

# Prairie View A&M University

(Prairie View Main Campus, College of Nursing, and  
Northwest Houston Center Campuses)

## 2023 Annual Security and Fire Safety Report

Includes crime and fire statistics for 2020, 2021, and 2022.



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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This Annual Security and Fire Safety Report is available on the Prairie View A&M University Office of  
University Compliance website at: <https://www.pvamu.edu/universitycompliance/clery-compliance/>.

Email [clery@pvamu.edu](mailto:clery@pvamu.edu) for assistance if any link does not function.

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## Separate Campuses

All policy statements contained in this report apply to all campuses unless otherwise indicated.

# Chapter I – Prairie View A&M University Main Campus 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-to-Market Road 1098.

## Preparation of the Annual Security Report and Disclosure of Crime Statistics

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 works closely with the Prairie View A&M University Police Department (UPD), Office of Risk Management & Safety (RMS) and other university officials to prepare and distribute the Annual Security and Fire Safety Report (ASFSR) in compliance with the Clery Act. The ASFSR is to be published every year on or before October 1<sup>st</sup> and contains three years of selected campus crime statistics

and fire statistics, along with certain campus security policy statements in accordance with the Clery Act. The 2023 ASFSR contains security policy statements for the 2023 - 2024 academic year and crime statistics for calendar years 2022, 2021, and 2020

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

## Annual Security Report Notifications

Each year, e-mail and text message notifications are sent to all current students, faculty and staff, which provides website access to this report. Upon request, individuals may obtain a printed copy of the report from the Office of University Compliance located in the M.T. Harrington Science Building, Suite 311; by mail at P.O. Box 519, Mail Stop 3401, Prairie View, TX 77446; by calling 936-261-2117; or by emailing [clery@pvamu.edu](mailto:clery@pvamu.edu). 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 ASFSR on the university's [career site](#), under the Employer Notices section.

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 ASFSR. The email includes the availability of the ASFSR, as well as a direct link to the current ASFSR.

## 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 policies.

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. The contract security



officers assist the UPD by responding to alarms, calls for service such as escorts and locking/unlocking doors, and enforcing parking and university policies. The contract police officers enforce all applicable federal, state, county, and city laws as well as university policies. In both cases, the scope of their official duties is confined to the campus of PVAMU; essentially, the jurisdiction of both contract security officers and contract police officers is the PVAMU campus.

### **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 (similar to municipal police officers), including the 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 immediate surrounding streets.

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 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 pertaining to the investigation of alleged criminal incidents. 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 non-campus locations of officially recognized student organizations.

### **Professional Standards**

The UPD's 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. Individuals may 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**

Website: <http://www.pvamu.edu/upd/>

|   |              |                                    |              |
|---|--------------|------------------------------------|--------------|
| Emergencies-from on campus phones/Police/Fire/Medical | 911 or 911   | Non-Emergencies/General Assistance | 936-261-1375 |
| Criminal Investigations                               | 936-261-1378 | Anonymous Tips Line                | 936-261-2222 |
| Communications  | 936-261-1375 | Records                            | 936-261-1393 |

**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.

**Response to Reports of Crimes**

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, UPD will take the required action, either dispatching an officer or asking the victim to report to UPD to file an incident report. All reported crimes will be investigated by the university and may become a matter of public record. All UPD incident reports are forwarded to the Dean of Students Office and the Office of Student Conduct for review, referral, and potential action, as appropriate. 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). According to the 2016 Handbook for Campus Safety and Security Reporting (pgs. 4-2 & 4-3), CSA’s are individuals in the following four groups:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs commonly report information to the following:

| Contact Group                | Contact Information |
|------------------------------|---------------------|
| University Police Department | (936) 261-1375      |
| Student Affairs              | (936) 261-2130      |
| Title IX Coordinator         | (936) 261-2166      |
| Human Resources              | (936) 261-1730      |
| Clery Coordinator            | (936) 261-2117      |

**Reporting to Meet Disclosure Requirements**

Members of the community are helpful when they immediately report crimes or emergencies to the UPD at 936-261-1375 and/or the Clery Coordinator at 936-261-2117 for purposes of including those events in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

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**

**Confidential Reporting**

Aside from the guidelines above pertaining to professional counselors acting in that capacity, the UPD has policies or procedures for victims and/or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, because UPD reports are public records under state law, they cannot hold reports of crime in confidence. 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.

### **Anonymous Reporting**

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 or online at: <https://crime-stoppers.org/our-programs/tip-line-program>. 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.

## **Security Awareness & Crime Prevention Programs**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of PVAMU to inform students of good crime prevention and security awareness practices.

During the 2022 - 2023 academic year, PVAMU offered limited crime prevention and security awareness programs during the COVID-19 pandemic. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and advised to call the UPD to report suspicious behavior. For additional questions regarding crime prevention, contact the UPD directly at (936) 261-1375.

As part of the department's community-oriented policing philosophy, the UPD offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having a UPD officer speak to his or her classroom or group should contact them at (936) 261-1375.

## **Timely Warning Notification Policy**

The procedures disclosed in this section apply to incidents occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing that warrant a Timely Warning (Crime Alert). In the event a crime is reported, or a situation arises, within the PVAMU Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the PVAMU Chief of Police, or designee, and in consultation with the Clery Coordinator, or designee when time permits, constitutes a serious or continuing threat to the campus community, a campus wide "timely warning" notice will be issued.

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. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter.

- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger PVAMU community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by-case basis).
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the PVAMU Chief of Police, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson.
- Other Clery crimes as determined necessary by the PVAMU Chief of Police, or his or her designee in his or her absence.

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 Chief of Police or their designee and/or the Clery Coordinator 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 Center for Information Technology Excellence (C.I.T.E.) 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, if deemed necessary. 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 primarily distributed to PVAMU students and employees via email; however, if deemed necessary, the information can be distributed via social media and placed on the university’s webpage. 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 is not required to 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 Notification, Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing. The institution does not have separate procedures for non-campus property.

### **“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 to the campus community via phone, text message, and e-mail. Face to face communication, social media, and the university's webpage may also be used to communicate information in the event of an emergency situation.

In an effort to provide a more enhanced user experience, in Spring 2022, the university began using Rave Alert as the provider for the Panther Alert System. In addition to receiving alerts via phone, text message, and e-mail, faculty, staff and students have the option to receive push notifications via the RAVE Guardian App.

Rave Guardian is a free mobile app that turns your smartphone into a personal safety device. The App has a safety feature that directly connects you to the UPD in an emergency, as well as the ability to submit an anonymous tip to the UPD should you see something suspicious. You can invite friends and family to join your network as “Guardians.” You can then request one or more of your Guardians to virtually walk with you on or off campus. It's like having an emergency blue light system and a trusted friend with you at all times.

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 immediately 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 confirm 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 confirmation 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, the Director of RMS or their designee, and the Director of MARCOMM or their designee.

The University Police Department, Clery Coordinator, RMS, and MARCOMM, if applicable, will collaborate to determine if the message is sent to the entire PVAMU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

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, is primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for law-enforcement related incidents. However, the Clery Coordinator, C.I.T.E., RMS, and MARCOMM can also distribute Panther Alerts via blast 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 RMS and/or MARCOMM. 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, RMS and/or MARCOMM will, without delay, and taking into account the safety of the community, determine the content of the emergency notification.

The Directors of RMS and/or MARCOMM, or their designees, are primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for non-law enforcement related incidents. However, UPD, the Clery Coordinator, and C.I.T.E. can also distribute Panther Alerts via blast email, text, and phone messaging system, if necessary.

Prairie View A&M University will, without delay and taking into account the safety of the community, determine the content of emergency notifications and 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.

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

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

If there is an immediate threat to the health or safety of students or employees occurring on campus, PVAMU must follow its emergency notification procedures. When following its emergency notification procedures, PVAMU is not required to issue a timely warning based on the same

circumstances; however, the university must provide adequate follow-up information to the community as needed.

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

### **Students, Faculty, and Staff Access**

Students, faculty, and staff are automatically enrolled in RAVE Alert utilizing their PantherNet username and password (which are the same as their email username and password). They will receive notifications via their PVAMU email and the phone number associated with their account for other PV applications. However, they are not automatically enrolled in the RAVE Guardian App. They must visit the app store on their smart phone to download and log into the RAVE Guardian App to receive push notifications from PVAMU. PVAMU encourage all students, faculty, and staff to enhance their personal safety and the safety of their friends, and download the free Guardian App at the [Apple Store](#) or [Google Play](#).

Students, faculty, and staff who wish to update their phone number(s) and/or add an additional email address should visit the university’s [Emergency website](#).

### **Public Access**

Parents, family, and friends of PVAMU may receive emergency alerts via text message by opting into PVAMU messages. Text “PrairieView” to 67283 to be enrolled in alerts.

## **Provision of Information to the General Public (Larger Community)**

If 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 personnel and community first responders are aware of their duties and responsibilities under the EMP and the most current procedures, various trainings, drills, and exercise actions will occur. These include training sessions for all applicable university personnel, a tabletop 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.



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

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

### **Evacuation Procedures**

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 the UPD Fire Marshal 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.

### **General Evacuation Procedures**

At the sound of a fire alarm or being instructed to evacuate, leave the work area immediately and proceed to the nearest exit, and leave the building. If someone is the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify UPD at (936) 261-1375 or dial 911.

1. Remain Calm.
2. Do NOT use Elevators; Use the Stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform UPD or the responding fire dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around someone becomes unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose the individual to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that someone is in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building is not damaged, stay inside in an interior room until notified it is safe to come out. If a building is damaged, take personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for the building (close doors, proceed to the nearest exit, and

use the stairs instead of the elevators). Once someone has evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, UPD, Housing and Residence Life staff members, other university employees, Local PD, or other authorities utilizing the university’s emergency communications tools.

### **How to “Shelter-in-Place”**

No matter where an individual is, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

- If inside, stay there. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and,
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tight seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems when possible. (University staff will turn off the ventilation as quickly as possible.)
- Make a list of the people present and ask someone (hall staff, faculty, or other staff) to call the list in to UPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

## **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 via the UPD webpage at: <https://www.pvamu.edu/upd/> or in person at 36142 Owens Rd, Prairie View, TX 77446. 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

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. UPD officers patrol residence areas regularly. Additionally, private security patrol the residential areas during the night.

### 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.

## Security Considerations Used in the 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. PVAMU'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](https://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 I at 936-264-6725, University View II at 979-221-5591, 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 conduct daily "on-duty rounds" and report 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.

## **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. The results of the biennial review are published at <https://www.pvamu.edu/universitycompliance/wp-content/uploads/sites/87/2020-Biennial-Review-Report.pdf>. Drug and alcohol programs are provided to PVAMU students and employees as described in the biennial review report.

### **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.

The 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 UPD has primary responsibility for the enforcement of State underage drinking laws.

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 Resources' 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**

PVAMU prohibits the unlawful possession, use, and sale of illegal drugs on campus. 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 Programs](#); [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 Resources' 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 is being conducted, or on 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 ([System Regulation 34.06.02 Weapons](#)). 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. ([University Rule 34.06.02.P1](#)).

## Missing Student Policy

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 missing person contact information at the beginning of each year. Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by PVAMU no later than 24 hours after the time the student is determined to be missing by the designated university officials authorized to make that determination (specifically, the UPD) or the local law enforcement agency in which the student went missing. 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 missing person 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. Students are advised that 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. 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:

| Contact Group                | Contact Information |
|------------------------------|---------------------|
| University Police Department | (936) 261-1375      |
| Student Affairs              | (936) 261-2130      |
| Clery Coordinator            | (936) 261-2117      |

If the Office of Student Affairs or the Clery Coordinator receive a report of a missing student, the information will be provided to UPD immediately.



## Missing Student Procedures

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

1. The UPD must be contacted at (936) 261-1375 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 “Missing Person Contact” database. This is also required by Federal Law.
3. The UPD will make contact with the designated missing person contact(s) within 24 hours of the determination that the student has been missing for 24 hours. 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 the law enforcement with jurisdiction in the area that the student is missing, within 24 hours of the determination that a student living in on-campus housing is missing regardless of whether a student has designated a missing person 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. For all missing students, the UPD will notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing, unless the local law enforcement agency was the entity that made the determination that the student 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.

Towards that end, PVAMU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a university official.

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.

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

### Sexual Assault Penal Code

Texas Penal Code, Sec. 21.01. DEFINITIONS:

- (1) "Deviate sexual intercourse" means:
  - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
  - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section [21.11](#) or [21.12](#), any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Texas Penal Code, Sec. 22.011. SEXUAL ASSAULT:

- (a) A person commits an offense if:
  - (1) the person intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
    - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or,
    - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of a child by any means;
    - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
    - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
    - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or,
    - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a) (1) is without the consent of the other person if:
  - (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or,
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or,
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
  - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
    - (A) licensed social worker as defined by Section 505.002, Occupations Code;
    - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
    - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
    - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
    - (E) member of the clergy;
    - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
    - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
  - (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
  - (6) "Assisted reproduction" and "donor" have the meanings assigned by Section [160.102](#), Family Code.
  - (7) "Human reproductive material" means:
    - (A) a human spermatozoon or ovum; or,
    - (B) a human organism at any stage of development from fertilized ovum to embryo.

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

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 436 (S.B. 1259), Sec. 2

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

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 738 (H.B. 667), Sec. 2

- (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
- (1) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or
  - (2) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section [25.02](#).

Texas Penal Code, Sec. 22.012. INDECENT ASSAULT:

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
  - (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Texas Penal Code, Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

- (a) A person commits an offense:
  - (1) if the person:
    - (A) intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
      - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
      - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
    - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of a child by any means;
      - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
      - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
      - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
      - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
  - (2) if:
    - (A) the person:
      - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
      - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02](#) (a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
      - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02](#) (a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
      - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
      - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or,
      - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
    - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
    - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
  - (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section [22.04](#)(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

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

Texas Penal Code, Sec. 25.02. PROHIBITED SEXUAL CONDUCT:

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

### Dating Violence Penal Code

Texas Family Code, Sec. 71.0021. DATING VIOLENCE.

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

### Family Violence (Domestic Violence) Penal Code

Texas Family Code, Sec. 71.004. FAMILY VIOLENCE.

"Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or



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

Texas Family Code, Sec. 71.005. HOUSEHOLD.

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

Texas Family Code, Sec. 71.006. MEMBER OF A HOUSEHOLD.

"Member of a household" includes a person who previously lived in a household.

### Stalking Penal Code

Texas Penal Code, Sec. 42.072. STALKING.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:
    - (A) fear bodily injury or death for himself or herself;
    - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - (C) fear that an offense will be committed against the person's property; or
    - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
  - (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
  - (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

- (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Texas Penal 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, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
    - (B) a communication made to a pager.
  - (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:
  - (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter [129A](#), Civil Practice and Remedies Code.

