injury or death for the other person;
(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or,
(C) that an offense will be committed against the other person’s property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person’s property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

(A) fear bodily injury or death for himself or herself;
(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
(C) fear that an offense will be committed against the person's property; or,
(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;
(2) the laws of a federally recognized Indian tribe;
(3) the laws of a territory of the United States; or,
(4) federal law.
(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

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

Sec. 42.07. Harassment.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
(5) makes a telephone call and intentionally fails to hang up or disengage the connection;
(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or,
(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and,
(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Additional Hate Crime Definitions:**

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

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

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

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

**Arrests and Referrals for Disciplinary Action:** Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.
Weapons - Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapons: carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

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

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

Definitions of Clery Act Locations

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

On-campus Student Housing Facilities (Residential Facilities): For students on campus is a subset of the “One Campus” category.

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

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
### PVAMU College of Nursing - Reportable Crimes 2016-2018

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>Residential Facilities (Subset - On Campus)</th>
<th>Non-Campus Property</th>
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### PVAMU College of Nursing - Reportable Crimes 2016-2018

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<th>Offense</th>
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<th>On Campus Property</th>
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<th>Non-Campus Property</th>
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Statistics were requested from local law enforcement agencies. However, they were unable to be provided in a usable format enabling a determination to be made as to whether or not they should be counted.

*In 2016, 2017 and 2018, there were no reported criminal incidents involving hate/bias.

§Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless.

In 2016, 2017 and 2018, no crimes were determined to be unfounded.
Overview

A demand for graduate and certification courses in the Northwest Houston area led to the establishment of the Northwest Houston Center (NWHC). The NWHC is located at 9449 Grant Road, Houston, Texas. The two-story facility has approximately 52,000 square feet of classroom, meeting, office and student services space.


Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions’ obligations under the Act. The Act was also renamed the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (hereafter the Clery Act).


The Clery Coordinator composes the Annual Security Report and statistical information with input from various sources such as the UPD, local law enforcement agencies, RMS, Student Affairs, and various university officials.

Notifications

An e-mail and text message notification is sent to all current students, faculty and staff, which provides website access to this report. Upon request, prospective students and employees may obtain a written paper copy of the report at the Office of University Compliance, located in W.R. Banks Building, Suite 224. The
building is located directly across from the A.I. Thomas Building. The report may also be obtained on the university’s Clery website.

Prospective employees are provided with the direct link to view the university’s most current Annual Security and Fire Safety Report on the university’s career site.

Prospective students and parents of students can read about and reference Clery Act information on the Undergraduate Admissions webpage and the Graduate Admissions webpage. Prospective students are notified about the Clery Act via an email that is sent to applicants after they have completed an application in the online enrollment system. Additionally, students who are admitted also receive an email with information related to the Annual Security and Fire Safety Report. The email includes the availability of the Annual Security and Fire Safety Report, as well as a direct link to the current Annual Security and Fire Safety Report.

Additionally, for information related to the Annual Security and Fire Safety Report can be found on the Northwest Houston Center webpage for prospective students and parents of students to read and reference.

**Campus Law Enforcement Policies**

**The Northwest Houston Center Security**

The NWHC does not have an on-site police department. However, the NWHC is staffed by security guards that patrol the building 24 hours, 7 days a week. The building is closed on Sunday with no security. There are cameras allowing the security guards to monitor the parking lots and interior/exterior of the building. The armed security guards do not have arrest authority; however, both the Harris County Sheriff’s Office (HCSO) and the Houston Police Department (HPD) patrol the majority of the NWHC on an as-needed basis. The HPD is the primary law enforcement authority for the NWHC for emergency responses. Campus security works closely with other state and local police agencies, including the HCSO and the HPD.

Neither the PVAMUPD, nor the NWHC security contractor have a written mutual aid agreements with any area law enforcement agency. However, the NWHC maintains good working relationships with all area law enforcement agencies. The appropriate local law enforcement agency will investigate alleged criminal offenses at NWHC. Crime statistics are requested from local law enforcement on an annual basis for all applicable Clery geographical categories for inclusion in the Annual Security Report. The NWHC does not use local law enforcement to monitor and document criminal activity allegedly perpetrated by students at off-campus locations of officially recognized student organizations.

**Reporting Crimes**

**Incident Reporting and Response**

Any on-campus emergency, criminal offense, or suspected criminal activity, should be reported immediately to Houston Police Department by dialing 911. Report non-emergency public safety incidents (crimes, medical/fire incidents, safety hazards, suspicious behavior, etc.) accurately and promptly to an on-site security guard (936-261-1394). Non-emergency crimes can also be reported to the Houston Police Department (713-884-3131), or the UPD (936-261-1375). For non-emergencies, the University Police
Department also has an on-line reporting form at: https://www.pvamu.edu/upd/forms/report-an-offense/.

The NWHC encourages accurate and prompt reporting of crimes when the victim of such crimes elects or is unable to make such a report. Campus officials will assist crime victims with notifying the proper law enforcement authorities, if the victim so chooses. The goal is to provide assistance wherever the report is made and to ensure that the crime is included in our crime statistics as required. On-site security will respond promptly to incidents within their capabilities. In the case of an incident outside the scope of on-site security response capabilities, the Houston Police Department, or the UPD will be contacted. Police will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and the severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls.

If you are the victim of a crime and do not want to pursue action within the university or the criminal justice system, you may still want to consider making a confidential report. Students, faculty and staff may confidentially report criminal or unethical behavior through HPD Crime Stoppers at (713) 222-TIPS (8477) or online at http://crime-stoppers.org/tips.html.

**Reporting Criminal Offenses to University Officials**

Students, faculty and staff are encouraged to report any criminal offenses within the campus environment directly to HPD. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. However, in certain circumstances, a victim of a crime may be more inclined to report the offense to someone other than a law enforcement officer. For this reason, the Clery Act requires the collection of crime reports from individuals who are considered to be a Campus Security Authority (CSA). PVAMU has designated the following types of individuals as CSAs:

- UPD officers, security officers and individuals outside of the UPD who have campus security responsibilities.
- Individuals or organizations specified in the Annual Security Report to which students and employees could report crimes.
- Any university official who has significant responsibility for student and campus activities.

CSAs commonly report information to the following:

<table>
<thead>
<tr>
<th>Contact Group</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Police Department</td>
<td>(936) 261-1375</td>
</tr>
<tr>
<td>Student Affairs</td>
<td>(936) 261-2130</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>(936) 261-2166</td>
</tr>
<tr>
<td>Human Resources</td>
<td>(936) 261-1730</td>
</tr>
<tr>
<td>Clery Coordinator</td>
<td>(936) 261-2117</td>
</tr>
<tr>
<td>NWHC Security Guard</td>
<td>(936) 261-1394</td>
</tr>
</tbody>
</table>

Upon request CSAs, including professional counselors, should treat crime reports as confidential and respect the privacy of the person making the report, consistent with their reporting obligations and all applicable laws. Professional mental health counselors are encouraged to refer persons they are counseling
to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and to inform them of reporting procedures, especially if the incident may pose an ongoing threat to the campus community.

The NWHC does not have a full time professional or pastoral counselor on the campus. However, counseling services are available every Wednesday from 9 am to 6 pm at the NWHC through the Counseling Services Department. In addition, counseling services are also available at the Prairie View campus for NWHC students. Counselors are encouraged to refer persons they are counseling, if and when they deem it appropriate, to report crimes on a voluntary, confidential basis for inclusion in the annual statistics, particularly if the incident may pose an ongoing threat to the campus community.