## Institutional Definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking

### 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. The following information is provided in accordance with System Regulation 08.01.01.

**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 will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition:
  - 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. [34 U.S.C. 12291(a)(10)]

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

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

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

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

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

For the purposes of this definition:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

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

#### Texas Penal Code

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

*Consent* is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (as described in “Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws” elsewhere in this document).

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

### Reporting to the University Police Department

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

The following local law enforcement agencies 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: 936-857-3521

Waller County Sheriff's Office: 979-826-8282

In case of emergency, call 911.

The PVAMU Police Department (UPD) is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection; conduct criminal investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, 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 complainant's choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

#### Reporting to University Officials

Individuals also have the option of reporting incidents of sexual assault, dating violence, domestic violence, or stalking to university officials. If a complainant would like to make a report to the university, they may contact either official below:

#### **Zakiya Brown**

##### **Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

Prairie View, TX 77446

Tel: (936) 261-2166

[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/titleix/reporting/report-to-the-university/>

#### **LaToya Douglas**

##### **Director, Equal Opportunity**

M.T. Harrington Science Building, Suite 108

Prairie View, TX 77446

Tel: (936) 261-1792

[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

Complainants are also able to anonymously [report an incident](#). The anonymous reports are forwarded directly to the Title IX Coordinator (TIXC) 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 (OTIXC) 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 OTIXC 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.

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

The university's response to allegations of prohibited conduct will be prompt and equitable. The response is intended to stop, prevent and remedy 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.

The OTIXC 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, OTIXC will determine if the alleged prohibited conduct falls under the jurisdiction of OTIXC or if it should be referred to another office. After OTIXC determines



jurisdiction, OTIXC 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, OTIXC 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 OTIXC 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 OTIXC/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.

The university has procedures in place that serve to be sensitive to complainants who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The university will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the complainant chooses to report the crime to the UPD or local law enforcement.

For reports involving students, contact:

**Zakiya Brown**

**Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

Prairie View, TX 77446

Tel: (936) 261-2166

[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

For reports involving employees, contact:

**LaToya Douglas**

**Director, Equal Opportunity**

M.T. Harrington Science Building, Suite 108

Prairie View, TX 77446

Tel: (936) 261-1792

[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

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

| <b>Incident Being Reported</b> | <b>Procedure University Will Follow</b>   |
|--------------------------------|---|
| <b>Sexual Assault</b>          | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |
| <b>Stalking</b>                | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> </ol>   |

| Incident Being Reported  | Procedure University Will Follow   |
|--------------------------|--|
|                          | <ol style="list-style-type: none"> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>   |
| <b>Dating Violence</b>   | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Dating Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> </ol>   |

| Incident Being Reported | Procedure University Will Follow   |
|-------------------------|--|
|                         | <ol style="list-style-type: none"> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Domestic Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |

The OTIXC 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 procedures complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- 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 complainant chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the university’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 university;
- information about how the university will protect confidentiality;

- A statement that the university will provide written notification to students and employees 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 Baylor 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**

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

Personally identifiable information about the complainant 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 complainant, 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 complainant 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 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, complainants 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 complainant'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.

| On-Campus                     | Type of Services Available  | Service Provider   | Contact Information   |
|-------------------------------|---|--|---|
| Counseling (Students)         | Counseling  | Student Counseling Services                                      | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |
| Health                        | Medical care and health education   | Owens-Franklin Health Center                                     | (936) 261-1410<br>8:00 a.m. – 5:00 p.m.   |
| Mental Health (Students)      | Mental health assistance  | Student Counseling Services                                      | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |
| Victim Advocacy (Students)    | Individual and group support, crisis intervention, housing and coursework advocacy, referrals, student conduct process advising | Relationship & Sexual Violence Prevention (RSVP) Program Manager | (936)261-1468   |
| Legal Assistance (Students)   | Legal advocacy  | RSVP Manager   | (936)261-1468   |
| Student Financial Aid         | Student financial aid assistance  | Office of Student Financial Aid and Scholarships                 | (936) 261-1000  |
| Peer Support                  | RSVP Student Advocates and Volunteers   | RSVP Manager   | (936)261-1468   |
| Visa & Immigration Assistance | Referral only   | RSVP Manager   | (936)261-1468   |

| Off Campus             | Type of Services Available | Service Provider   | Contact Information   |
|------------------------|----------------------------|--|---|
| Counseling (Employees) | Counseling                 | Guidance Resources   | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Health                 | Medical                    | Emergency Care –EMS<br><br>Memorial Hermann Cypress Hospital | 911 or 4-911<br>(936) 261-1375<br><br>(346)-231-4000  |

| Off Campus                      | Type of Services Available                                | Service Provider   | Contact Information   |
|---------------------------------|---|--|---|
|                                 |   | Scott & White – Brenham, TX<br>Memorial Hermann Tomball Hospital | (979) 337-5000<br>(281) 516-0911  |
| Mental Health (Employees)       | Mental health assistance                                  | Guidance Resources   | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Victim Advocacy                 | Hospital accompaniment and support                        | Focusing Families  | (979) 826-8024  |
| Legal Assistance (Employees)    | Limited legal advice                                      | Guidance Resources   | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Waller County District Attorney’s Office                         | (979) 826-7718  |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Harris County District Attorney’s Office                         | (713) 274-5800  |
| Legal Assistance                | Sexual assault legal services                             | Legal Aid for Survivors of Sexual Assault (LASSA)                | <a href="http://www.teajf.org/index.aspx">http://www.teajf.org/index.aspx</a><br>1-844-303-7233               |
| Visa and Immigration Assistance | Visa and Immigration Assistance                           | U.S. Citizenship and Immigration Services (USCIS)                | <a href="https://www.uscis.gov/">https://www.uscis.gov/</a>   |

**Institutional Rights and Options (Supportive 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.

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, PVAMU will provide written notification to students and employees about remedial measures available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

The 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. At the complainant’s request, and to the extent of the complainant’s cooperation and consent, university offices

will work cooperatively to assist the complainant in obtaining remedial measures. If reasonably available, upon the request of an individual involved with the report, OTIXC 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 university 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, OTIXC 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. OTIXC 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 university 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. OTIXC 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 OTIXC 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, OTIXC may request that an employee be placed on leave during the investigation and resolution process. OTIXC 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. OTIXC 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. OTIXC 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.

To request changes to academic, living, transportation and/or working situations or protective measures a student or employee who is a complainant of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available such as No-Contact Directive, Interim Administrative Actions for Employees, Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures). For more information contact:

Zakiya Brown (students) at [titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu), 936-261-2166; or,  
LaToya Douglas (employees) at [EEOD@pvamu.edu](mailto:EEOD@pvamu.edu), 936-261-1792

If the complainant wishes to receive assistance in, changing academic, living, transportation, and work situations requesting these measures by the complainant and reasonably available. These requests will be

considered by Dr. Zakiya Brown (students) or Ms. LaToya Douglas (employees) regardless of whether the complainant chooses to report the incident to law enforcement. Examples of potential remedial measures may include assistance in obtaining institutional no contact directive and/or changing living location, transportation, parking location, or class schedules to reduce the chance of continued contact with the alleged offender.

**Zakiya Brown****Director, Title IX Compliance and Title IX Coordinator**

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**Legal Rights and Options**

The university 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**

If a person wishes to report an incident that involves another student or employees in a learning environment that potentially violates the Student Code of Conduct, please use our online Title IX Report Form to submit your concern at <https://www.pvamu.edu/titleix/reporting/>. To learn about OTIXC and the process, please visit the OTIXC (<https://www.pvamu.edu/titleix/>) and PVAMU Student Handbook (<https://www.pvamu.edu/sa/wp-content/uploads/sites/77/PVAMU-Code-of-Student-Conduct.pdf>) or contact the OTIXC at 936-261-2166 located in M.T. Harrington Science Building, Suite 311 or by email [TitleIXteam@pvamu.wdu](mailto:TitleIXteam@pvamu.wdu).

Once an incident is reported to the OTIXC, OTIXC will conduct a preliminary assessment to decide whether the OTIXC has jurisdiction to investigate. The TIXC will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient, the TIXC, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and:

1. Dismiss it as baseless;
2. Close it for insufficient information to investigate or lack of jurisdiction;
3. Refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing; or,
4. With the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution.

If the information is sufficient, the TIXC will designate an Investigative Authority (IA) within five (5) business days after the complainant signed a formal complaint form and forward the complaint in order to proceed with the investigation. When a complaint involves the designated university officials, the investigation of such a complaint will be transferred to another administrator designated by the President.

The OTIXC will provide written notification to the complainant(s) and the respondent(s) of:

1. Receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01 Civil Rights Compliance;
2. The appointed investigative authority;
3. The appointed designated administrator;
4. Interim protections imposed, if any; and,
5. Admonishments regarding cooperation and prohibiting retaliation.

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking (prohibited conduct) are provided a prompt, fair, and impartial process from the initial investigation to the final result, including any appeals. Usually, the resolution of domestic violence, dating violence, sexual assault and



stalking complaints are completed within 60 business days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. They are consistent with the institution's policies and transparent and equitable to the complainant and respondent. The adjudication process provides that:

- Parties may bring an advisor of their choice to any related meeting or proceeding during the investigation process.
- 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.
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- During the investigation, the advisor may not represent the party or inhibit a meeting.
- Following fact-finding, the parties will have the opportunity to review the draft investigation report and submit responses.
- The investigator will review any submitted responses to the investigation and develop a final report, with a review by SECO and OGC. Once finalized, the investigator will submit final report and exhibits to the designated administrator.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
- The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.
- At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The TIXC, Investigators, Designated Administrators, Informal Resolution Facilitators and Appellate Authorities receive annual training regarding university rules, administrative procedures, state law, handling of civil rights investigations, conducting fair and impartial investigations, trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process. All trainings attended by those involved in the Title IX investigation and adjudication process are listed on the OTIXC website.

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 OTIXC, 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 OTIXC, 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, OTIXC 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 by signing a formal complaint. OTIXC may not proceed with an investigation without a signed formal complaint. The TIXC may choose to sign a formal complaint themselves.
- 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 university rules or administrative procedures, system policies or regulations, or codes, OTIXC 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 OTIXC dismiss a complaint, without Title IX resolution of the allegations, 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. OTIXC 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 dismissal, the university may close the matter with no action taken, refer the matter to another university office or 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 OTIXC 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.

### **Informal Resolution**

In order to consider an informal resolution of sex discrimination under Title IX, a formal complaint must be submitted in the manner described in PVAMU Rule 08.01.01.P1. An informal resolution is an option only until initiated final decision has been rendered. Parties may request an informal resolution at any point prior to the determination of a final decision.

If either party requests an informal resolution meeting during the formal complaint, the university will seek to honor the request, and will notify the Pre-Hearing Coordinator (PHC) who will meet with parties to see if an informal resolution can be agreed upon. The PHC will meet with both parties and go over what possible outcomes can occur during the informal resolution and what outcomes are the complainant is comfortable with during the informal resolution meeting. Informal resolution will not impede the university's ability to enhance the safety and security of the complainant and the university community. The TIXC must agree, in consultation with SECO and OGC, that informal resolution is appropriate in each instance.

To initiate the informal resolution process, both parties must consent in writing to the investigator, the administrative hearing officer, or the TIXC. The PHC will notify both parties in writing of the decision regarding whether the university will initiate an informal resolution meeting.

If the parties reach a resolution and agreement during the informal resolution process, each party will waive their option and right to appeal a decision arising from the same alleged incident. One or both parties may submit a subsequent complaint regarding another party's failure to abide by any conditions established in the agreement. An informal resolution offer may be withdrawn by either party or the university prior to a final agreement. PHC will notify both parties in writing if the informal resolution is withdrawn.

### **Formal Resolution**

The allegations will be considered for investigation, after the formal complaint has been signed by the complainant, pursuant to the following procedures. OTIXC reserves the right to dismiss a complaint 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, OTIXC may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
- An assessment of whether a complainant's request for dismissal or informal 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, OTIXC may, after consultation with SECO and 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 the formal complaint has been signed by the complainant, it has been determined that the university will proceed with a formal investigation, OTIXC will appoint the 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.

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), informal resolution(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,
- In the case of an employee respondent, 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.

OTIXC 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, OTIXC shall notify, in writing, the respondent's department head and/or Vice President, that OTIXC 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 OTIXC;
- 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;
- Failure of a witness to appear for a meeting with the IA (student witnesses may decline to provide information but must appear for the meeting);
- 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 party may provide letters or other written testimonials 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 administrative 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 university will not limit the choice of advisor or presence for either the

accuser or the accused in any meeting or institutional disciplinary proceeding. 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. Students must have an advisor during administrative hearings. If a student does not have an advisor for an administrative hearing, the university will provide them with an advisor. The advisor may be any person selected by a party, including legal counsel. Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. Except for the administrative hearing, 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. During an administrative hearing, any cross-examination of the opposing party and/or witnesses must be conducted by a party's advisor. 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, OTIXC 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 discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. If an IA determines that a party's submitted information is not relevant to the investigation, the IA will notify the party in writing. The party may then rebut the IA's decision; the ultimate decision regarding relevance during the investigation lies within the discretion of the IA. 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. The parties will be given the opportunity to review the draft investigation report and may submit responses in writing to the IA before the investigation report is finalized.



Whether or not criminal charges are filed, the university or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

### **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Following an investigation of alleged sexual harassment under System Regulation 08.01.01, the DA in Title IX cases will conduct an **administrative hearing**. If the parties agree to resolve a matter prior to the administrative hearing, they may do so in an **administrative conference** or other informal resolution with an Informal Resolution Facilitator (IRF).

- In an Administrative Hearing, the DA will hear cases involving alleged violations of System Regulation 08.01.01 and other university rules (when applicable). The administrative hearing is not analogous to a criminal trial. The focus of inquiry in disciplinary proceedings shall be deciding whether the party violated a university rule or policy. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the party results.
- The Administrative Conference is a voluntary meeting between the complainant, the respondent, and a university official who conducts the conference. The Administrative Conference occurs prior to a formal hearing. The purpose of the conference is to determine whether an agreed resolution of the complaint (including sanctions, if applicable) may be reached. Agreed sanctions, if any, must be in compliance with the sanctioning requirements noted in System Regulation 08.01.01. If an agreement is reached, the university official will draft a Voluntary Written Resolution of the Complaint Without a Hearing (“Voluntary Resolution”) which will be signed by the parties and the university official. A party may withdraw from the conference without reaching an agreement at any time prior to signing the Voluntary Resolution. If a party withdraws prior to signing the Voluntary Resolution, neither the university nor the other party may introduce any information shared at the Administrative Conference unless such information was previously documented in the Investigation Report or can be presented by an independent source.

### **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 in a formal hearing 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 university 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 hearing officer or hearing panel then considers various sanctions under the following guidelines.

Please note that this guide is a model for member universities to employ and/or adapt as outlined in The Texas A&M University System Regulation 08.01.01. It is not intended to be utilized without appropriate training from the System Ethics and Compliance Office (SECO) or other qualified professionals.

#### 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.

Note that these factors are not necessarily treated equally, and not all will be relevant in each case. For example, the nature of the offense may be deemed so severe that it may outweigh other factors, or a student with a lengthy disciplinary record may be removed from a university for what might otherwise be deemed a relatively minor offense. Hearing officers and hearing panels must carefully scrutinize what factors are most compelling when determining sanctions.

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?

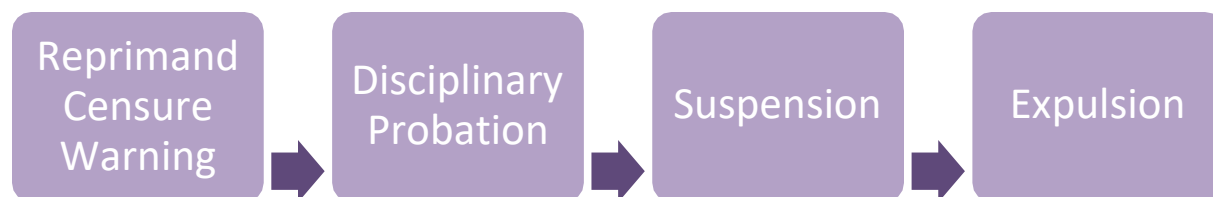
As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

### 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:



#### *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 of active sanctions 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

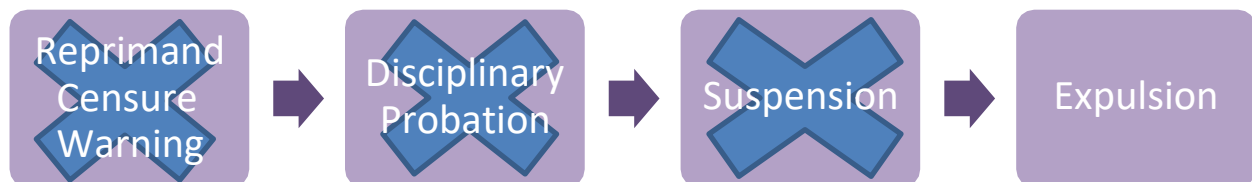
The following sanctions are deemed to be appropriate minimum sanctions:

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

Examples:

- Dating and domestic 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

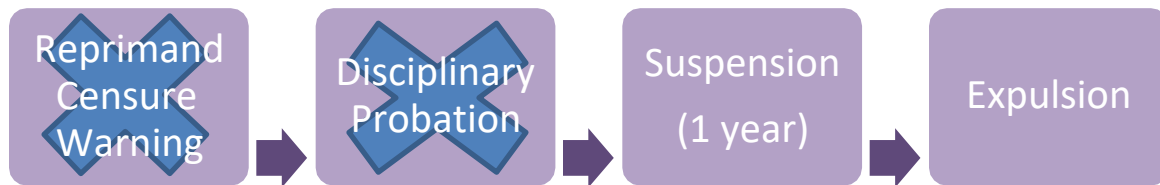
Restriction from campus grounds and/or events.

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

Examples:

- Dating and domestic 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

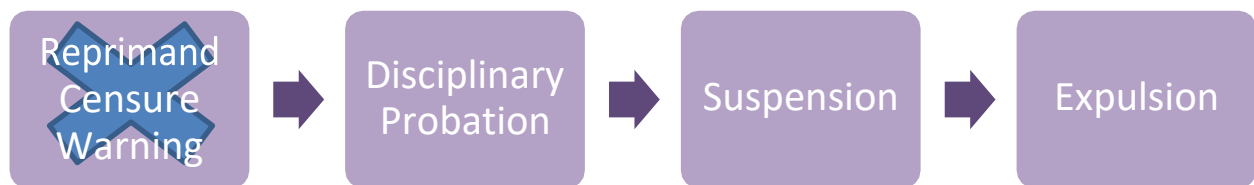
As appropriate for desired learning outcomes (based on the finding of fact)

**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 the finding of fact).

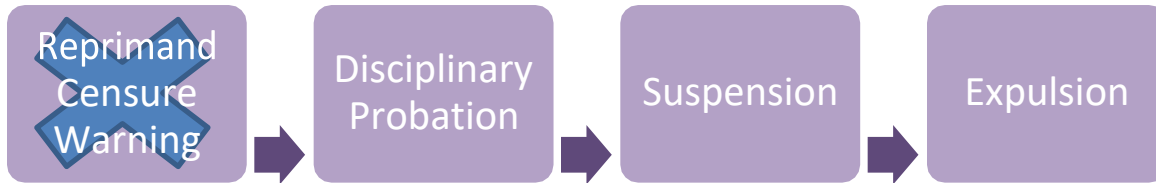
**SEXUAL EXPLOITATION**

Examples:

- Secretly videotaping 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

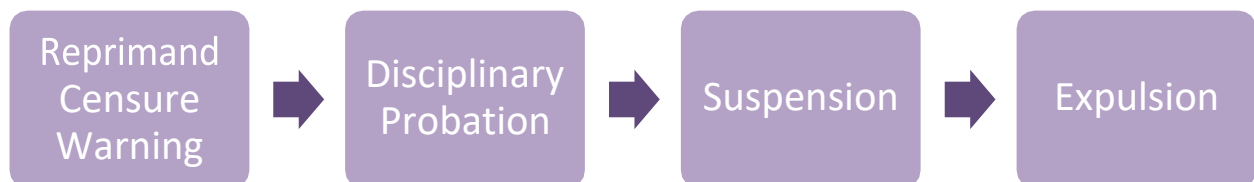
As appropriate for desired learning outcomes (based on the finding of fact).

### **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 the finding of fact).

### **HARASSMENT OR MISCONDUCT BASED ON SEX**

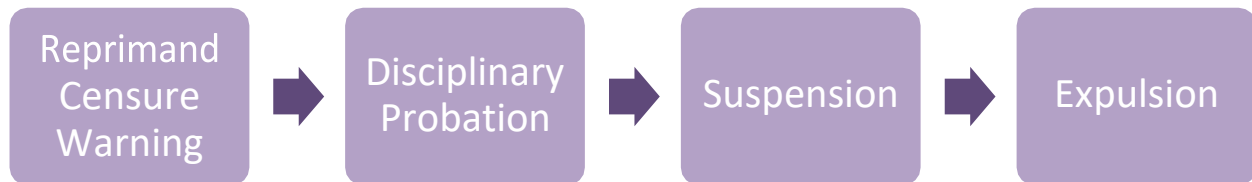
Examples:

- 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 the finding of fact).

#### **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 requests must be submitted in writing to the investigative authority or the designated administrator(s); and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Only appeals that meet the following guidelines are applicable to appeal the decision and the sanction of the designated administrator: (a) A procedural irregularity that affected the outcome. (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the university's appeals form. (c) The TIXC, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome. (d) The appropriateness or severity of the sanctions.

Appeals requests must be submitted in writing to the IA or the DA within five (5) business days of receipt of the written decision or sanction letter to be appealed requests. 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 OTIXC by the party.

If no appeal is filed within the receipt of the DA's decision or OTIXC 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, OTIXC 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. OTIXC 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 OTIXC. 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 OTIXC. OTIXC 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 TIXC 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 TIXC 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.

### **HEOA 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.

### **Primary Prevention and Ongoing Awareness Programs**

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

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

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

- A statement that PVAMU prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).
- The definitions of domestic violence, dating violence, sexual assault, and stalking as defined by VAWA as well as Texas State Law.
- What behaviors and actions constitute consent to sexual activity in the State of Texas.
- PVAMU’s definition of consent and the purposes for which the definition is used.
- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs” elsewhere in this document);
  - How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - Options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

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 TIXC facilitates education with students, faculty, and staff on the role of Title IX at the university. In addition, the TIXC 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.

Specifically, the university offered the following primary prevention and awareness programs for all incoming students in 2022:

| Name of Program                | Date Held                           | Location Held               | Which Prohibited Behavior* Covered? |
|--------------------------------|-------------------------------------|-----------------------------|-------------------------------------|
| Sexual Assault Prevention      | Access granted when students enroll | Online via EverFi           | DoV, DaV, SA, S                     |
| Panther Camp Title IX Training | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |
| Bystander Intervention         | August 2022                         | Virtual                     | DoV, DaV, SA, S                     |
| Student Counseling and RSVP    | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The university offered the following primary prevention and awareness programs for all new employees in 2022:

| Name of Program                          | Date Held   | Location Held        | Which Prohibited Behavior* Covered? |
|--|---|----------------------|-------------------------------------|
| Creating a Discrimination-Free Workplace | Access granted during employees’ respective start dates | Online via TrainTraq | DoV, DaV, SA, S                     |
| Sexual Harassment Prevention             | Access granted in January and August 2022               | Online via EverFi    | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means 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 engage 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.

- 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 Office 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 – National Human Trafficking Prevention Month

January – Stalking Awareness Month

February – Dating Violence Awareness Month

April – Sexual Assault Awareness Month

June – Post-Traumatic Stress Disorder PTSD Awareness Month

October – Domestic Violence Awareness Month.



- 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.

The university offered the following ongoing prevention and awareness programs for students in 2022:

| Name of Program                                | Date Held        | Location Held                    | Which Prohibited Behavior* Covered? |
|--|------------------|----------------------------------|-------------------------------------|
| Relationship and Sexual Violence Support Group | Weekly           | Women’s Center, 101A             | DoV, DaV, SA, S                     |
| Print Campaigns                                | Various Dates    | Available Throughout Campus      | DoV, DaV, SA, S                     |
| Sexual Assault and Protocols Orientation       | August 16, 2022  | Panther Camp – Various Locations | SA                                  |
| Domestic Violence Awareness Week               | October 15, 2022 | Memorial Student Center          | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The university offered the following ongoing prevention and awareness programs for employees in 2022:

| Name of Program  | Date Held   | Location Held   | Which Prohibited Behavior* Covered? |
|--|---|-----------------|-------------------------------------|
| HRTA 1: Title IX – Preventing Sex Discrimination for Faculty & Staff | January, July, September, October and December 2022 | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX - Seeing the Signs: Recognizing Domestic Violence   | July, August, September, October 2022               | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX: Bystander Intervention: Faculty & Staff Responders | July, August, September 2022                        | Online via Zoom | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

## **Bystander Intervention and Risk Reduction**

### **Bystander Intervention**

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

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 Bystander Intervention Program called Be the One. The program is presented in August to all incoming first year students at Panther Camp. 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.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably

- isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
  6. **Make sure your cell phone is with you** and charged and that you have cab money.
  7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
  8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
  9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
  10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
  11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
  12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
  13. **Watch out for your friends, and vice versa.** If a friend seems confused, disoriented, extremely intoxicated for the amount of alcohol they have consumed, or is acting out of character, escort them to a safe place immediately.
  14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
  15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
    - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
    - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
    - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
    - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## 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.

### 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 for Clery Crime Statistics

The following information comes from a variety of sources, including the Department of Education's Handbook for Campus Safety and Security Reporting (2016); Uniform Crime Reporting Handbook; Sex Offenses definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program; and definitions of domestic violence, dating violence, and stalking adapted from the amendments made to the Violence Against Women Reauthorization Act of 2013, and Texas statutes. The following definitions are used when preparing the annual disclosure of crime statistics.

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

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

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

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

**Dating Violence:** Violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Drug Law Violations:** Violation of state and local laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drugs or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, sexual offense (rape, fondling, incest, and 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.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

#### 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.

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

#### Location of Crime:

- **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 Facility (Residential Facility):** Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. For students on campus is a subset of the “On-Campus” category.



- **Non-campus Property:** Any building or property owned or controlled by 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.

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

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

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

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

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

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

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

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) Fear for the person's safety or the safety of others, or B) Suffer substantial emotional distress. For the purposes of this definition:

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

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

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

**Weapon Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Prairie View A&M University, Prairie View - Reportable Crimes 2020-2022**

| Offense  | Year | On Campus Property | Residential Facilities (Subset - On Campus) | Non-Campus Property | Public Property |
|--|------|--------------------|---|---------------------|-----------------|
| Murder / Non-negligent Manslaughter                                    | 2020 | 0                  | 0   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |
| Manslaughter by Negligence   | 2020 | 0                  | 0   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |
| Sex Offenses, Rape   | 2020 | 5                  | 4   | 1                   | 0               |
|  | 2021 | 3                  | 3   | 0                   | 0               |
|  | 2022 | 13                 | 8   | 0                   | 1               |
| Sex Offenses, Fondling   | 2020 | 2                  | 1   | 0                   | 0               |
|  | 2021 | 5                  | 2   | 0                   | 0               |
|  | 2022 | 6                  | 5   | 0                   | 0               |
| Sex Offenses, Incest   | 2020 | 0                  | 0   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |
| Sex Offenses, Statutory Rape   | 2020 | 0                  | 0   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |
| Robbery  | 2020 | 1                  | 0   | 0                   | 0               |
|  | 2021 | 5                  | 5   | 0                   | 0               |
|  | 2022 | 2                  | 2   | 0                   | 0               |
| Aggravated Assault   | 2020 | 9                  | 7   | 0                   | 0               |
|  | 2021 | 7                  | 7   | 0                   | 0               |
|  | 2022 | 18                 | 12  | 0                   | 0               |
| Burglary   | 2020 | 50                 | 43  | 0                   | 0               |
|  | 2021 | 50                 | 47  | 0                   | 0               |
|  | 2022 | 93                 | 93  | 0                   | 0               |
| Motor Vehicle Theft  | 2020 | 3                  | 0   | 0                   | 0               |
|  | 2021 | 2                  | 0   | 0                   | 0               |
|  | 2022 | 6                  | 0   | 0                   | 0               |
| Arson  | 2020 | 0                  | 0   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |
| Domestic Violence  | 2020 | 25                 | 22  | 0                   | 0               |
|  | 2021 | 22                 | 22  | 0                   | 0               |
|  | 2022 | 46                 | 46  | 2                   | 0               |
| Dating Violence  | 2020 | 31                 | 22  | 0                   | 0               |
|  | 2021 | 43                 | 31  | 0                   | 0               |
|  | 2022 | 64                 | 44  | 0                   | 0               |
| Stalking   | 2020 | 3                  | 0   | 0                   | 0               |
|  | 2021 | 14                 | 4   | 0                   | 0               |
|  | 2022 | 20                 | 7   | 2                   | 0               |
| Illegal Weapons Possession Arrests                                     | 2020 | 3                  | 0   | 0                   | 0               |
|  | 2021 | 6                  | 0   | 0                   | 0               |
|  | 2022 | 2                  | 0   | 0                   | 0               |
| Illegal Weapons Possession Violations Referred for Disciplinary Action | 2020 | 1                  | 1   | 0                   | 0               |
|  | 2021 | 0                  | 0   | 0                   | 0               |
|  | 2022 | 0                  | 0   | 0                   | 0               |

| <b>Prairie View A&amp;M University, Prairie View - Reportable Crimes 2020-2222</b> |             |                           |  |                            |                        |
|--|-------------|---------------------------|--|----------------------------|------------------------|
| <b>Offense</b>   | <b>Year</b> | <b>On Campus Property</b> | <b>Residential Facilities (Subset - On Campus)</b> | <b>Non-Campus Property</b> | <b>Public Property</b> |
| Drug Law Arrests   | 2020        | 73                        | 12   | 0                          | 0                      |
|  | 2021        | 91                        | 43   | 0                          | 0                      |
|  | 2022        | 73                        | 39   | 0                          | 3                      |
| Drug Law Violations Referred for Disciplinary Action                               | 2020        | 69                        | 64   | 0                          | 0                      |
|  | 2021        | 38                        | 38   | 0                          | 0                      |
|  | 2022        | 19                        | 17   | 0                          | 0                      |
| Liquor Law Arrests   | 2020        | 6                         | 1  | 0                          | 0                      |
|  | 2021        | 5                         | 0  | 0                          | 0                      |
|  | 2022        | 4                         | 0  | 0                          | 0                      |
| Liquor Law Violations Referred for Disciplinary Action                             | 2020        | 14                        | 13   | 1                          | 0                      |
|  | 2021        | 15                        | 14   | 0                          | 0                      |
|  | 2022        | 13                        | 4  | 0                          | 0                      |

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.