For additional information on the duties and responsibilities of CSAs, see “Resources for Campus Security Authorities” on the Clery website.

Confidential and Anonymous Reporting of Crimes

Aside from the guidelines above pertaining to professional counselors acting in that capacity, PVAMU does not specifically have policies or procedures for victims, or witnesses, to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, upon the request of the person making a report, a CSA may maintain that person’s privacy to the extent allowed by law and pass along crime report details to UPD without including personally identifying information for the reporting party.

The UPD encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Felony crimes can be reported anonymously by calling Crime Stoppers at 1-800-252-8477. Non-emergency crimes can be reported anonymously via the University Police Department web page. UPD also operates a TIPS line (936-261-2222) to allow people to report non-emergency security or safety related concerns anonymously, as well as to provide the police department with information about criminal incidents or behavior.

The UPD and all CSAs will accept anonymous reports of crimes for inclusion in the annual crime statistics for PVAMU.

Timely Warnings

The procedures disclosed in this section apply to incidents occurring at the Prairie View A&M campus that warrant a Timely Warning (Crime Alert).

The circumstances in which a Timely Warning will be generated includes, but are not limited to, the receipt of a good faith report to the UPD or other CSA of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. Examples of such crimes may include, but are not limited to, arson, criminal homicide, sexual assault and robbery. The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining if a Timely Warning will be issued. The determination will be made on a case by case basis after due consideration of all available pertinent facts, such as the nature of the crime and whether or not a continuing danger to the campus community exists.

The Clery Coordinator and/or the Chief of Police or their designee, is responsible for determining the content of Timely Warnings. The Chief of Police or their designee is primarily responsible for distributing Timely Warnings to the university community. However, the Clery Coordinator and the Office of
Information Resource Management (OIRM) can also distribute Timely Warnings, if necessary. The Office of Marketing and Communications (MARCOMM) can also put out information via social media channels as a supplement, and update the PVAMU website with information related to the Timely Warning. Anyone with information warranting a Timely Warning should report the circumstances immediately to the UPD, by phone (936-261-1375) or in person.

Timely Warnings shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences. Timely Warnings are distributed to PVAMU students and employees via email. Timely Warnings will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property from similar occurrences. Timely Warnings will generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s) or composite picture.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures that members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names are never included in Timely Warnings.

PVAMU will not issue a timely warning with respect to crimes reported to a pastoral or professional counselor.

The Clery Coordinator tests the Timely Warning notification system on a quarterly basis.

**Emergency Response and Evacuation**

**“Panther Alert” Emergency Notification System**

Panther Alert is PVAMU’s emergency notification system that gives the university the ability to communicate health and emergency information by phone, text message, and e-mail.

PVAMU will only use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of PVAMU to notify the campus community, via the Panther Alert Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
The Clery Coordinator and personnel from the UPD, RMS, and MARCOMM coordinate as needed to determine whether a significant emergency or dangerous situation exists. This is done by evaluating information received from entities, which may include, but are not limited to law enforcement, fire department, emergency medical services, the National Weather Service, other personnel from RMS and various additional offices/departments on campus. Personnel authorized to make a final determination of whether or not a significant emergency or dangerous situation exists, and if a Panther Alert should be issued are: The Clery Coordinator, Chief of Police or their designee, MARCOMM, and the Director of RMS or their designee.

For law-enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system, is generally the responsibility of the Chief of Police or their designee. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Chief of Police or their designee will, without delay, and taking into account the safety of the community, determine the content of the emergency notification. The Chief of Police, or their designee, will initiate the notification system; unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The Chief of Police, or their designee, is primarily responsible for distributing Panther Alerts to the university community via blast email, text and phone call. However, the Clery Coordinator, OIRM, RMS, and MARCOMM can also distribute Panther Alerts via email, text and phone messaging system, if necessary.

For non-law enforcement related incidents, the generation of a Panther Alert message, and activation of the notification system is generally the responsibility of MARCOMM and/or RMS. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, MARCOMM and/or RMS will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system. MARCOMM and/or RMS will initiate the notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. MARCOMM and/or RMS are primarily responsible for distributing Panther Alerts to the university community via email, text and phone call for non-law enforcement incidents. However, UPD, the Clery Coordinator, and OIRM can also distribute Panther Alerts via the email, text and phone call system if necessary.

For both law-enforcement related and non-law enforcement related incidents, the content of the notification and necessary follow-up messages will provide information that will aid the campus community in response or evacuation measures. Follow-up notification is provided upon mitigation of the threat via the Panther Alert System.

The Clery Coordinator tests the Panther Alert system on a quarterly basis.
Registering for “Panther Alert” Emergency Notifications

Students, Faculty, and Staff Access:
The Panther Alert emergency notification system allows students, faculty and staff who have a PantherNet username and password (which are the same as their email username and password) to register numbers to receive text message and/or phone calls. Emergency alerts are also sent to all PVAMU email addresses. Students, faculty and staff are automatically registered to receive the notifications, and can update their contact information as needed. Students, faculty and staff that no longer wish to receive emergency notifications are able to update their contact information and “opt out” of receiving these notifications by visiting the university’s Emergency website.

Public Access:
Parents, family, and friends of PVAMU can receive voice or text message emergency alerts by subscribing to the Panther Alert System. To learn how, visit: https://pvamu.bbcportal.com/.

Provision of Information to the General Public

In the event that a crisis occurs on university property, a notification is sent to MARCOMM as soon as possible. As chief spokesperson for the university, MARCOMM will ultimately be responsible for the external communication efforts that relate to the crisis. As such, MARCOMM will coordinate communication efforts as appropriate with the university and/or other governmental agencies that may be involved in the crisis event. MARCOMM will disseminate press releases, respond to media inquiries, produce radio and television announcements, maintain/update the university web site, provide logistics and support for press conferences, and serve in supporting other forms of communication as needed. In case of an emergency, the PVAMU main web site may be updated with current information pertaining to the incident.

Emergency Preparedness

The NWHC emergency response and evacuation procedures are intended to provide students, faculty, and staff with a directional system to facilitate safe preparations for emergency natural and human-caused disasters, such as hurricanes and local, state and national threats (hazardous materials, biological and chemical threats, radiological materials, and pandemic flu) in congruence with the City of Houston Emergency Preparedness plans.

Instructions on evacuating the building are made available to all students, faculty and staff at the NWHC. A test of the emergency response and evacuation procedures are tested on an annual basis. A description of the exercise, date, time and whether it was announced or unannounced is documented after each test.

The NWHC is required to conduct a fire drill each semester that includes all occupants of the building. The drill is facilitated by the PVAMU Campus Fire Marshall and the Houston Fire Department. At the sound of the audible alarm and the flashing of the strobes, the NWHC security officer sounds the fire alarm to fire department and ensure that all occupants have vacated the facility safely via the stairwells. Also, each floor has a helper(s) who assumes the responsibility of ensuring that all occupants on the respective floor have closed the doors of their office, classrooms, etc. and have vacated the floor via the closest stairwell. The drills are used to both educate and remind NWHC students, faculty and staff about the proper evacuation procedure and to survey the facility for any non-functional safety devices.
The Daily Crime Log

Each business day, the on-site security contractor updates the Daily Crime Log using information from local law enforcement, on-site security personnel and other CSAs. The Daily Crime Log is available to the media, the public, and various campus offices. This summary identifies the type, location, time, and date the crime was reported to the on-site security personnel. The Daily Crime Log may be viewed at the NWHC security office. A printed copy of the Daily Crime Log may be obtained by calling (936) 261-1375. Note that a request for Daily Crime Log information older than 60 days may take up to two business days from the date the request is received to be fulfilled.