**Hate Crime Reporting**

2022: One count intimidation characterized by racial bias on campus.  
 2021: No hate crimes reported.  
 2020: No hate crimes reported.

**Unfounded Crimes**

Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless.  
 2022: No unfounded crimes.  
 2021: No unfounded crimes.  
 2020: No unfounded crimes.

# Chapter II – Prairie View A&M University Annual Fire Safety Report

## Preparation of the Annual Fire Safety Report

The Prairie View A&M University (PVAMU) Clery Coordinator compiles the Annual Fire Safety Report (AFSR). 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 & Residence Life (HRL), Risk Management & Safety (RMS), and PVAMU Police Department (UPD). The AFSR is published every year on or before October 1<sup>st</sup> and contains three years of selected campus fire statistics in accordance with the Higher Education Opportunity Act (HEOA). The 2023 Annual Fire Safety Report contains fire statistics for calendar years 2022, 2021, and 2020.

## Annual Fire Safety Report and Related Information

The AFSR 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 AFSR.

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 Marshal maintains a Fire Log that is available to the public. The Fire Log is maintained by the UPD located at 36142 Owens Rd, Prairie View, Tx 77446. The Fire Log is available for viewing during normal business hours (Monday – Friday; 8:00 am – 5:00 pm). Please contact the Campus Fire Marshal at (936) 261-1334 or via email at [cabachtel@pvamu.edu](mailto:cabachtel@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 AFSR, 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:

| Contact Group                | Contact Information |
|------------------------------|---------------------|
| University Police Department | (936) 261-1375      |
| Campus Fire Marshal          | (936) 261-1334      |
| Clery Coordinator            | (936) 261-2117      |

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

### Fire Safety Education and Training Programs

At the beginning of each semester, building meetings are held with on-campus housing residents to discuss safety issues, to include the response procedures referenced in the “Fire Drill and Evacuation Procedures” section of the AFSR. 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 housing community poses its own fire risks. In order to assess the risks at each housing community, the general manager and maintenance supervisor completes 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 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.

### Procedures Students and Employees Should Follow in Case of a Fire

In the event of a fire, the university expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the UPD. Students and/or employees are informed where to relocate if circumstances warrant at the time of the alarm. In the event fire alarms sound, university policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

### 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 their area. If someone notices that a fire extinguisher is missing, damaged or defective, it should be reported 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 academically-oriented student housing. HRL 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

University View II, Phase IX – 807 sq. ft. to 1364 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. HRL provides liaison, program guidance, and oversight for all off-campus housing.

### 2021 – 2022 Academic Year

PVAMU did not have any off-campus student housing.

### 2022 – 2023 Academic Year

PVAMU did not have any off-campus student housing.

### 2023 – 2024 Academic Year

625 at Prairie View Apartments: 625 Elm St., Prairie View, TX 77445 (1/1 and 2/2 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 a resident's room, they will be confiscated. Use of candles, incense, etc., may result in a student's referral to the Office of Student Conduct, 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 Conduct 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 rooms or hallways. If there is 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 cause 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. The Campus Fire Marshal performs 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. Residence Life Coordinators (RLCs) in University College perform these checks as well on a bi-weekly basis.

**Monthly Inspections** – Each month, ACC staff and RLCs 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 Marshal. 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 leasing contract 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 (Procedures for Student Housing Evacuation)

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. It is the expectation that fire drills be conducted, in coordination with the Campus Fire Marshal, in each on-campus residential structure at least once per year as defined by the Clery Act.

Individuals in a building who become aware of a fire or a smoke or fire alarm sound:

- Immediately evacuate the building via the shortest and safest route. Do not use elevators.
- If smoke is seen/noticed, use an alternate escape route.
- If one must go through an area with smoke, crawl as low and as quickly as possible.
- Use caution before opening any doors. Individuals should touch the door with the back of their 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. Individuals should close doors behind them.
- Pull the nearest fire alarm if the building alarm has not already sounded.
- Call 911 after getting to safety.
- Do not re-enter the space until the fire department has declared that it is safe to do so.

Individuals trapped in a building when a fire or smoke alarm sounds should:

- Keep the door closed and seal cracks around the door with tape, wet clothes, towels, or sheets, etc.
- Call 911 to report the event and provide a location.

- Hang a light-colored piece of cloth outside the window to signal firefighters.
- Stay low, calm, and await the arrival of firefighters.

## Plans for Future Improvements in Fire Safety

The Campus Fire Marshal position administratively reports to the Chief of Police in the University Police Department. Current processes are being redefined and formalized for future implementation.

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

| Facility   | Fire Detection System Information       | Fire Suppression System Information |                    | Other Fire Safety Features | Number of Evacuation (Fire) Drills |
|--|---|-------------------------------------|--------------------|----------------------------|------------------------------------|
|  | Hardwired Smoke Detectors in Every Room | Fully Sprinkled*                    | Fire Extinguishers | Fire Alarms in Every Room  | Previous Calendar Year (2022)      |
| University Village - Phase I & II<br>1 Oscar Pipkin St.<br>Prairie View, TX<br>77446 |   |                                     |                    |                            |                                    |
| Building 2   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 3   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 4   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 5   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 6   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 7   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 8   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 9   | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 10  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 12  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 13  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 14  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 15  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 16  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 17  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 18  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 19  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 20  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |

| Facility   | Fire Detection System Information       | Fire Suppression System Information |                    | Other Fire Safety Features | Number of Evacuation (Fire) Drills |
|--|---|-------------------------------------|--------------------|----------------------------|------------------------------------|
|  | Hardwired Smoke Detectors in Every Room | Fully Sprinkled*                    | Fire Extinguishers | Fire Alarms in Every Room  | Previous Calendar Year (2022)      |
| Building 21  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University Village - Phase III<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446                   |   |                                     |                    |                            |                                    |
| Building 23  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 24  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 25  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 26  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 27  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 28  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 29  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 30  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 31  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 32  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 33  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University College - Phase IV<br>1 Anne Preston St. at<br>E.M. Norris St.<br>Prairie View, TX<br>77466 |   |                                     |                    |                            |                                    |
| Building 35  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 36  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 37  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 38  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 39  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 40  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 41  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 42  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 43  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 44  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |

| Facility   | Fire Detection System Information       | Fire Suppression System Information |                    | Other Fire Safety Features | Number of Evacuation (Fire) Drills |
|--|---|-------------------------------------|--------------------|----------------------------|------------------------------------|
|  | Hardwired Smoke Detectors in Every Room | Fully Sprinkled*                    | Fire Extinguishers | Fire Alarms in Every Room  | Previous Calendar Year (2022)      |
| Building 45  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 46  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 47  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 48  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University Village - Phase VI<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446  |   |                                     |                    |                            |                                    |
| Building 49  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 50  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University View - Phase VII<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446      |   |                                     |                    |                            |                                    |
| Building 52  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University Square - Phase VIII§<br>502 Anne Preston St.<br>Prairie View, TX<br>77446 |   |                                     |                    |                            |                                    |
| Building 55  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 56  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| University View II* - Phase IX<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446   |   |                                     |                    |                            |                                    |
| Building 60  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 61  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 62  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 63  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |
| Building 64  | ✓                                       | ✓                                   | ✓                  | ✓                          | 2                                  |



| Facility  | Fire Detection System Information       | Fire Suppression System Information |                    | Other Fire Safety Features | Number of Evacuation (Fire) Drills |
|---|---|-------------------------------------|--------------------|----------------------------|------------------------------------|
|   |   | Fully Sprinkled*                    | Fire Extinguishers |                            |                                    |
|   | Hardwired Smoke Detectors in Every Room |                                     |                    | Fire Alarms in Every Room  | Previous Calendar Year (2022)      |
| Panther Quarters**<br>709 Thompson St.<br>Prairie View, TX<br>77446 |   |                                     |                    |                            |                                    |
| Building 1  | ✓                                       |                                     | ✓                  |                            | 0                                  |
| Building 2  | ✓                                       |                                     | ✓                  |                            | 0                                  |
| Building 3  | ✓                                       |                                     | ✓                  |                            | 0                                  |
| Building 4  | ✓                                       |                                     | ✓                  |                            | 0                                  |
| Building 5  | ✓                                       |                                     | ✓                  |                            | 0                                  |
| Building 6  | ✓                                       |                                     | ✓                  |                            | 0                                  |

§Fully Sprinkled means that there are sprinklers in common areas and in individual rooms.

\*University View II was not in use by PVAMU prior to Fall 2020 semester.

\*\*Panther Quarters was not in use by PVAMU after Spring 2020 semester.

**2020 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire                       | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|-------------------------------------|--|------------------------------------|---|
| University Village - Phase I & II<br>1 Oscar Pipkin St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 2   | 1                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$200.00                                |
| Building 3   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 4   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 5   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 6   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 7   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 8   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 9   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 10  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 12  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 13  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 14  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 15  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 16  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 17  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 18  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 19  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 20  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 21  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University Village - Phase III<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 23  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |

## 2020 Statistics and Related Information Regarding Fires in Residential Facilities

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire                   | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|---------------------------------|--|------------------------------------|---|
| Building 24  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 25  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 26  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 27  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 28  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 29  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 30  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 31  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 32  | 1                            | 1           | Kitchen Oven Fire - Grease Fire | 0  | 0                                  | \$0.00                                  |
| Building 33  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| University College - Phase IV<br>1 Anne Preston St. at E.M. Norris St.<br>Prairie View, TX 77466 |                              |             |                                 |  |                                    |   |
| Building 35  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 36  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 37  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 38  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 39  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 40  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 41  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 42  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 43  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 44  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 45  | 1                            | 1           | Bedroom Fire – Hot Comb Fire    | 0  | 0                                  | \$0.00                                  |
| Building 46  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |
| Building 47  | 0                            | N/A         | N/A                             | N/A  | N/A                                | N/A                                     |

**2020 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire                       | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|---|------------------------------|-------------|-------------------------------------|--|------------------------------------|---|
| Building 48   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University Village - Phase VI<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 49   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 50   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University View - Phase VII<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446     |                              |             |                                     |  |                                    |   |
| Building 52   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University Square - Phase VIII<br>502 Anne Preston St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 55   | 1                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$1390.95                               |
| Building 56   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University View II* - Phase IX<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446  |                              |             |                                     |  |                                    |   |
| Building 60   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 61   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 62   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 63   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 64   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |

**2020 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|---|------------------------------|-------------|---------------|--|------------------------------------|---|
| Panther Quarters<br>709 Thompson St.<br>Prairie View, TX<br>77446 |                              |             |               |  |                                    |   |
| Building 1  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 2  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 3  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 4  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 5  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 6  | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |

**2021 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire                             | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|---|--|------------------------------------|---|
| University Village - Phase I & II<br>1 Oscar Pipkin St.<br>Prairie View, TX<br>77446 |                              |             |   |  |                                    |   |
| Building 2   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 3   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 4   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 5   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 6   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 7   | 1                            | 1           | Structure Fire - Electrical               | 0  | 0                                  | \$32,000                                |
| Building 8   | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 9   | 1                            | 1           | Kitchen Oven Fire – Container Inside Oven | 0  | 0                                  | \$0                                     |
| Building 10  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 12  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 13  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 14  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 15  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 16  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 17  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 18  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 19  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 20  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| Building 21  | 0                            | N/A         | N/A                                       | N/A  | N/A                                | N/A                                     |
| University Village - Phase III<br>300 E.E. O'Banion St.                              |                              |             |   |  |                                    |   |



**2021 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|---|------------------------------|-------------|---------------|--|------------------------------------|---|
| Prairie View, TX<br>77446   |                              |             |               |  |                                    |   |
| Building 23   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 24   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 25   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 26   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 27   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 28   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 29   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 30   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 31   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 32   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 33   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| University College -<br>Phase IV<br>1 Anne Preston St. at<br>E.M. Norris St.<br>Prairie View, TX<br>77466 |                              |             |               |  |                                    |   |
| Building 35   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 36   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 37   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 38   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 39   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 40   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 41   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 42   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 43   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 44   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 45   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 46   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |
| Building 47   | 0                            | N/A         | N/A           | N/A  | N/A                                | N/A                                     |

**2021 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire                        | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|---|------------------------------|-------------|--------------------------------------|--|------------------------------------|---|
| Building 48   | 1                            | 1           | Structure Fire – Electrical, AC Unit | 0  | 0                                  | \$20,000                                |
| University Village - Phase VI<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446 |                              |             |                                      |  |                                    |   |
| Building 49   | 0                            | N/A         | N/A                                  | N/A  | N/A                                | N/A                                     |
| Building 50   | 0                            | N/A         | N/A                                  | N/A  | N/A                                | N/A                                     |
| University View - Phase VII<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446     |                              |             |                                      |  |                                    |   |
| Building 52   | 2                            | 1           | Kitchen Microwave Fire – Electrical  | 0  | 0                                  | \$300                                   |
|   |                              | 2           | Kitchen Stovetop Fire - Grease Fire  | 0  | 0                                  | \$0                                     |
| University Square - Phase VIII<br>502 Anne Preston St.<br>Prairie View, TX<br>77446 |                              |             |                                      |  |                                    |   |
| Building 55   | 0                            | N/A         | N/A                                  | N/A  | N/A                                | N/A                                     |
| Building 56   | 0                            | N/A         | N/A                                  | N/A  | N/A                                | N/A                                     |
| University View II* - Phase IX  |                              |             |                                      |  |                                    |   |

| 2021 Statistics and Related Information Regarding Fires in Residential Facilities |                              |             |                                     |  |                                    |   |
|---|------------------------------|-------------|-------------------------------------|--|------------------------------------|---|
| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire                       | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
| 240 E.M. Norris St.<br>Prairie View, TX<br>77446                                  |                              |             |                                     |  |                                    |   |
| Building 60   | 1                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$0                                     |
| Building 61   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 62   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 63   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 64   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |

**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire                       | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|-------------------------------------|--|------------------------------------|---|
| University Village - Phase I & II<br>1 Oscar Pipkin St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 2   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 3   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 4   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 5   | 1                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$0                                     |
| Building 6   | 1                            | 1           | Open Flames – Burning Candle        | 0  | 0                                  | \$1650                                  |
| Building 7   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 8   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 9   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 10  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 12  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 13  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 14  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 15  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 16  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 17  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 18  | 1                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$25,000                                |
| Building 19  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 20  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 21  | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |

**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire               | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|-----------------------------|--|------------------------------------|---|
| University Village - Phase III<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446                   |                              |             |                             |  |                                    |   |
| Building 23  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 24  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 25  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 26  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 27  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 28  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 29  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 30  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 31  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 32  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 33  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| University College - Phase IV<br>1 Anne Preston St. at<br>E.M. Norris St.<br>Prairie View, TX<br>77466 |                              |             |                             |  |                                    |   |
| Building 35  | 0                            | N/A         | N/A                         | N/A  | N/A                                | N/A                                     |
| Building 36  | 1                            | 1           | Electrical Fire – HVAC Unit | 0  | 0                                  | \$1000                                  |
| Building 37  | 1                            | 1           | Electrical Fire – HVAC Unit | 0  | 0                                  | \$200                                   |
| Building 38  |                              |             |                             |  |                                    |   |
| Building 39  |                              |             |                             |  |                                    |   |

**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name   | Total Fires in Each Facility | Fire Number | Cause of Fire                       | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|---|------------------------------|-------------|-------------------------------------|--|------------------------------------|---|
| Building 40   | 1                            | 1           | Electrical Fire - Air Conditioner   | 2  | 0                                  | \$35,000                                |
| Building 41   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 42   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 43   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 44   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 45   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 46   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 47   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 48   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University Village - Phase VI<br>300 E.E. O'Banion St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 49   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| Building 50   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University View - Phase VII<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446     |                              |             |                                     |  |                                    |   |
| Building 52   | 0                            | N/A         | N/A                                 | N/A  | N/A                                | N/A                                     |
| University Square - Phase VIII<br>502 Anne Preston St.<br>Prairie View, TX<br>77446 |                              |             |                                     |  |                                    |   |
| Building 55   | 2                            | 1           | Kitchen Stovetop Fire - Grease Fire | 0  | 0                                  | \$150                                   |



**2022 Statistics and Related Information Regarding Fires in Residential Facilities**

| Facility Name  | Total Fires in Each Facility | Fire Number | Cause of Fire                     | Number of Injuries Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire |
|--|------------------------------|-------------|-----------------------------------|--|------------------------------------|---|
|  |                              | 2           | Trash Can Fire – Resident Smoking | 0  | 0                                  | \$200                                   |
| Building 56  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |
| University View II* - Phase IX<br>240 E.M. Norris St.<br>Prairie View, TX<br>77446 |                              |             |                                   |  |                                    |   |
| Building 60  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |
| Building 61  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |
| Building 62  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |
| Building 63  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |
| Building 64  | 0                            | N/A         | N/A                               | N/A  | N/A                                | N/A                                     |



## 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.

### Preparation of the Annual Security Report and Disclosure of Crime Statistics

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 works closely with the Prairie View A&M University Police Department (UPD), Office of Risk Management & Safety (RMS) and other university officials to prepare and distribute the Annual Security Report (ASR) in compliance with the Clery Act. The ASR is to be published every year on or before October 1st and contains three years of selected campus crime statistics, along with certain campus security policy statements in accordance with the Clery Act. The 2023 ASR contains security policy statements for the 2023-2024 academic year and crime statistics for calendar years 2022, 2021, and 2020.

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

## Annual Security Report Notifications

Each year, e-mail and text message notifications are sent to all current students, faculty and staff, which provides website access to this report. Upon request, individuals may obtain a printed copy of the report from the Office of University Compliance located in the M.T. Harrington Science Building, Suite 311; by mail at P.O. Box 519, Mail Stop 3401, Prairie View, TX 77446; by calling 936-261-2117; or by emailing [clery@pvamu.edu](mailto:clery@pvamu.edu). 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 ASR on the university's [career site](#), under the [Employer Notices](#) section.

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 ASR. The email includes the availability of the ASR, as well as a direct link to the current ASR.

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

## 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 policies.

### College of Nursing Campus Security

The CON does not have an on-site police department. However, the CON facility is staffed by security guards that patrol the building 24 hours, 7 days a week. The security guards do not have arrest authority. The security guards assist the UPD by responding to alarms, calls for service such as escorts and locking/unlocking doors, and enforcing parking and university policies. The Houston Police Department (HPD) and the Texas Medical Center (TMC) Police patrol 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.

## **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 (similar to municipal police officers), including the 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 immediate surrounding streets.

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 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.

Neither the UPD, nor the CON security contractor have a written mutual aid agreement or memorandum of understanding with any area law enforcement agency pertaining to the investigation of alleged criminal incidents. 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 non-campus locations of officially recognized student organizations.

### **Professional Standards**

The UPD's 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. Individuals may 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

Website: <http://www.pvamu.edu/upd/>

|   |              |                                    |              |
|---|--------------|------------------------------------|--------------|
| Emergencies-from on campus phones/Police/Fire/Medical | 911 or 911   | Non-Emergencies/General Assistance | 936-261-1375 |
| Criminal Investigations                               | 936-261-1378 | Anonymous Tips Line                | 936-261-2222 |
| Communications  | 936-261-1375 | Records                            | 936-261-1393 |

## 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 on-line reporting form at: <https://www.pvamu.edu/upd/forms/report-an-offense/>.

The UPD encourages accurate and prompt reporting of crimes when the victim of such crimes elects or is unable to make such a report.

### Response to Reports of Crimes

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, UPD will take the required action, either dispatching an UPD officer, seeking assistance from the HPD or TMC Police or asking the victim to report to UPD to file an incident report. All reported crimes will be investigated by the university and may become a matter of public record. All UPD incident reports are forwarded to the Dean of Students Office and the Office of Student Conduct for review, referral, and potential action, as appropriate. 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). According to the 2016 Handbook for Campus Safety and Security Reporting (pgs. 4-2 & 4-3), CSA's are individuals in the following four groups:

- A campus police department or a campus security department of an institution.

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs commonly report information to the following:

| Contact Group                     | Contact Information |
|-----------------------------------|---------------------|
| University Police Department      | (936) 261-1375      |
| Student Affairs                   | (936) 261-2130      |
| Title IX Coordinator              | (936) 261-2166      |
| Human Resources                   | (936) 261-1730      |
| Clery Coordinator                 | (936) 261-2117      |
| Dean, College of Nursing          | (713) 797-7060      |
| College of Nursing Security Guard | (713) 790-7296      |

### Reporting to Meet Disclosure Requirements

Members of the community are helpful when they immediately report crimes or emergencies to the UPD at 936-261-1375 and/or the Clery Coordinator at 936-261-2117 for purposes of including those events in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

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

#### Confidential Reporting

Aside from the guidelines above pertaining to professional counselors acting in that capacity, the UPD has policies or procedures for victims and/or witnesses to report crimes on a voluntary, confidential basis for



inclusion in the annual disclosure of crime statistics. However, because UPD reports are public records under state law, they cannot hold reports of crime in confidence. 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.

### **Anonymous Reporting**

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 or online at: <https://crime-stoppers.org/our-programs/tip-line-program>. 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.

## **Security Awareness & Crime Prevention Programs**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of PVAMU to inform students of good crime prevention and security awareness practices.

During the 2022 - 2023 academic year, PVAMU offered limited crime prevention and security awareness programs during the COVID-19 pandemic. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and advised to call the UPD to report suspicious behavior. For additional questions regarding crime prevention, contact the UPD directly at (936) 261-1375.

As part of the department's community-oriented policing philosophy, the UPD offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having a UPD officer speak to his or her classroom or group should contact them at (936) 261-1375.

## **Timely Warning Notification Policy**

The procedures disclosed in this section apply to incidents occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing that warrant a Timely Warning (Crime Alert). In the event a crime is reported, or a situation arises, within the PVAMU Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the PVAMU Chief of Police, or designee, and in consultation with the Clery Coordinator, or designee when time permits, constitutes a serious or continuing threat to the campus community, a campus wide "timely warning" notice will be issued.

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. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger PVAMU community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by-case basis).
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the PVAMU Chief of Police, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the PVAMU Chief of Police, or his or her designee in his or her absence.

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 Chief of Police or their designee and/or the Clery Coordinator 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 Center for Information Technology Excellence (C.I.T.E.) 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, if deemed necessary. 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 primarily distributed to PVAMU students and employees via email; however, if deemed necessary, the information can be distributed via social media and placed on the university’s webpage. 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 is not required to 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 Notification, Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing. The institution does not have separate procedures for non-campus property.

### **“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 to the campus community via phone, text message, and e-mail. Face to face communication, social media, and the university's webpage may also be used to communicate information in the event of an emergency situation.

In an effort to provide a more enhanced user experience, in Spring 2022, the university began using Rave Alert as the provider for the Panther Alert System. In addition to receiving alerts via phone, text message, and e-mail, faculty, staff and students have the option to receive push notifications via the RAVE Guardian App.

Rave Guardian is a free mobile app that turns your smartphone into a personal safety device. The App has a safety feature that directly connects you to the UPD in an emergency, as well as the ability to submit an anonymous tip to the UPD should you see something suspicious. You can invite friends and family to join your network as “Guardians.” You can then request one or more of your Guardians to virtually walk with you on or off campus. It's like having an emergency blue light system and a trusted friend with you at all times.

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 immediately 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 confirm 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 confirmation 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, the Director of RMS or their designee, and the Director of MARCOMM or their designee.

The University Police Department, Clery Coordinator, RMS, and MARCOMM, if applicable, will collaborate to determine if the message is sent to the entire PVAMU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

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, is primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for law-enforcement related incidents. However, the Clery Coordinator, C.I.T.E., RMS, and MARCOMM can also distribute Panther Alerts via blast 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 RMS and/or MARCOMM. 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, RMS and/or MARCOMM will, without delay, and taking into account the safety of the community, determine the content of the emergency notification.

The Directors of RMS and/or MARCOMM, or their designees, are primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for non-law enforcement related incidents. However, UPD, the Clery Coordinator, and C.I.T.E. can also distribute Panther Alerts via blast email, text, and phone messaging system, if necessary.

Prairie View A&M University will, without delay and taking into account the safety of the community, determine the content of emergency notifications and 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.

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

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

If there is an immediate threat to the health or safety of students or employees occurring on campus, PVAMU must follow its emergency notification procedures. When following its emergency notification procedures, PVAMU is not required to issue a timely warning based on the same circumstances; however, the university must provide adequate follow-up information to the community as needed.

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

### **Students, Faculty, and Staff Access**

Students, faculty, and staff are automatically enrolled in RAVE Alert utilizing their PantherNet username and password (which are the same as their email username and password). They will receive notifications via their PVAMU email and the phone number associated with their account for other PV applications. However, they are not automatically enrolled in the RAVE Guardian App. They must visit the app store on their smart phone to download and log into the RAVE Guardian App to receive push notifications from PVAMU. PVAMU encourage all students, faculty, and staff to enhance their personal safety and the safety of their friends, and download the free Guardian App at the [Apple Store](#) or [Google Play](#).

Students, faculty, and staff who wish to update their phone number(s) and/or add an additional email address should visit the university’s Emergency website.

### **Public Access**

Parents, family, and friends of PVAMU may receive emergency alerts via text message by opting into PVAMU messages. Text “PrairieView” to 67283 to be enrolled in alerts.

## **Provision of Information to the General Public (Larger Community)**

If 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 personnel and community first responders are aware of their duties and responsibilities under the EMP and the most current procedures, various trainings, drills, and exercise actions will occur. These include training sessions for all applicable university personnel, a tabletop 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.

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

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

### **Evacuation Procedures**

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 the UPD Fire Marshal 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.

### **General Evacuation Procedures**

At the sound of a fire alarm or being instructed to evacuate, leave the work area immediately and proceed to the nearest exit, and leave the building. If someone is the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify UPD at (936) 261-1375 or dial 911.

1. Remain Calm.
2. Do NOT use Elevators; Use the Stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform UPD or the responding fire dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around someone becomes unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose the individual to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that someone is in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.



### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building is not damaged, stay inside in an interior room until notified it is safe to come out. If a building is damaged, take personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for the building (close doors, proceed to the nearest exit, and use the stairs instead of the elevators). Once someone has evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, UPD, Housing and Residence Life staff members, other university employees, Local PD, or other authorities utilizing the university’s emergency communications tools.

### **How to “Shelter-in-Place”**

No matter where an individual is, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

- If inside, stay there. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and,
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tight seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems when possible. (University staff will turn off the ventilation as quickly as possible.)
- Make a list of the people present and ask someone (hall staff, faculty, or other staff) to call the list in to UPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

## **The Daily Crime Log**

Each business day, the UPD publishes a Daily Crime Log using information from the UPD, local law enforcement, Student Conduct, 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 UPD and/or the on-site security personnel.

The Daily Crime Log may be viewed via the UPD webpage at: <https://www.pvamu.edu/upd/> or in person at 36142 Owens Rd, Prairie View, TX 77446 or 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.

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**

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 faculty, staff and students 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, contact the Dean's Office and the PVAMU Police Department.

### **Security Desk**

Students who do not have their badges will be required to sign in at the security desk, located on the 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) 790-7296.

### **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.

## **Security Considerations Used in the 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. Faculty and staff are encouraged to report maintenance problems to the senior building coordinator, the CON security desk at (713) 790-7296, or to building maintenance at (936) 261-9703.