Security of and Access to Campus Facilities

Access

The Dean, Director, Department Head, or Senior Building Coordinator is responsible for determining access to facilities under their control.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (Texas Education Code Section 51.204).

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

Security Desk

All students, faculty, staff and visitors are required to sign in at the security desk, located on the first floor. The NWHC security desk may be contacted at (936) 261-1394.

Building Hours

Students may use the NWHC student areas from 8:00 am to 9:00 pm Monday – Friday and Saturday from 8:00 am to 5:00 pm.

Maintenance of Campus Facilities

The facilities and landscaping are maintained to minimize conditions that might pose a danger. Malfunctioning doors or lights, or other unsafe conditions should be reported to the NWHC security desk at (936) 261-1394.

Alcoholic Beverages, Illegal Drugs, and Weapons

Education Programs & Policies

In accordance with the Drug-Free Schools and Communities Act, PVAMU reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs.

**Alcohol Policy**

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

Texas A&M University System (TAMUS) & PVAMU strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS/PVAMU property, while on official duty, and/or as part of any TAMUS/PVAMU activities (System Policy 34.02, Drug and Alcohol Abuse). Possession or consumption of alcoholic beverages on property under control of the TAMUS/PVAMU will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis (System Policy 34.03, Alcoholic Beverages).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS/PVAMU shall in all respects comply with state law (System Policy 34.03, Alcoholic Beverages). All purchases of alcoholic beverages by any member must comply with guidelines as established in System Policy 34.03, Alcoholic Beverages regarding the purchase’s source of funds, purpose, and required documentation.

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

As a deterrent to alcohol and other drug use and abuse, PVAMU supports, promotes and sponsors programs to enhance student, faculty, and staff awareness of the devastating effects and consequences of indulging in the use and abuse of alcohol and other drugs. PVAMU has recently implemented a campus wide online training platform, EVERFI, which will require all students to complete an AlcoholEDU training course. AlcoholEDU is an alcohol education course that provides awareness training, alcohol abuse prevention and safe drinking tips for college students.

The Office of Student Affairs is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the alcohol & drug abuse and rehabilitation program for staff and faculty. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

**Illegal Drugs Policy**

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law.
paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. UPD is responsible for enforcing state and federal drug laws. Alleged violations of this law may result in criminal charges and will also be adjudicated through university disciplinary procedures. (System Policy 34.02 Drug and Alcohol Abuse; System Regulation 34.02.01 Drug and Alcohol Abuse and Rehabilitation; University Rule 34.02.01.P1 Drug and Alcohol Abuse and Rehabilitation Programs).

Additionally, PVAMU Student Code of Conduct prohibits using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances. (PVAMU Student Code of Conduct). Alleged violations of federal and state laws may result in criminal charges. University conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

The Office of Student Affairs is committed to promoting responsible decision making regarding drugs through educational programming, resources, and referrals. The Office of Human Resource’s Employee Assistance Program (ComPsych Guidance Resources) manages the drug abuse and rehabilitation program for faculty and staff. The Employee Assistance Program also provides counseling and referral services (http://www.guidanceresources.com).

**Weapons Policy**

In accordance with Texas Penal Code Ch. 46.03, it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution. This includes any grounds or buildings on which an activity sponsored by the school or educational institution in being conducted, or a passenger transportation vehicles under the direct control of the educational institution. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder’s person while the license holder is on the premises of the TAMUS/PVAMU offices (where the TAMUS/PVAMU offices has operational responsibility) or in a TAMUS/PVAMU vehicle, unless prohibited by state law or federal law. Concealed carry is prohibited in any premises where TAMUS/PVAMU offices, as directed or approved by the chancellor as necessary for institutional safety, gives effective notice on a temporary basis pursuant to Section 30.06, Texas Penal Code. The open carry of handguns on TAMUS/PVAMU offices’ land or premises is prohibited (TAMUS Rule 34.06.02.S1). Please see Campus Carry at PVAMU for a list of places where concealed carry by license holders will be prohibited, as well as additional information to campus carry. (PVAMU Rule 34.06.02.P1).

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

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance (System Regulation 08.01.01 & PVAMU Rule 08.01.01.P1), PVAMU prohibits discrimination and harassment on the basis of sex, including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including non-consensual sexual contact, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, quid pro quo and hostile environment sexual harassment), complicity, and retaliation as prohibited conduct. The policies apply
whether the prohibited conduct occurs on or off campus and when it is reported to the university. All policies described in this section apply to PVAMU students, faculty, and staff.

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

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

The following local law enforcement may be contacted to report sexual assault, dating violence, domestic violence, or stalking:

- **PVAMU Police Department:** 936-261-1375
- **Houston Police Department:** 713-884-3131
- **Harris County District Attorney:** 713-274-5800

In case of emergency, call 911.

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

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters, which they believe, are criminal to the appropriate local law enforcement agency.

It is the victim’s choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

If a victim would like to make a report to the university, they may contact:

**Title IX Compliance**

titleixteam@pvamu.edu

Alexis Boyd (Title IX Coordinator)
albovd@pvamu.edu
936-261-2166

Victims are also able to anonymously report an incident. The anonymous reports are forwarded directly to the Title IX Coordinator for follow up.
Individuals may file a complaint at any time with any local, state or federal civil rights office, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission’s Civil Rights Division, the U.S. Department of Education’s Office of Civil Rights and the U.S. Department of Justice.

The Office of Title IX Compliance (Title IX) has procedures in place to inform individuals of their rights to file criminal charges, as well as the availability of services on and off campus. A complainant may request assistance from and/or will be assisted by Title IX in notifying law enforcement authorities, if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual may pursue disciplinary remedies by reporting to the university and criminal remedies by reporting to law enforcement. Disciplinary and criminal remedies may be pursued separately or at the same time. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of prohibited conduct should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

When a student reports, in good faith, experiencing or witnessing an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking, the university will not take disciplinary action against that student for violations of the Student Conduct Code occurring at or near the time of the incident reported. The university may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking was made in good faith. The university’s granting of amnesty does not apply to students who report their own commission of sexual harassment, sexual assault, sexual exploitation, dating abuse/violence, domestic abuse/violence, or stalking.

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

Title IX conducts an initial review and preliminary assessment of all reports/complaints of alleged prohibited conduct to assess the safety and well-being of the complainant, respondent, and the campus community. As part of the initial review, Title IX will attempt to meet with the complainant to obtain more information about the allegations. Initial review steps include: (1) informing the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with PVAMU; (2) providing assistance in notifying UPD or appropriate law enforcement authorities if the individual so
chooses; (3) informing the individual of the right to decline to contact law enforcement; and, (4) informing the individual of the right to file a complaint with state and federal agencies. In coordination and consultation with other university officials, Title IX will offer the opportunity to request interim support, academic adjustments, and protective measures to provide for the safety of the individual and campus community.

The Office of Title IX Compliance/UPD will also take steps to advise about: (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in the investigation; (2) the university’s procedures for investigation and resolution; and, (3) the university’s prohibition against retaliation. At this time, the Office of Title IX Compliance/UPD will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

Title IX provides a written notification of available resources, rights, and options to each individual reporting prohibited conduct including sexual assault, dating violence, domestic violence, and stalking (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue institutional disciplinary measures or criminal remedies. This includes information regarding:

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

Individuals reporting to Student Health Services and UPD also receive the above information.

**Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking (as applicable to the specific incident)**

- Go to a safe place as soon as you can.
- Contact the Police Department at 911 (911 or 4-911 using an on-campus phone).
• Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Memorial Hermann Hospital (6400 Fannin Street, Houston, TX 77030), Harris County Hospital District (1615 N Main St, Houston, TX 77009), North Cypress Medical Center (21214 Northwest Fwy., Cypress, TX 77429), or Scott & White Hospital (700 Scott and White Dr., College Station, TX 77845) are the designated forensic nursing facilities offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. Go to the hospital’s emergency room and request to be seen by a SANE.

• Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.

• Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.

Medical Treatment (as applicable to the specific incident)

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

Confidentiality

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Confidential employees include, but are not limited to, licensed health care providers and professional psychologists/counselors, who receive reports when acting in this capacity as part of their official employment. When an individual shares information with a confidential employee, the confidential employee will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. However, such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or, (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly.

Additionally, allegations of prohibited conduct disclosed to confidential employees will not be reported to the institution, except as required by law. Publicly available recordkeeping must not include personally identifying information. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding this conduct that may be statistics in the Clery Annual Security and Fire Safety Report and/or disclosed in the daily crime log without identifying the individuals concerned.
Personally identifiable information 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. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The university is committed to protecting the privacy of reporting parties, complainants, and respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university’s response. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, the university’s ability to respond to the allegations may be limited.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim’s name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

**Resources, Rights and Options**

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Available assistance is also covered through prevention and awareness education.

The following are on-campus and community resources available to complainants, respondents, and others.

<table>
<thead>
<tr>
<th>On-Campus</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
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<tbody>
<tr>
<td>Counseling (Students)</td>
<td>Counseling</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564 8:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Health</td>
<td>Medical care and health education</td>
<td>Owens-Franklin Health Center</td>
<td>(936) 261-1410 8:00 a.m. – 6:00 p.m.</td>
</tr>
<tr>
<td>Mental Health (Students)</td>
<td>Mental health assistance</td>
<td>Student Counseling Services</td>
<td>(936) 261-3564 8:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Victim Advocacy (Students)</td>
<td>Individual and group support, crisis intervention, housing and coursework</td>
<td>Relationship &amp; Sexual Violence Program (RSVP) Manager</td>
<td>(936) 261-1468 (832) 853-5288 (RSVP after hours line)</td>
</tr>
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### On-Campus

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<thead>
<tr>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>advocacy, referrals, student conduct process advising</td>
<td>RSVP Manager</td>
<td>(936)261-1468</td>
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<td></td>
<td></td>
<td>(832) 853-5288</td>
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<td></td>
<td></td>
<td>(RSVP after hours line)</td>
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<tr>
<td>Legal Assistance (Students)</td>
<td>Legal advocacy</td>
<td>(936) 261-1000</td>
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<tr>
<td>Student Financial Aid</td>
<td>Student financial aid assistance</td>
<td>(936)261-1468</td>
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<tr>
<td></td>
<td>Office of Student Financial Aid and Scholarships</td>
<td>(832) 853-5288</td>
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<tr>
<td></td>
<td></td>
<td>(RSVP after hours line)</td>
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<tr>
<td>Peer Support</td>
<td>Health education peer support</td>
<td>(936)261-1468</td>
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<td></td>
<td>RSVP Manager</td>
<td>(832) 853-5288</td>
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<tr>
<td></td>
<td>Students download the app</td>
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<tr>
<td>Social Support &amp; Advocacy</td>
<td>Stop-It app</td>
<td>(936)261-1468</td>
</tr>
<tr>
<td></td>
<td>RSVP Manager</td>
<td>(832) 853-5288</td>
</tr>
<tr>
<td></td>
<td>Students download the app</td>
<td></td>
</tr>
<tr>
<td>Visa &amp; Immigration Assistance</td>
<td>Referral only</td>
<td>(936)261-1468</td>
</tr>
<tr>
<td></td>
<td>RSVP Manager</td>
<td>(832) 853-5288</td>
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<td></td>
<td>Students download the app</td>
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### Off Campus

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<tr>
<th>Type of Services Available</th>
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<th>Contact Information</th>
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<tbody>
<tr>
<td>Counseling (Employees)</td>
<td>Counseling</td>
<td>ComPsych Guidance Resources</td>
</tr>
<tr>
<td>Health</td>
<td>Medical</td>
<td>Emergency Care – EMS</td>
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<tr>
<td></td>
<td></td>
<td>Memorial Hermann Cypress Hospital</td>
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<td></td>
<td></td>
<td>Scott &amp; White – Brenham, TX</td>
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<tr>
<td></td>
<td></td>
<td>Memorial Hermann Tomball Hospital</td>
</tr>
<tr>
<td>Mental Health (Employees)</td>
<td>Mental health assistance</td>
<td>ComPsych Guidance Resources</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Hospital accompaniment and support</td>
<td>Focusing Families</td>
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### Institutional Rights and Options (Interim Measures)

The institution is obligated to offer and assist the complainant, the respondent, and other affected individuals in obtaining a range of accommodations, support services, academic adjustments, and interim, remedial, and protective measures. The measures are intended to facilitate continued access to university employment, academic programs, and university activities; stop and prevent the reoccurrence of prohibited conduct; and support the individuals involved.

The institution is obligated to comply with the individual’s reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of an individual involved with the report, Title IX can assist with measures including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact directives. The various options are provided on a temporary or permanent basis (subject to periodic review), if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. The university also provides reasonable interim, remedial, and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures before the investigation and will promptly address any violation of protective measures. These measures may be available regardless of whether a formal or informal disciplinary investigation is pursued. The university will maintain the privacy of a person receiving support services, academic adjustments, or protective measures provided to the extent practical and will promptly address any violation of the protective measures. In determining which institutional measures to impose and the reasonableness of the related measures, Title IX considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Title IX will also consider whether requesting an interim suspension or interim restriction (for student

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<tr>
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<tr>
<td>Legal Assistance Assistance with criminal complaints and protective orders</td>
<td>Waller County District Attorney’s Office</td>
<td>(979) 826-7718</td>
</tr>
<tr>
<td>Legal Assistance Assistance with criminal complaints and protective orders</td>
<td>Harris County District Attorney’s Office</td>
<td>(713) 274-5800</td>
</tr>
<tr>
<td>Legal Assistance Sexual assault legal services</td>
<td>Legal Aid for Survivors of Sexual Assault (LASSA)</td>
<td><a href="http://www.teajf.org/index.aspx">http://www.teajf.org/index.aspx</a></td>
</tr>
</tbody>
</table>
respondents) or an interim administrative action such as a leave of absence (for employee respondents) would enhance the safety and well-being of the complainant, respondent, and campus community.

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

- Changing on-campus living situations including obtaining emergency housing or moving into another residential facility;
- Providing academic accommodations such as transferring, withdrawing, or retaking classes; postponing due dates; or rescheduling exams or assignments;
- Changing work schedules, job assignments, work locations, or other arrangements;
- Transportation and parking assistance and/or modification;
- Assistance in obtaining access to medical, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, and financial aid guidance;
- Imposing institutional no-contact directives as described below;
- Imposing interim suspensions of students as described below;
- Obtaining interim administrative actions for employees, such as a leave of absence as described below; and,
- Imposing institutional interim restrictions on students including restrictions in representing the university, and/or restriction of participation in university affiliated organization meetings, events, and/or activities.

**No-contact Directive.** A no contact directive is an interim measure issued by the institution that prohibits two parties from contacting one another through any means. No contact directives can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. Title IX may issue a no-contact directive at any time prior to or during an investigation based on information provided by the requestor. A no-contact directive may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no-contact directive is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system for no-contact directives involving students.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a no-contact directive. Violations should be reported to Title IX and may result in further disciplinary action.

**Interim Suspensions of Students:** A student may not be expelled or suspended prior to a decision of responsibility for prohibited conduct or for other violations of university rules, policies, regulations, codes, or administrative procedures except when the Dean of Students believes that an interim suspension should be imposed.

Interim suspensions may be imposed only to ensure the safety and well-being of members of the university community or guest, or preservation of university property; to ensure the student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.
The interim suspension does not replace the investigation and resolution process. The investigation and resolution process shall proceed as outlined in the policy, except that the timelines referenced in the policy may not be followed and the allegations will be resolved as soon as possible.

*Interim Administrative Actions for Employees:* In accordance with university rules and administrative procedures, Title IX may request that an employee be placed on leave during the investigation and resolution process. Title IX may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

*Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures):* The university will maintain as confidential, any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. Title IX is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Title IX uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure.

**Legal Rights and Options**

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

**Protective Orders:** Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual’s home, workplace, and/or children’s schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county/district attorney (Waller County District Attorney’s Office, 979-826-7718), or a private attorney. UPD (936-261-1375) will also provide assistance in applying for protective orders.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant’s address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney’s office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family. Additionally, an emergency protective order may be recommended and automatically issued by the court following the original report and arrest of the respondent. A hearing is held at a later date to determine if the order should be extended or modified. Violating protective orders generally carry authority for the violator’s immediate arrest by UPD or other law enforcement agencies.

**Criminal Trespass Warning:** A criminal trespass warning is an interim protective measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain
individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property, which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 936-261-1375 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy.

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

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

- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials; and,
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.

Individuals conducting investigations and other decision makers, at a minimum, receive training annually regarding university rules and administrative procedures and handling of civil rights investigations. Investigators receive additional training in regards to conducting fair and impartial investigations including trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Once an individual discloses information to Title IX, a complaint will be considered to be filed with the university, and the investigation process is initiated regardless of whether the complainant chooses to pursue criminal charges.

The complaint regarding prohibited conduct is initially reviewed by Title IX, not only to assess safety, but also to determine whether a potential violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy could have occurred. During the initial review and preliminary assessment, Title IX will:

- Inform the complainant of formal and informal resolution policies and solicit the complainant’s preferred method for resolving the matter. The complainant may request a formal resolution of the allegations of prohibited conduct or may request “no resolution” of the allegations or prohibited conduct.
- If applicable, inform the complainant of the right to use a pseudonym in university documents related to the complaint.
• Offer assistance to the complainant in submitting a written complaint that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.
• Make a preliminary determination about whether to resolve the case informally or through a formal investigation of the allegations.

If a complaint alleges conduct that may be prohibited conduct as well as a violation of one or more rules, administrative procedures, regulations, codes, or policies, Title IX will consult with other university officials, as appropriate, and coordinate procedures to utilize to resolve the allegations, in addition to those required by the policy.

**No Resolution**

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university’s ability to enhance the safety and security of the complainant and the university community. Title IX will consider the following factors when evaluating such requests:

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

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

If the university determines that the complainant’s request cannot be honored, the complainant will be notified of the decision, and Title IX will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and imposing protective measures and (2) initiating a formal investigation.
Formal Resolution

The allegations will be considered for investigation pursuant to the following procedures. Title IX reserves the right to resolve the complaint through no resolution rather than a formal investigation if the allegation does not rise to the level of prohibited conduct.

As soon as practicable after receiving the report, Title IX may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations should be performed. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
- An assessment of whether a complainant’s request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute prohibited conduct; or, that an investigation will not occur due to the complainant’s request for no resolution, Title IX may, after consultation with OGC, dismiss the complaint or refer the report to a different office at the university. The university office may review the conduct and take disciplinary action against the respondent for violations of other university rules, administrative procedures, regulations, codes, or policies, if applicable.

Once it has been determined that the university will proceed with a formal investigation, Title IX will appoint the Investigative Authority (IA) to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, administrative procedure, code, or policy occurred. An IA is a trained individual appointed to conduct a formal investigation to discover and examine the facts related to an allegation. The IA may also draw conclusions as to whether, based on the preponderance of the evidence, an allegation is substantiated, unsubstantiated, or that there is insufficient information to substantiate. The IA may also draw conclusions as to whether or not any other university rules, administrative procedures, regulations, codes, or policies were violated.

After the IA’s appointment, the complainant(s) and respondent(s) shall simultaneously be notified in writing of the commencement of the investigation. The notice of investigation will include:

- the identity (or pseudonym, if requested and applicable) of the complainant and the respondent;
- the date, time (if known), location, and nature of the alleged misconduct;
- the identity of and contact information for the IA; the identity of the Designated Administrator (DA) and Appellate Authority (AA);
- an explanation of the prohibition against retaliation;
- the regulation(s), policy(s), rule(s), administrative procedure(s), or code(s) alleged to have been violated;
- an instruction to the parties to preserve any potentially relevant evidence in any format;
- information about the university’s process for challenging the neutrality or bias of the IA, DA, or AA; and,
- a redacted copy of the written complaint, if any, with appropriate admonishments about privacy.
If the complainant has requested that a pseudonym be used in the university’s paperwork, the respondent will be verbally notified of the complainant’s name at the respondent’s intake meeting. The notice will also include an assurance that the parties will be kept apprised of the status of the investigation and resolution process and provide a contact person for the party to contact for periodic update.

Title IX is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees’ or students’ time away from work or class to participate in the investigative process, making reports to university administrators, and other responsibilities necessary to properly conduct the investigation.

To the extent possible, the investigation will be conducted in a manner that protects the privacy of all parties involved. While the university cannot guarantee complete privacy, information collected during the investigation will be communicated only to the parties and those with a need to know in order to fulfill the purposes of university policies and to comply with applicable laws.

If the respondent is an employee, Title IX shall notify, in writing, the respondent’s department head and/or Vice President, that Title IX is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 or other university rules, administrative procedures, codes, or policies.

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

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

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

Witnesses must have observed the acts in question or have information relevant to the incident in order to participate in the process. A witness cannot participate solely to speak about an individual’s character. However, a respondent may provide letters or other written testimonials to the IA that include information about the respondent’s character, which will be provided to the DA after a decision on responsibility has been made but before sanctions, if any, are considered.

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (any individual who provides the complainant or respondent support, guidance or advice) of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. The advisor may be any person selected by a party, including legal counsel, except that the advisor may not be another party or a witness in the case. Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. The advisor’s participation will be limited to the role of an observer, although the advisor may request a break at any point to give advice to a party. An advisor can be barred from being present during the process if, in the judgment of the IA, the DA, the AA, or the Title IX Officer, the advisor attempts to directly address the IA, DA or AA, advocate on behalf of a party, or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations. Any fees charged by the advisor are the responsibility of the individual who selected the advisor.

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

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

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

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. With respect to allegations of prohibited conduct based on sex
or gender, the sexual history of the complainant or respondent is generally irrelevant and will not be used to prove character or reputation. Sexual history of the parties may be relevant in limited circumstances, such as when it aids in determining the manner and nature of prior communications of consent between the parties.