## 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. The results of the biennial review are published at <https://www.pvamu.edu/universitycompliance/wp-content/uploads/sites/87/2020-Biennial-Review-Report.pdf>. Drug and alcohol programs are provided to PVAMU students and employees as described in the biennial review report.

### 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.

The 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 UPD has primary responsibility for the enforcement of State underage drinking laws.

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 Resources' 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**

PVAMU prohibits the unlawful possession, use, and sale of illegal drugs on campus. 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 Programs](#); [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 Resources' 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 is being conducted, or on 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 ([System Regulation 34.06.02 Weapons](#)). 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. ([University 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.

Towards that end, PVAMU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a university official.

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.

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

### **Sexual Assault Penal Code**

Texas Penal Code, Sec. 21.01. DEFINITIONS:

- (1) "Deviate sexual intercourse" means:
  - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
  - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section [21.11](#) or [21.12](#), any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Texas Penal Code, Sec. 22.011. SEXUAL ASSAULT:

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

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



- (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
- (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (6) "Assisted reproduction" and "donor" have the meanings assigned by Section [160.102](#), Family Code.
- (7) "Human reproductive material" means:
  - (A) a human spermatozoon or ovum; or,
  - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
  - (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not
        - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01
        - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section [25.02](#).

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 436 (S.B. 1259), Sec. 2

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

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 738 (H.B. 667), Sec. 2

- (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
  - (1) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#); or
  - (2) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section [25.02](#).



Texas Penal Code, Sec. 22.012. INDECENT ASSAULT:

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
  - (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Texas Penal Code, Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

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

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

Texas Penal Code, Sec. 25.02. PROHIBITED SEXUAL CONDUCT:

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

**Dating Violence Penal Code**

Texas Family Code, Sec. 71.0021. DATING VIOLENCE.

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim or applicant for a protective order:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

### **Family Violence (Domestic Violence) Penal Code**

Texas Family Code, Sec. 71.004. FAMILY VIOLENCE.

"Family violence" means:

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

Texas Family Code, Sec. 71.005. HOUSEHOLD.

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

Texas Family Code, Sec. 71.006. MEMBER OF A HOUSEHOLD.

"Member of a household" includes a person who previously lived in a household.

### **Stalking Penal Code**

Texas Penal Code, Sec. 42.072. STALKING.

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

an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

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

- (1) the actor has previously been convicted under this section; or
- (2) the offense was committed under Subsection (a)(7) and:
  - (A) the offense was committed against a child under 18 years of age with the intent that the child:
    - (i) commit suicide; or
    - (ii) engage in conduct causing serious bodily injury to the child; or
  - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter [129A](#), Civil Practice and Remedies Code.

## **Institutional Definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

### **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. The following information is provided in accordance with System Regulation 08.01.01.

**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 will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - For the purposes of this definition:
    - 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.
- [34 U.S.C. 12291(a)(10)]

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

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

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

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

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

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

For the purposes of this definition:

- **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.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

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

### Texas Penal Code

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

*Consent* is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (as described in “Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws” elsewhere in this document).

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

### Reporting to the University Police Department

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



The following local law enforcement agencies 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 complainant's choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

#### Reporting to University Officials

Individuals also have the option of reporting incidents of sexual assault, dating violence, domestic violence, or stalking to university officials. If a complainant would like to make a report to the university, they may contact either official below:

#### **Zakiya Brown**

#### **Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

Prairie View, TX 77446

Tel: (936) 261-2166

[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/titleix/reporting/report-to-the-university/>



**LaToya Douglas****Director, Equal Opportunity**

M.T. Harrington Science Building, Suite 108

Prairie View, TX 77446/1792

Tel: (936) 261-1792

[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

Complainants are also able to anonymously [report an incident](#). The anonymous reports are forwarded directly to the Title IX Coordinator (TIXC) 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 (OTIXC) 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 OTIXC 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.

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

The university's response to allegations of prohibited conduct will be prompt and equitable. The response is intended to stop, prevent and remedy 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.

The OTIXC 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, OTIXC will determine if the alleged prohibited conduct falls under the jurisdiction of OTIXC or if it should be referred to another office. After OTIXC determines jurisdiction, OTIXC 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, OTIXC 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 OTIXC 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 OTIXC/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.

The university has procedures in place that serve to be sensitive to complainants who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The university will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the complainant chooses to report the crime to the UPD or local law enforcement.

For reports involving students, contact:

**Zakiya Brown**

**Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

Prairie View, TX 77446

Tel: (936) 261-2166

[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

For reports involving employees, contact:

**LaToya Douglas**

**Director, Equal Opportunity**

M.T. Harrington Science Building, Suite 108

Prairie View, TX 77446

Tel: (936) 261-1792

[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

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

| <b>Incident Being Reported</b> | <b>Procedure University Will Follow</b>   |
|--------------------------------|---|
| <b>Sexual Assault</b>          | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |
| <b>Stalking</b>                | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> </ol>   |

| Incident Being Reported | Procedure University Will Follow   |
|-------------------------|--|
|                         | <ol style="list-style-type: none"> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |
| <b>Dating Violence</b>  | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Dating Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> </ol>  |

| Incident Being Reported  | Procedure University Will Follow   |
|--------------------------|--|
|                          | <ol style="list-style-type: none"> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>  |
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Domestic Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |

The appropriate OTIXC 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 procedures complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- 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 complainant chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the university'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 university;
- information about how the university will protect confidentiality;
- A statement that the university will provide written notification to students and employees 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 Baylor 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**

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

Personally identifiable information about the complainant 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 complainant, 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 complainant 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 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, complainants 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 complainant’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.

| On-Campus                   | Type of Services Available  | Service Provider   | Contact Information   |
|-----------------------------|---|--|---|
| Counseling (Students)       | Counseling  | Student Counseling Services  | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |
| Health                      | Medical care and health education   | Owens-Franklin Health Center                                       | (936) 261-1410<br>8:00 a.m. – 5:00 p.m.   |
| Mental Health (Students)    | Mental health assistance  | Student Counseling Services  | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |
| Victim Advocacy (Students)  | Individual and group support, crisis intervention, housing and coursework advocacy, referrals, student conduct process advising | Relationship & Sexual Violence Prevention (RSVP) Program Manager r | (936)261-1468   |
| Legal Assistance (Students) | Legal advocacy  | RSVP Manager   | (936)261-1468   |
| Student Financial Aid       | Student financial aid assistance  | Office of Student Financial Aid and Scholarships                   | (936) 261-1000  |
| Peer Support                | RSVP Student Advocates and Volunteers   | RSVP Manager   | (936)261-1468   |

| On-Campus                     | Type of Services Available | Service Provider | Contact Information |
|-------------------------------|----------------------------|------------------|---------------------|
| Visa & Immigration Assistance | Referral only              | RSVP Manager     | (936)261-1468       |

| Off Campus                      | Type of Services Available                                | Service Provider                                  | Contact Information   |
|---------------------------------|---|---|---|
| Counseling (Employees)          | Counseling  | Guidance Resources                                | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Health                          | Medical   | Emergency Care – EMS                              | 911 or 4-911  |
|                                 |   | Memorial Hermann Cypress Hospital                 | (346)-231-4000  |
|                                 |   | Scott & White – Brenham, TX                       | (979) 337-5000  |
|                                 |   | Memorial Hermann Tomball Hospital                 | (281) 516-0911  |
| Mental Health (Employees)       | Mental health assistance                                  | Guidance Resources                                | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Victim Advocacy                 | Hospital accompaniment and support                        | Focusing Families                                 | (979) 826-8024  |
| Legal Assistance (Employees)    | Limited legal advice                                      | Guidance Resources                                | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Waller County District Attorney’s Office          | (979) 826-7718  |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Harris County District Attorney’s Office          | (713) 274-5800  |
| Legal Assistance                | Sexual assault legal services                             | Legal Aid for Survivors of Sexual Assault (LASSA) | <a href="http://www.teajf.org/index.aspx">http://www.teajf.org/index.aspx</a><br>1-844-303-7233               |
| Visa and Immigration Assistance | Visa and Immigration Assistance                           | U.S. Citizenship and Immigration Services (USCIS) | <a href="https://www.uscis.gov/">https://www.uscis.gov/</a>   |

**Institutional Rights and Options (Supportive 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.

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, PVAMU will provide written notification to students and employees about remedial measures available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

The 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. At the complainant's request, and to the extent of the complainant's cooperation and consent, university offices will work cooperatively to assist the complainant in obtaining remedial measures. If reasonably available, upon the request of an individual involved with the report, OTIXC 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 university 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, OTIXC 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. OTIXC 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 university 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. OTIXC 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 OTIXC 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, OTIXC may request that an employee be placed on leave during the investigation and resolution process. OTIXC 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. OTIXC 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. OTIXC 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.

To request changes to academic, living, transportation and/or working situations or protective measures a student or employee who is a complainant of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available such as No-Contact Directive, Interim Administrative Actions for Employees, Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures). For more information contact:

Zakiya Brown (students) at [titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu), 936-261-2166; or,  
LaToya Douglas (employees) at [EEOD@pvamu.edu](mailto:EEOD@pvamu.edu), 936-261-1792

If the complainant wishes to receive assistance in, changing academic, living, transportation, and work situations requesting these measures by the complainant and reasonably available. These requests will be considered by Dr. Zakiya Brown (students) or Ms. LaToya Douglas (employees) regardless of whether the complainant chooses to report the incident to law enforcement. Examples of potential remedial measures may include assistance in obtaining institutional no contact directive and/or changing living location, transportation, parking location, or class schedules to reduce the chance of continued contact with the alleged offender.

### **Zakiya Brown**

#### **Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

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### **Legal Rights and Options**

The university 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**

If a person wishes to report an incident that involves another student or employees in a learning environment that potentially violates the Student Code of Conduct, please use our online Title IX Report Form to submit your concern at <https://www.pvamu.edu/titleix/reporting/>. To learn about OTIXC and the process, please visit the OTIXC (<https://www.pvamu.edu/titleix/>) and PVAMU Student Handbook (<https://www.pvamu.edu/sa/wp-content/uploads/sites/77/PVAMU-Code-of-Student-Conduct.pdf>) or contact the OTIXC at 936-261-2166 located in M.T. Harrington Science Building, Suite 311 or by email [TitleIXteam@pvamu.wdu](mailto:TitleIXteam@pvamu.wdu).

Once an incident is reported to the OTIXC, OTIXC will conduct a preliminary assessment to decide whether the OTIXC has jurisdiction to investigate. The TIXC will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient, the TIXC, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and:

1. Dismiss it as baseless;
2. Close it for insufficient information to investigate or lack of jurisdiction;
3. Refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing; or,
4. With the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution.

If the information is sufficient, the TIXC will designate an Investigative Authority (IA) within five (5) business days after the complainant signed a formal complaint form and forward the complaint in order to proceed with the investigation. When a complaint involves the designated university officials,



the investigation of such a complaint will be transferred to another administrator designated by the President.

The OTIXC will provide written notification to the complainant(s) and the respondent(s) of:

1. Receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01 Civil Rights Compliance;
2. The appointed investigative authority;
3. The appointed designated administrator;
4. Interim protections imposed, if any; and,
5. Admonishments regarding cooperation and prohibiting retaliation.

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking (prohibited conduct) are provided a prompt, fair, and impartial process from the initial investigation to the final result, including any appeals. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 business days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. They are consistent with the institution's policies and transparent and equitable to the complainant and respondent. The adjudication process provides that:

- Parties may bring an advisor of their choice to any related meeting or proceeding during the investigation process.
- 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.
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- During the investigation, the advisor may not represent the party or inhibit a meeting.
- Following fact-finding, the parties will have the opportunity to review the draft investigation report and submit responses.
- The investigator will review any submitted responses to the investigation and develop a final report, with a review by SECO and OGC. Once finalized, the investigator will submit final report and exhibits to the designated administrator.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
- The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.
- At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The TIXC, Investigators, Designated Administrators, Informal Resolution Facilitators and Appellate Authorities receive annual training regarding university rules, administrative procedures, state law, handling of civil rights investigations, conducting fair and impartial investigations, trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process. All trainings



attended by those involved in the Title IX investigation and adjudication process are listed on the OTIXC website.

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 OTIXC, 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 OTIXC, 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, OTIXC 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 by signing a formal complaint. OTIXC may not proceed with an investigation without a signed formal complaint. The TIXC may choose to sign a formal complaint themselves.
- 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 university rules or administrative procedures, system policies or regulations, or codes, OTIXC 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 OTIXC dismiss a complaint, without Title IX resolution of the allegations, 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. OTIXC 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 dismissal, the university may close the matter with no action taken, refer the matter to another university office or 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 OTIXC 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.

### **Informal Resolution**

In order to consider an informal resolution of sex discrimination under Title IX, a formal complaint must be submitted in the manner described in PVAMU Rule 08.01.01.P1. An informal resolution is an option only until initiated final decision has been rendered. Parties may request an informal resolution at any point prior to the determination of a final decision.

If either party requests an informal resolution meeting during the formal complaint, the university will seek to honor the request, and will notify the Pre-Hearing Coordinator (PHC) who will meet with parties to see if an informal resolution can be agreed upon. The PHC will meet with both parties and go over what possible outcomes can occur during the informal resolution and what outcomes are the complainant is comfortable with during the informal resolution meeting. Informal resolution will not impede the university's ability to enhance the safety and security of the complainant and the university community. The TIXC must agree, in consultation with SECO and OGC, that informal resolution is appropriate in each instance.

To initiate the informal resolution process, both parties must consent in writing to the investigator, the administrative hearing officer, or the TIXC. The PHC will notify both parties in writing of the decision regarding whether the university will initiate an informal resolution meeting.

If the parties reach a resolution and agreement during the informal resolution process, each party will waive their option and right to appeal a decision arising from the same alleged incident. One or both parties may submit a subsequent complaint regarding another party's failure to abide by any conditions established in the agreement. An informal resolution offer may be withdrawn by either party or the university prior to a final agreement. PHC will notify both parties in writing if the informal resolution is withdrawn.

### **Formal Resolution**

The allegations will be considered for investigation, after the formal complaint has been signed by the complainant, pursuant to the following procedures. OTIXC reserves the right to dismiss a complaint 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, OTIXC may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
- An assessment of whether a complainant's request for dismissal or informal 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, OTIXC may, after consultation with SECO and 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 the formal complaint has been signed by the complainant, it has been determined that the university will proceed with a formal investigation, OTIXC will appoint the 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.

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), informal resolution(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,
- In the case of an employee respondent, 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.