At the conclusion of the investigation, the IA will prepare a draft investigation report summarizing the relevant information gathered and outlining any relevant contested and uncontested information. The draft investigation report will not include any conclusions as to whether allegations are substantiated, unsubstantiated or that there is insufficient information to substantiate.

In cases that include allegations against a student respondent, the complainant and the respondent will be notified that the draft investigation report is complete and will be given the opportunity to review the draft investigation report and submit a written response to the IA. The exhibits to the draft investigation report may be reviewed by the parties upon request.

In cases that include allegations against a student respondent, the exhibits to the draft investigation report may be reviewed by the parties upon request. In cases that include allegations against an employee or third party respondent, all parties may review the exhibits to the draft investigation report without making a request.

Involved parties have the opportunity to review and respond to the draft investigation report by: (1) providing written comment or feedback; (2) submitting additional evidence or information; (3) identifying additional witnesses or requesting the collection of other information by the IA; and/or, (4) suggesting questions to be asked (at the discretion of the IA) of the other parties. A party’s written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit. If a party knows, or through the exercise of reasonable diligence, should know, of information or evidence that was not provided to the IA during the investigation, the party must provide such information or, if the party does not have access to the information, a description of such evidence to the IA during the review and respond period or such evidence will not be considered, absent good cause, in the determination of responsibility for a violation of a university rule, administrative procedure, regulation, code, or policy.

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the investigation report. If the amended investigation report contains any material or substantial changes, the complainant and respondent will be allowed to review the amended investigation report and submit a written response as set forth above. The opportunity to review and respond to an amended investigation report will be extended to the complainant and respondent until the IA determines that no material or substantial changes were made to the draft investigation report.

The IA may add a conclusion for each allegation to the investigation report after the final review and response period concludes. The conclusion will be: substantiated, unsubstantiated, or insufficient information to substantiate based on the evidence and information in the report. In addition, the IA may add a conclusion as to whether System Regulation 08.01.01 was violated, and, if appropriate, the IA may make a conclusion as to whether other university rules, administrative procedure, regulations, codes, or policies were violated. The IA will use the preponderance of the evidence standard (i.e., more likely than not) in making conclusions. The IA will not make any recommendations or conclusions with respect to sanctions. The conclusions of the IA are merely advisory and are not the final decision with respect to responsibility.
After the final review and respond period concludes, Title IX will forward the investigation report, as amended with conclusions (if applicable), along with the documentary evidence and any other relevant information, to the OGC. OGC will conduct a legal review in accordance with Section 4.2.5 of System Regulation 08.01.01. OGC will provide its legal review to the IA. After receiving the legal review, the IA will finalize the investigation report. The Title IX Coordinator (or designee) will submit the final report directly to the DA for decision-making. In cases that involve a student respondent, all parties will receive a copy of the final investigation report (which does not include conclusions or exhibits) at the time the report is sent to the DA. Exhibits may be reviewed upon request in the Title IX office.

In cases that include allegations against an employee or third party respondent, all parties may review the exhibits and the investigation report after a decision has been rendered.

**Designated Administrators**

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 or PVAMU Rule 08.01.01.P1. If violation(s) are found, the DA may issue sanctions.

**Sanctioning for Employees**

If an employee is found to have sexually harassed another member of the university or agency community, the sanction will be termination of employment. Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcomed. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

If an employee is found to have engaged in prohibited conduct other than sexual harassment, the DA may assign appropriate sanction(s), which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other rule, administrative procedure, regulation, code, or policy, the DA may assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator.

**Sanctioning for Students**

If a student is found responsible for sexual harassment, sexual assault, domestic abuse/violence, dating abuse/violence, stalking based on sex or gender, or sexual exploitation, the student will be sanctioned in accordance with the Model Sanctioning Matrix, as outlined in System Regulation 08.01.01, which is outlined below. If a student is found responsible for engaging in any other form of prohibited conduct, or if the
student is found responsible for violating any other university rule or system regulation, the DA will assign appropriate sanctions, which may have educational, restorative, and rehabilitative components.

MODEL SANCTIONING MATRIX FOR SEXUAL VIOLENCE AND SEXUAL HARASSMENT VIOLATIONS BY STUDENTS IN THE TEXAS A&M UNIVERSITY SYSTEM

When a student is found in violation of misconduct related to sexual harassment, sexual assault, relationship violence, domestic violence, sexual exploitation, and stalking, the following information should be utilized to formulate appropriate sanctions.

Sanctioning is not to be considered by a designated administrator or member of an adjudicatory board until a finding of responsibility has been rendered. Once a finding has been established, the administrator or adjudicatory board then considers various sanctions under the following guidelines.

Sanctioning Considerations

1. Nature of the offense
   a. What are the facts? What happened? What effect has this conduct had on the reporting party?
   b. What additional harm or damage could have occurred?
   c. Does the respondent represent a foreseeable risk of harm to others?

2. Prior disciplinary history of respondent
   a. Does the respondent have a disciplinary record?
   b. Is it for similar offenses?
   c. Is there evidence of escalating behavior?

3. Aggravating factors
   a. What additional factors argue for a more severe sanction? Aggravating factors include, but are not limited to: failure to cooperate with the investigation, providing false information, wrongful personal conduct during the course of the investigations and adjudicatory process (such as violating no-contact orders), use or threat of use of a weapon, and a refusal to accept any culpability even when provided with overwhelming evidence of responsibility.

4. Mitigating factors
   a. What additional factors argue for a less severe sanction? Mitigating factors include, but are not limited to: relationship history of the parties, evidence of unintentional behavior, demonstrations of responsibility for the conduct in question, demonstration of remorse for one’s behavior, commitment to reforming behavior in the future, adherence to directives, cooperation with the investigation, and reduced risk of recurrence or harm to the broader community.

The questions each designated administrator or adjudicatory board must ultimately answer include:

1. Do we believe the student respondent represents a threat to the complainant and/or other members of the campus community?
2. What do we want the student respondent to take away from this experience?
3. What learning outcomes do we want to relay to the student respondent?
4. How will the sanctions we impose address any potential threat to campus community and appropriate learning outcomes?

As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

Inactive and Active Sanctions

Inactive Sanctions

Inactive sanctions are official, written university responses to misconduct that generally do not require any action by the respondent. These sanctions (with the exception of suspension and expulsion) generally do not explicitly serve as teaching tools, but instead provide a baseline for sanctions for any future conduct violations.

Examples include:

- Reprimand
- Censure
- Warning
- Disciplinary Probation
- Suspension
- Expulsion

Active Sanctions

Active sanctions are generally those designed to achieve learning outcomes by the student respondent by providing them with information and/or experiences that help them deepen their understanding of university expectations and cause them to reflect on the implications of their own actions.

Examples include:

- Assessment, treatment, and/or education for alcohol and other drug issues.
- Workshops (e.g., healthy relationships, conflict management, anger management).
- Counseling assessment - Interviews and educational essays.
- Guided reflection papers.

Active sanctions in Title IX cases should generally not place the student respondent in a setting with either the complaining party or other vulnerable parties (such as a shelter or support group).

Additionally, other active sanctions can solidify interim measures and/or deter further contact between the parties, such as contact restrictions and restrictions from specific campus areas or activities.

In general, there should be (except in cases of permanent expulsion) a pairing of inactive and active sanctions that address all desired learning outcomes. All active sanctions should have written reflection components assigned to them that are then included in the student’s conduct record.
It is important to emphasize that disciplinary suspensions should be conditional on, and reinstatement only allowed upon, successful completion of all assigned active sanctions.

**Minimum Sanctions**

The following sanctions are deemed to be appropriate minimum sanctions:

**SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITH PREDATION)**

Examples:

- Intimate partner violence (with a pattern of previous violence or predation).
- Penetration (with predation), no matter how slight, of a person's anus or vagina with any bodily part or object.
- Performing oral sex on another person without consent or forcing a person to perform oral sex.

**Inactive Sanctions (as required by 08.01.01)**

**Active Sanctions**

Restriction from campus grounds and/or events.

**SEX-BASED VIOLENCE AND/OR NONCONSENSUAL PENETRATION (WITHOUT PREDATION)**

Examples:

- Intimate partner violence (without a pattern of previous violence or predation).
- Penetration (with predation), no matter how slight, of a person's anus or vagina with any bodily part or object.
- Performing oral sex on another person without consent or forcing a person to perform oral sex.

**Inactive Sanctions (as required by 08.01.01 and in absence of significant mitigating factors)**
Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**NONCONSENSUAL SEXUAL CONTACT**

Examples:

- Intentional touching (no matter how slight), without consent, of another person’s breasts, thighs, buttocks, genitals, groin; touching another area if the act of touching is sexual in nature; or knowingly touching a person with one’s own genitals, breasts, or buttocks. Touching may be with any part of one’s body and/or any object.

Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**SEXUAL EXPLOITATION**

Examples:

- Secretly video-taping and/or broadcasting sexual activity.
- Purposeful sharing of sexually explicit images, video, or recorded sounds of another person without that person’s full knowledge and consent.
- Nonconsensual voyeurism.
- Invasion of sexual privacy.
- Indecent exposure.
- Knowingly transmitting or exposing someone to a sexually transmitted disease without consent.

Inactive Sanctions

Active Sanctions
As appropriate for desired learning outcomes (based on investigative findings).

**STALKING**

Examples:

- Following or conducting surveillance of another person.
- Repeated and unsolicited contact (e.g., phone calls, text messages, social media posts and messages, emails, and gifts).
- Repeated and unsolicited visits to residence, business, or classes when having no legitimate and reasonable purpose for the visit other than to make contact with the person.

Inactive Sanctions

![Flowchart showing inactive sanctions]

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**SEXUAL HARASSMENT**

Examples:

- Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. These may include:
  - Sexual jokes, questions, remarks, and teasing.
  - Sexual gestures.
  - Inappropriate comments on appearance (dress and/or body parts).
  - Unwelcome gifts of a sexual nature.
  - Attempting to coerce, threaten, or intimidate another into dates and/or sexual acts.
  - Sexually explicit visual or audio material outside of one’s own private residence that is considered inappropriate to the environment and not reasonably attached to academic pursuits for which a student is enrolled.
Inactive Sanctions

Active Sanctions

As appropriate for desired learning outcomes (based on investigative findings).

**Appeals**

Appeals of the decision, the sanctions, or both may be made by the complainant and/or the respondent. All appeals will be confined to a review of the record from the investigation and any pertinent evidence, as well as the DA’s decision as related to the grounds for appeal. The appeal does not create an entitlement to a new investigation.

Appeals must be filed in writing and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Appeals must be filed within receipt of the notice of the decision and/or sanctions to be appealed. Complainants and respondents are deemed to have received notice of the decision and/or sanctions on the day that the notice is emailed to the party’s university email account or to any other email account that was provided to Title IX by the party.

If no appeal is filed within the receipt of the DA’s decision or Title IX determines that the appeal does not identify one of the bases for appeal or provide credible information or evidence substantiating the identified bases for appeal, Title IX will provide simultaneous notice to the parties that no valid appeal was filed and the decision and sanctions are final and the case is closed.

If a timely and valid appeal is filed by either party, the other party will be notified as soon as practical thereafter. Title IX will forward the appeal and any supporting information or evidence to the appropriate AA.

The AA, in consultation with OGC, will review the appeal documents, the decision of the DA, any new evidence submitted by the parties, and the investigation report and exhibits. The AA will render a written decision, which includes a rationale for the decision as to each of the grounds appealed. If an appeal is sought by both parties within the allowed time frame, the AA will review both appeals and will render decisions accordingly.

The AA will render one or more of the following written decisions after reviewing: a) the final investigation report, the documentary evidence and other relevant information; and, b) the DA’s decision on responsibility and/or sanctions:

- Affirm the DA’s decision on responsibility and/or the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, which was unknown or unavailable during the investigation, appears to be relevant and could have significantly affected the outcome.
of the decision on responsibility or the sanctions. The DA will instruct the IA to review the new evidence and amend the investigation report, as appropriate. The IA will submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.

- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred during the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the investigation report, as appropriate. The IA will then submit the amended investigation report, without conclusions, to the parties for review and response and then to the DA for a new decision in accordance with the established formal investigation procedures. If the procedural error occurred in the resolution phase, the DA will correct the procedural error or omission and then issue a new decision in accordance with established formal investigation procedures. The new decision of the DA may be appealed by the parties in accordance with the previously described appeal procedures.

- Modify the decision of sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances. If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision, which modifies the sanctions. The AA will impose new sanctions, which are final.

The AA will forward the appellate decision to Title IX. The decision of the AA will be final.

**Extensions**

The university will make every reasonable effort to comply with the timelines required in System Regulation 08.01.01 Civil Rights Compliance. However, extensions may be obtained by the IA, DA, or AA, as appropriate under the circumstances. Circumstances that warrant an extension may include, but are not limited to:

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

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to Title IX. Title IX will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

**For all investigations and disciplinary proceedings**

If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Title IX Coordinator will consult with other relevant university officials and determine which
procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Title IX Coordinator will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.

The university’s disclosure of information related to an investigation, the DA’s decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

**Prevention and Awareness Programs**

Primary prevention programs are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The university has developed primary prevention and awareness programs for new students and employees intended to end dating violence, domestic violence, sexual assault and stalking. Violence Against Women Act (VAWA) information is presented to new students during Panther Camp and to new employees during new employee orientation through a web-based training “Creating a Discrimination-Free Workplace”. Information is provided about sexual assault, dating violence, domestic violence, stalking, bystander intervention and risk reduction.

The university has also partnered with EVERFI, an online training platform, that will require all incoming students and staff to complete a sexual assault prevention training. The online training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services offers assistance to victims of dating or domestic violence, sexual assault and stalking. Student Counseling Services and the Women's Center serve victims by offering free and confidential direct services to victims at PVAMU. The Title IX Coordinator facilitates education with students, faculty and staff on the role of Title IX at the university. In addition, the Title IX Coordinator oversees investigations into Title IX-related incidents and partners with campus departments to provide resources to students who have been impacted by sexual assault and harassment.

Ongoing prevention and awareness campaigns are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution’s primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

The university has also partnered with EVERFI, an online training platform, that will require all ongoing students and ongoing staff to complete a sexual assault prevention training. The online
training is a comprehensive education and training solution that fosters healthy relationship behaviors and prepares students for recognizing and responding to sexual assault and harassment.

Student Counseling Services and the RSVP Program Manager offers assistance to victims of dating or domestic violence, sexual assault and stalking by offering free and confidential individual, group, and couples counseling to the student population. The licensed mental health staff also engages in referral and outreach presentations to students, faculty, staff, and the community on sexual violence, intervention, and prevention methods. The RSVP Program Manager and RSVP Student Advocates, along with the partnership of Title IX and Focusing Families, will present the following ongoing awareness and prevention educational events and materials.