OTIXC 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, OTIXC shall notify, in writing, the respondent's department head and/or Vice President, that OTIXC 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 OTIXC;
- 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;
- Failure of a witness to appear for a meeting with the IA (student witnesses may decline to provide information but must appear for the meeting);
- 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 party may provide letters or other written testimonials 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 administrative 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 university will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. 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. Students must have an advisor during administrative hearings. If a student does not have an advisor for an administrative hearing, the university will provide them with an advisor. The advisor may be any person selected by a party, including legal counsel. Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. Except for the administrative hearing, 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. During an administrative hearing, any cross-examination of the opposing party and/or witnesses must be conducted by a party's advisor. 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, OTIXC 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 discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. If an IA determines that a party's submitted information is not relevant to the investigation, the IA will notify the party in writing. The party may then rebut the IA's

decision; the ultimate decision regarding relevance during the investigation lies within the discretion of the IA. 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. The parties will be given the opportunity to review the draft investigation report and may submit responses in writing to the IA before the investigation report is finalized.

Whether or not criminal charges are filed, the university or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

### **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Following an investigation of alleged sexual harassment under System Regulation 08.01.01, the DA in Title IX cases will conduct an **administrative hearing**. If the parties agree to resolve a matter prior to the administrative hearing, they may do so in an **administrative conference or other informal resolution** with an Informal Resolution Facilitator (IRF).

- In an Administrative Hearing, the DA will hear cases involving alleged violations of System Regulation 08.01.01 and other university rules (when applicable). The administrative hearing is not analogous to a criminal trial. The focus of inquiry in disciplinary proceedings shall be deciding whether the party violated a university rule or policy. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the party results.
- The Administrative Conference is a voluntary meeting between the complainant, the respondent, and a university official who conducts the conference. The Administrative Conference occurs prior to a formal hearing. The purpose of the conference is to determine whether an agreed resolution of the complaint (including sanctions, if applicable) may be reached. Agreed sanctions, if any, must be in compliance with the sanctioning requirements noted in System Regulation 08.01.01. If an agreement is reached, the university official will draft a Voluntary Written Resolution of the Complaint Without a Hearing (“Voluntary Resolution”) which will be signed by the parties and the university official. A party may withdraw from the conference without reaching an agreement at any time prior to signing the Voluntary Resolution. If a party withdraws prior to signing the Voluntary Resolution, neither the university nor the other party may introduce any information shared at the Administrative Conference unless such information was previously documented in the Investigation Report or can be presented by an independent source.

### **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 in a formal hearing 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 university 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 hearing officer or hearing panel then considers various sanctions under the following guidelines.

Please note that this guide is a model for member universities to employ and/or adapt as outlined in The Texas A&M University System Regulation 08.01.01. It is not intended to be utilized without appropriate training from the System Ethics and Compliance Office (SECO) or other qualified professionals.

#### 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.

Note that these factors are not necessarily treated equally, and not all will be relevant in each case. For example, the nature of the offense may be deemed so severe that it may outweigh other factors, or a student with a lengthy disciplinary record may be removed from a university for what might otherwise be deemed a relatively minor offense. Hearing officers and hearing panels must carefully scrutinize what factors are most compelling when determining sanctions.

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?

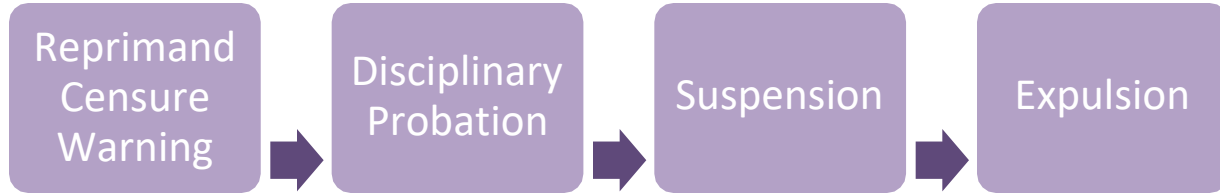
As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

### 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:



#### *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

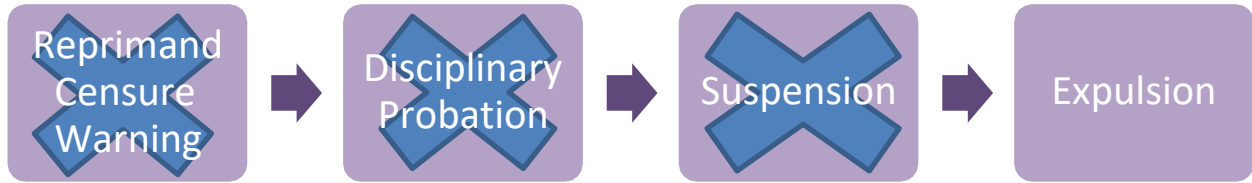
The following sanctions are deemed to be appropriate minimum sanctions:

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

Examples:

- Dating and domestic 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

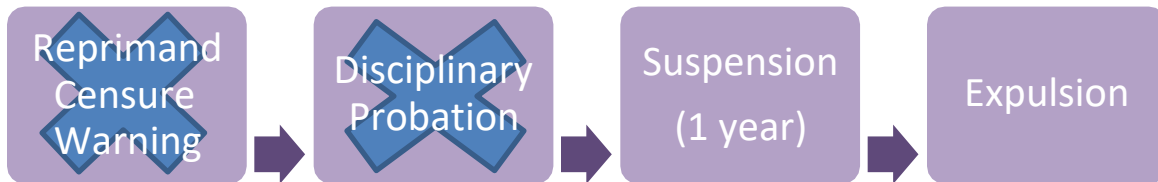
Restriction from campus grounds and/or events.

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

Examples:

- Dating and domestic 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

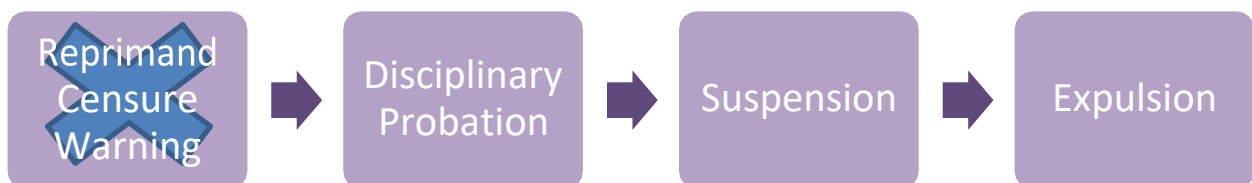
As appropriate for desired learning outcomes (based on the finding of fact)

**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

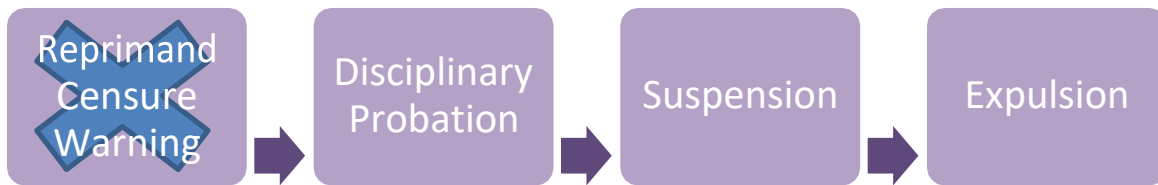
As appropriate for desired learning outcomes (based on the finding of fact).

**SEXUAL EXPLOITATION**

Examples:

- Secretly videotaping 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

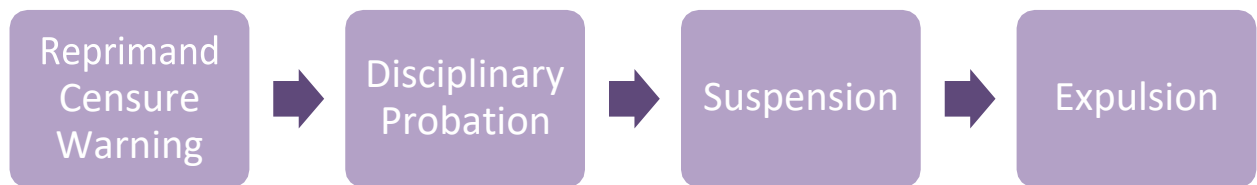
As appropriate for desired learning outcomes (based on the finding of fact).

**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

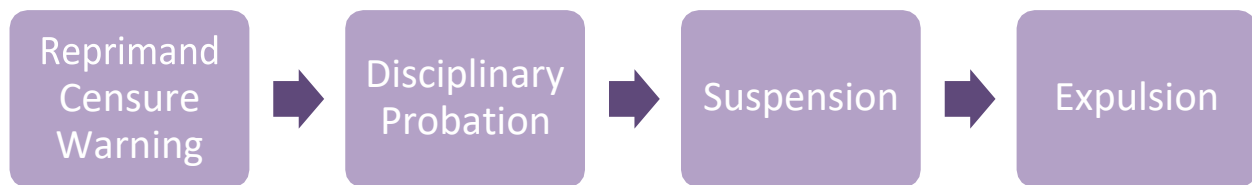
As appropriate for desired learning outcomes (based on the finding of fact).

## HARASSMENT OR MISCONDUCT BASED ON SEX

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 the finding of fact).

### **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 requests must be submitted in writing to the investigative authority or the designated administrator(s); and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Only appeals that meet the following guidelines are applicable to appeal the decision and the sanction of the designated administrator: (a) A procedural irregularity that affected the outcome. (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the university's appeals form. (c) The TIXC, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome. (d) The appropriateness or severity of the sanctions.

Appeals requests must be submitted in writing to the IA or the DA within five (5) business days of receipt of the written decision or sanction letter to be appealed requests. 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 OTIXC by the party.

If no appeal is filed within the receipt of the DA's decision or OTIXC 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, OTIXC 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. OTIXC 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 OTIXC. 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 OTIXC. OTIXC 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 TIXC 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 TIXC 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.

## HEOA 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.

## Primary Prevention and Ongoing Awareness Programs

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

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

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

- A statement that PVAMU prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).
- The definitions of domestic violence, dating violence, sexual assault, and stalking as defined by VAWA as well as Texas State Law.
- What behaviors and actions constitute consent to sexual activity in the State of Texas.
- PVAMU's definition of consent and the purposes for which the definition is used.
- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs" elsewhere in this document);
  - How the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - Options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and,
  - Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this document).

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 TIXC facilitates education with students, faculty, and staff on the role of Title IX at the university. In addition, the TIXC 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.

Specifically, the university offered the following primary prevention and awareness programs for all incoming students in 2022:

| Name of Program                | Date Held                           | Location Held               | Which Prohibited Behavior* Covered? |
|--------------------------------|-------------------------------------|-----------------------------|-------------------------------------|
| Sexual Assault Prevention      | Access granted when students enroll | Online via EverFi           | DoV, DaV, SA, S                     |
| Panther Camp Title IX Training | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |
| Bystander Intervention         | August 2022                         | Virtual                     | DoV, DaV, SA, S                     |
| Student Counseling and RSVP    | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The university offered the following primary prevention and awareness programs for all new employees in 2022:

| Name of Program                          | Date Held   | Location Held        | Which Prohibited Behavior* Covered? |
|--|---|----------------------|-------------------------------------|
| Creating a Discrimination-Free Workplace | Access granted during employees’ respective start dates | Online via TrainTraq | DoV, DaV, SA, S                     |

|                              |   |                   |                 |
|------------------------------|---|-------------------|-----------------|
| Sexual Harassment Prevention | Access granted in January and August 2022 | Online via EverFi | DoV, DaV, SA, S |
|------------------------------|---|-------------------|-----------------|

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means 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 engage 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.
- 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 Office 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 – National Human Trafficking Prevention Month

January – Stalking Awareness Month

February – Dating Violence Awareness Month

April – Sexual Assault Awareness Month

June – PTSD Awareness Month

October – Domestic Violence Awareness Month.

- 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.

The university offered the following ongoing prevention and awareness programs for students in 2022:

| Name of Program                                | Date Held                             | Location Held               | Which Prohibited Behavior* Covered? |
|--|---------------------------------------|-----------------------------|-------------------------------------|
| Relationship and Sexual Violence Support Group | Bi-weekly                             | Virtual                     | DoV, DaV, SA, S                     |
| Trauma Informed and Victim Centered Training   | Monthly                               | Virtual                     | DoV, DaV, SA, S                     |
| RSVP Student Advocacy Program                  | Weekly                                | Virtual                     | DoV, DaV, SA, S                     |
| Print Campaigns                                | Various Dates                         | Available Throughout Campus | DoV, DaV, SA, S                     |
| Adult Survivors of Sexual Violence             | 1/27/2021                             | Women’s Center              | SA                                  |
| Sexual Assault and Protocols Orientation       | 8/4/2021                              | Virtual                     | SA                                  |
| Domestic Violence and COVID-19                 | 8/14/2021                             | Virtual                     | DoV                                 |
| Mental Health and Sexual Assault               | 9/18/2021                             | Virtual                     | SA                                  |
| Domestic Violence Awareness Week               | October 13-15, 2021                   | Virtual                     | DoV, DaV, SA, S                     |
| Domestic Violence Awareness Month              | Various Dates Throughout October 2021 | Virtual                     | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking



The university offered the following ongoing prevention and awareness programs for employees in 2022:

| Name of Program  | Date Held   | Location Held   | Which Prohibited Behavior* Covered? |
|--|---|-----------------|-------------------------------------|
| HRTA 1: Title IX – Preventing Sex Discrimination for Faculty & Staff | January, July, September, October and December 2022 | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX - Seeing the Signs: Recognizing Domestic Violence   | July, August, September, October 2022               | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX: Bystander Intervention: Faculty & Staff Responders | July, August, September 2022                        | Online via Zoom | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

## Bystander Intervention and Risk Reduction

### Bystander Intervention

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

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 Bystander Intervention Program called Be the One. The program is presented in August to all incoming first year students at Panther Camp. 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.

### Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems confused, disoriented, , extremely intoxicated for the amount of alcohol they have consumed, or is acting out of character, escort them to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## 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.

### 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 for Clery Crime Statistics

The following information comes from a variety of sources, including the Department of Education's Handbook for Campus Safety and Security Reporting (2016); Uniform Crime Reporting Handbook; Sex Offenses definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program; and definitions of domestic violence, dating violence, and stalking adapted from the amendments made to the Violence Against Women Reauthorization Act of 2013, and Texas statutes. The following definitions are used when preparing the annual disclosure of crime statistics.

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

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

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

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

**Dating Violence:** Violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Drug Law Violations:** Violation of state and local laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drugs or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, sexual offense (rape, fondling, incest, and 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.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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.

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

**Location of Crime:**

- **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 Facility (Residential Facility):** Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. For students on campus is a subset of the “On-Campus” category.
- **Non-campus Property:** Any building or property owned or controlled by 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.