- **RSVP Student Advocacy Program**
  RSVP Student Advocacy Program is for any student interested in serving as an advocate on the PVAMU campus. Students have to fill out an application and go through an interview process in order to be selected for the program. Each student is required to complete 40 hours of training on sexual assault, dating violence, and stalking. At the end of the training, the students are required to take a two-part test. Each student will have to pass each part at 100% in order to become a RSVP Student Advocate. Training sessions are offered twice a week for 1 hour and 15 minutes. Their main job is to provide education to the campus community on the dynamics of sexual assault, dating violence, and stalking. They also serve as student advocates that assist survivors with resources and information. They are liaisons between the RSVP Program Manager and the survivor. Making sure the survivor is aware of the advocacy services provided by the RSVP Program Manager. They are required to inform the RSVP Program Manager of all reports, and to set up an appointment for the survivor to meet with the RSVP Program Manager.

- **The RSVP Volunteer Program**
  Interested students that would like to be a RSVP volunteer will complete an application and go through an interview process to be selected for the program. Those participates are required to complete 15 hours of training before they can volunteer with the program. Their duties are to assist, coordinate, and organize all RSVP events, trainings, and activities. All RSVP Student Advocates and Volunteers are confidential.

- **Classroom Presentations**
  Classroom presentations define sexual assault, dating violence and stalking, presents facts and myths and describes how to recognize, respond to and refer survivors of such crimes.

- **Collaboration with Title IX**
  The RSVP Program Manager along with the Title IX Coordinator will assist in providing training for the campus community.

- **Awareness Month Activities**
  Programs, activities, and/or trainings during all of the awareness months.
  (These are week long activities and/or events.)
  January – Stalking Awareness Month
  February – Dating Violence Awareness Month
  April – Sexual Assault Awareness Month
October – Domestic Violence Awareness Month.

- **Trauma Informed and Victim Centered Training**
  Provide on-going trauma informed victim centered training on relationship and sexual violence to the campus community.

- **RSVPIX Red Zone Liaison Training**
  An eight hour training for faculty and staff of PVAMU on how to effectively respond to incidents of relationship and sexual violence.

- **Relationship and Sexual Violence Support Group**
  This group is for survivors of relationship and sexual violence that are in the first steps of their healing process. This group is held once a week for 1 hour and 15 minutes, and is facilitated by the RSVP Program Manager.

- **RSVP Social Media Platforms**
  RSVP provides education, awareness, information, and resources via Twitter and Instagram. There are weekly posts on sexual assault, dating/domestic violence, and/or stalking.

**Bystander Intervention and Risk Reduction**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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

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

Sexual assault is never a victim’s fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:
• Be aware of your surroundings.
• Practice responsible drinking; alcohol is a factor in many sexual assaults.
• Never leave your drink unattended.
• Don’t accept drinks from someone you don’t know or trust.
• Stay with your friends and make sure your friends stay with you.
• Be careful of online relationships.
• Trust your instincts.

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

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

Prairie View A&M University has implemented a new Bystander Intervention Program, Be the One. The new program was presented to all incoming first year students at Panther Camp in August 2019. Presentations will continue throughout the school year to all students through classroom presentations and workshops. Be the One covers sexual assault, stalking, dating/domestic violence, alcohol, drugs, hazing and bullying.

Other Considerations

Retaliation

Prairie View A&M University prohibits retaliation. An officer, employee, or agent of PVAMU may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

Victim Notification

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

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.
Sex Offender Registry

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

The DPS public web page can be found at: https://records.txdps.state.tx.us/SexOffender/.

The UPD receives notification of registered sex offenders from the Harris County Sheriff’s Sex Offender Registration Office that are currently employed, work, teach, volunteer, or attend classes on the campus of PVAMU.

Additional resources for gathering sex offender and sex crime data in the area:
Harris County Sheriff’s Office – (281) 221-6000
Houston Police Department – (713) 884-3131

Definitions of Clery Act Offenses

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

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

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

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

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

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

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

Texas A&M University System Regulation

System Regulation 08.01.01, Civil Rights Compliance provides guidance in complying with local, state and federal civil rights laws and regulations and related system policy. This regulation establishes system wide standards for the receipt and processing of complaints, appeals, or reports of discrimination, sexual harassment and/or related retaliation based on protected class including complaints made by employees, students, and/or third parties.

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

Texas Penal Code

Texas Penal Code, Sec. 1.02. Objectives of Code establishes a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

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

Sexual Assault is defined in the Texas Penal Code, Section 22.011 as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;
(B) causes the penetration of the mouth of a child by the sexual organ of the actor;
(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

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

(c) In this section:

1. "Child" means a person younger than 17 years of age.
2. "Spouse" means a person who is legally married to another.
3. "Health care services provider" means:

   (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
   (B) a chiropractor licensed under Chapter 201, Occupations Code;
   (C) a physical therapist licensed under Chapter 453, Occupations Code;
   (D) a physician assistant licensed under Chapter 204, Occupations Code; or,
   (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

4. "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

   (A) licensed social worker as defined by Section 505.002, Occupations Code;
(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
(C) licensed professional counselor as defined by Section 503.002, Occupations Code;
(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
(E) member of the clergy;
(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

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

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

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

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

   (2) that:

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

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

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

      (B) the victim:

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

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

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

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

**Dating Violence** is defined in the [Texas Family Code, Section 71.0021](https://www.capitol.texas.gov/Research/Laws/TexasFamilyCode/71.0021) as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or,
(B) because of the victim’s or applicant’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and,

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;
(2) the nature of the relationship; and,
(3) the frequency and type of interaction between the persons involved in the relationship.

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

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

**Family Violence** is defined by the [Texas Family Code, Section 71.004](https://www.capitol.texas.gov/Research/Laws/TexasFamilyCode/71.004) as follows:

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

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

*Stalking* is defined in the Texas Penal Code, Section 42.072 as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening:

   (A) bodily injury or death for the other person;
   (B) bodily injury or death for a member of the other person’s family or household or for an individual with whom the other person has a dating relationship; or,
   (C) that an offense will be committed against the other person’s property;

(2) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person’s property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

   (A) fear bodily injury or death for himself or herself;
   (B) fear bodily injury or death for a member of the person’s family or household or for an individual with whom the person has a dating relationship;
   (C) fear that an offense will be committed against the person’s property; or,
   (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;
(2) the laws of a federally recognized Indian tribe;
(3) the laws of a territory of the United States; or,
(4) federal law.
(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Sec. 42.07. Harassment.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or,

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and,

(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Hate Crime Definitions:

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

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

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

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

Arrests and Referrals for Disciplinary Action: Arrest is defined as persons processed by arrest, citation,
or summons. Referred for disciplinary action is defined as the referral of any person to any official who
initiates a disciplinary action of which a record is established and which may result in the imposition of a
sanction. Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of
liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed.
Violations of institutional policy alone are not included in Clery Act statistics.
Weapons - Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapons: carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

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

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

Definitions of Clery Act Locations

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

On-campus Student Housing Facilities (Residential Facilities): For students on campus is a subset of the “One Campus” category.

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

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
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### PVAMU Northwest Houston Center - Reportable Crimes 2016-2018

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<th>On Campus Property</th>
<th>Residential Facilities (Subset - On Campus)</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Crimes§</th>
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</table>

Statistics were requested from local law enforcement agencies. However, they were unable to be provided in a usable format enabling a determination to be made as to whether or not they should be counted.

*In 2016, 2017 and 2018, there were no reported criminal incidents involving hate/bias.

§Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless.

In 2016, 2017 and 2018 no crimes were determined to be unfounded.