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

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

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

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



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

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

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

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) Fear for the person's safety or the safety of others, or B) Suffer substantial emotional distress. For the purposes of this definition:

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

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

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

**Weapon Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**PVAMU College of Nursing - Reportable Crimes 2020-2022**

| <b>Offense</b>   | <b>Year</b> | <b>On Campus Property</b> | <b>Residential Facilities (Subset - On Campus)</b> | <b>Non-Campus Property</b> | <b>Public Property</b> |
|--|-------------|---------------------------|--|----------------------------|------------------------|
| Murder / Non-negligent Manslaughter                                    | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Manslaughter by Negligence   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Rape   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Fondling   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Incest   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Statutory Rape   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Robbery  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Aggravated Assault   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Burglary   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Motor Vehicle Theft  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 1                         | N/A  | 0                          | 0                      |
| Arson  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Domestic Violence  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Dating Violence  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Stalking   | 2020        | 1                         | N/A  | 0                          | 0                      |
|  | 2021        | 1                         | N/A  | 0                          | 0                      |
|  | 2022        | 1                         | N/A  | 0                          | 0                      |
| Illegal Weapons Possession Arrests                                     | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Illegal Weapons Possession Violations Referred for Disciplinary Action | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |

| <b>PVAMU College of Nursing - Reportable Crimes 2020-2022</b> |             |                           |  |                            |                        |
|---|-------------|---------------------------|--|----------------------------|------------------------|
| <b>Offense</b>  | <b>Year</b> | <b>On Campus Property</b> | <b>Residential Facilities (Subset - On Campus)</b> | <b>Non-Campus Property</b> | <b>Public Property</b> |
| Drug Law Arrests  | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Drug Law Violations Referred for Disciplinary Action          | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Liquor Law Arrests  | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Liquor Law Violations Referred for Disciplinary Action        | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |

Statistics were requested from local law enforcement agencies. However, they 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.

**Hate Crime Reporting**

2022: No hate crimes reported.  
 2021: No hate crimes reported.  
 2020: No hate crimes reported.

**Unfounded Crimes**

Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless.  
 2022: No unfounded crimes.  
 2021: No unfounded crimes.  
 2020: No unfounded crimes.



## Chapter IV – Prairie View A&M University Northwest Houston Center Annual Security Report

### 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.

### Preparation of the Annual Security Report and Disclosure of Crime Statistics

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 works closely with the Prairie View A&M University Police Department (UPD), Office of Risk Management & Safety (RMS) and other university officials to prepare and distribute the Annual Security Report (ASR) in compliance with the Clery Act. The ASR is to be published every year on or before October 1<sup>st</sup> and contains three years of selected campus crime statistics, along with certain campus security policy statements in accordance with the Clery Act. The 2023 ASR contains security policy statements for the 2023 - 2024 academic year and crime statistics for calendar years 2022, 2021, and 2020.

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

## Annual Security Report Notifications

Each year, e-mail and text message notifications are sent to all current students, faculty and staff, which provides website access to this report. Upon request, individuals may obtain a printed copy of the report from the Office of University Compliance located in the M.T. Harrington Science Building, Suite 311; by mail at P.O. Box 519, Mail Stop 3401, Prairie View, TX 77446; by calling 936-261-2117; or by emailing [clery@pvamu.edu](mailto:clery@pvamu.edu). 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 ASR on the university's [career site](#), under the Employer Notices section.

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 ASR. The email includes the availability of the ASR, as well as a direct link to the current ASR.

Additionally, information related to the ASR can be found on the [Northwest Houston Center webpage](#), for prospective students and parents of students to read and reference.

## 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 policies.

### Northwest Houston Center Security

The NWHC does not have an on-site police department. However, the NWHC is staffed by armed security guards that patrol the building 24 hours, 7 days a week. There are cameras allowing the security guards to monitor the parking lots, interior, and exterior of the building. The security guards assist the UPD by responding to alarms, calls for service such as escorts and locking/unlocking doors, and enforcing parking and university policies. The 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.



## **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 (similar to municipal police officers), including the 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 immediate surrounding streets.

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 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.

Neither the UPD, nor the NWHC security contractor have a written mutual aid agreement or memorandum of understanding with any area law enforcement agency pertaining to the investigation of alleged criminal incidents. 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 non-campus locations of officially recognized student organizations.

### **Professional Standards**

The UPD's 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. Individuals may 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

Website: <http://www.pvamu.edu/upd/>

|   |              |                                    |              |
|---|--------------|------------------------------------|--------------|
| Emergencies—from on campus phones/Police/Fire/Medical | 911 or 911   | Non-Emergencies/General Assistance | 936-261-1375 |
| Criminal Investigations                               | 936-261-1378 | Anonymous Tips Line                | 936-261-2222 |
| Communications  | 936-261-1375 | Records                            | 936-261-1393 |

## Reporting Crimes

### Incident Reporting and Response

Any on-campus emergency, criminal offense, or suspected criminal activity should be reported immediately to the HPD 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 HPD (713-884-3131), or the UPD (936-261-1375). For non-emergencies, the UPD also has an on-line reporting form at: <https://www.pvamu.edu/upd/forms/report-an-offense/>.

The UPD encourages accurate and prompt reporting of crimes when the victim of such crimes elects or is unable to make such a report.

### Response to Reports of Crimes

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, UPD will take the required action, either dispatching an UPD officer, seeking assistance from the HCSO or HPD or asking the victim to report to UPD to file an incident report. All reported crimes will be investigated by the university and may become a matter of public record. All UPD incident reports are forwarded to the Dean of Students Office and the Office of Student Conduct for review, referral, and potential action, as appropriate. 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). According to the 2016 Handbook for Campus Safety and Security Reporting (pgs. 4-2 & 4-3), CSAs are individuals in the following four groups:

- A campus police department or a campus security department of an institution.

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs commonly report information to the following:

| Contact Group                | Contact Information |
|------------------------------|---------------------|
| University Police Department | (936) 261-1375      |
| Student Affairs              | (936) 261-2130      |
| Title IX Coordinator         | (936) 261-2166      |
| Human Resources              | (936) 261-1730      |
| Clery Coordinator            | (936) 261-2117      |
| Executive Director, NWHC     | (713) 790-7146      |
| NWHC Security Guard          | (936) 261-1394      |

**Reporting to Meet Disclosure Requirements**

Members of the community are helpful when they immediately report crimes or emergencies to the UPD at 936-261-1375 and/or the Clery Coordinator at 936-261-2117 for purposes of including those events in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

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 once a week 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**

**Confidential Reporting**

Aside from the guidelines above pertaining to professional counselors acting in that capacity, the UPD has policies or procedures for victims and/or witnesses to report crimes on a voluntary, confidential basis for

inclusion in the annual disclosure of crime statistics. However, because UPD reports are public records under state law, they cannot hold reports of crime in confidence. 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.

### **Anonymous Reporting**

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 or online at: <https://crime-stoppers.org/our-programs/tip-line-program>. 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.

## **Security Awareness & Crime Prevention Programs**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of PVAMU to inform students of good crime prevention and security awareness practices.

During the 2022 - 2023 academic year, PVAMU offered limited crime prevention and security awareness programs during the COVID-19 pandemic. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and advised to call the UPD to report suspicious behavior. For additional questions regarding crime prevention, contact the UPD directly at (936) 261-1375.

As part of the department's community-oriented policing philosophy, the UPD offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having a UPD officer speak to his or her classroom or group should contact them at (936) 261-1375.

## **Timely Warning Notification Policy**

The procedures disclosed in this section apply to incidents occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing that warrant a Timely Warning (Crime Alert). In the event a crime is reported, or a situation arises, within the PVAMU Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the PVAMU Chief of Police, or designee, and in consultation with the Clery Coordinator, or designee when time permits, constitutes a serious or continuing threat to the campus community, a campus wide "timely warning" notice will be issued.

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. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger PVAMU community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by-case basis).
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the PVAMU Chief of Police, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the PVAMU Chief of Police, or his or her designee in his or her absence.

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 Chief of Police or their designee and/or the Clery Coordinator 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 Center for Information Technology Excellence (C.I.T.E.) 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, if deemed necessary. 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 primarily distributed to PVAMU students and employees via email; however, if deemed necessary, the information can be distributed via social media and placed on the university’s webpage. 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 is not required to 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 Notification, Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring at the PVAMU main campus, Northwest Houston Center, and the College of Nursing. The institution does not have separate procedures for non-campus property.

### **“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 to the campus community via phone, text message, and e-mail. Face to face communication, social media, and the university's webpage may also be used to communicate information in the event of an emergency situation.

In an effort to provide a more enhanced user experience, in Spring 2022, the university began using Rave Alert as the provider for the Panther Alert System. In addition to receiving alerts via phone, text message, and e-mail, faculty, staff and students have the option to receive push notifications via the RAVE Guardian App.

Rave Guardian is a free mobile app that turns your smartphone into a personal safety device. The App has a safety feature that directly connects you to the UPD in an emergency, as well as the ability to submit an anonymous tip to the UPD should you see something suspicious. You can invite friends and family to join your network as “Guardians.” You can then request one or more of your Guardians to virtually walk with you on or off campus. It's like having an emergency blue light system and a trusted friend with you at all times.

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 immediately 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 confirm 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 confirmation 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, the Director of RMS or their designee, and the Director of MARCOMM or their designee.

The University Police Department, Clery Coordinator, RMS, and MARCOMM, if applicable, will collaborate to determine if the message is sent to the entire PVAMU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

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, is primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for law-enforcement related incidents. However, the Clery Coordinator, C.I.T.E., RMS, and MARCOMM can also distribute Panther Alerts via blast 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 RMS and/or MARCOMM. 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, RMS and/or MARCOMM will, without delay, and taking into account the safety of the community, determine the content of the emergency notification.

The Directors of RMS and/or MARCOMM, or their designees, are primarily responsible for distributing Panther Alerts to the university community via blast email, text, and phone call for non-law enforcement related incidents. However, UPD, the Clery Coordinator, and C.I.T.E. can also distribute Panther Alerts via blast email, text, and phone messaging system, if necessary.

Prairie View A&M University will, without delay and taking into account the safety of the community, determine the content of emergency notifications and 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.

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

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

If there is an immediate threat to the health or safety of students or employees occurring on campus, PVAMU must follow its emergency notification procedures. When following its emergency notification procedures, PVAMU is not required to issue a timely warning based on the same circumstances; however, the university must provide adequate follow-up information to the community as needed.

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

### **Students, Faculty, and Staff Access**

Students, faculty, and staff are automatically enrolled in RAVE Alert utilizing their PantherNet username and password (which are the same as their email username and password). They will receive notifications via their PVAMU email and the phone number associated with their account for other PV applications. However, they are not automatically enrolled in the RAVE Guardian App. They must visit the app store on their smart phone to download and log into the RAVE Guardian App to receive push notifications from PVAMU. PVAMU encourage all students, faculty, and staff to enhance their personal safety and the safety of their friends, and download the free Guardian App at the [Apple Store](#) or [Google Play](#).

Students, faculty, and staff who wish to update their phone number(s) and/or add an additional email address should visit the university’s Emergency website.

### **Public Access**

Parents, family, and friends of PVAMU may receive emergency alerts via text message by opting into PVAMU messages. Text “PrairieView” to 67283 to be enrolled in alerts.

## **Provision of Information to the General Public (Larger Community)**

If 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 personnel and community first responders are aware of their duties and responsibilities under the EMP and the most current procedures, various trainings, drills, and exercise actions will occur. These include training sessions for all applicable university personnel, a tabletop 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.

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

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

### **Evacuation Procedures**

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 the UPD Fire Marshal 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.

### **General Evacuation Procedures**

At the sound of a fire alarm or being instructed to evacuate, leave the work area immediately and proceed to the nearest exit, and leave the building. If someone is the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify UPD at (936) 261-1375 or dial 911.

1. Remain Calm.
2. Do NOT use Elevators; Use the Stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform UPD or the responding fire dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around someone becomes unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose the individual to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that someone is in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building is not damaged, stay inside in an interior room until notified it is safe to come out. If a building is damaged, take personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for the building (close doors, proceed to the nearest exit, and use the stairs instead of the elevators). Once someone has evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, UPD, Housing and Residence Life staff members, other university employees, Local PD, or other authorities utilizing the university’s emergency communications tools.

### **How to “Shelter-in-Place”**

No matter where an individual is, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

- If inside, stay there. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and,
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tight seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems when possible. (University staff will turn off the ventilation as quickly as possible.)
- Make a list of the people present and ask someone (hall staff, faculty, or other staff) to call the list in to UPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

## **The Daily Crime Log**

Each business day, the UPD publishes a Daily Crime Log using information from the UPD, local law enforcement, Student Conduct, 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 UPD and/or the on-site security personnel.

The Daily Crime Log may be viewed via the UPD webpage at: <https://www.pvamu.edu/upd/> or in person at 36142 Owens Rd, Prairie View, TX 77446 or 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.

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**

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 – Thursday, 8:00 am to 6:00 pm Fridays and 8:00 am to 5:00 pm Saturdays.

## **Security Considerations Used in the 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. Faculty and staff are encouraged to report maintenance problems to the senior building coordinator, the NWHC security desk at (936) 261-1394, or to building maintenance at (936) 261-9703.

## **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. The results of the biennial review are published at <https://www.pvamu.edu/universitycompliance/wp-content/uploads/sites/87/2020-Biennial-Review-Report.pdf>. Drug and alcohol programs are provided to PVAMU students and employees as described in the biennial review report.

## 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.

The 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 UPD has primary responsibility for the enforcement of State underage drinking laws.

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 Resources' 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

PVAMU prohibits the unlawful possession, use, and sale of illegal drugs on campus. 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 Programs; 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 Resources' 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 is being conducted, or on 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 ([System Regulation 34.06.02 Weapons](#)). 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. ([University 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.

Towards that end, PVAMU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a university official.

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.

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

### **Sexual Assault Penal Code**

Texas Penal Code, Sec. 21.01. DEFINITIONS:

- (1) "Deviate sexual intercourse" means:
  - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
  - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section [21.11](#) or [21.12](#), any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Texas Penal Code, Sec. 22.011. SEXUAL ASSAULT:

- (a) A person commits an offense if:
  - (1) the person intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
    - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or,
    - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of a child by any means;
    - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
    - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
    - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or,
    - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a) (1) is without the consent of the other person if:
  - (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or,
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or,
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
  - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
    - (A) licensed social worker as defined by Section 505.002, Occupations Code;
    - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
    - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
    - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
    - (E) member of the clergy;
    - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or,
    - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
  - (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
  - (6) "Assisted reproduction" and "donor" have the meanings assigned by Section [160.102](#), Family Code.
  - (7) "Human reproductive material" means:
    - (A) a human spermatozoon or ovum; or,
    - (B) a human organism at any stage of development from fertilized ovum to embryo.

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

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 436 (S.B. 1259), Sec. 2

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

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 738 (H.B. 667), Sec. 2

- (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
  - (1) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#); or
  - (2) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section [25.02](#).

Texas Penal Code, Sec. 22.012. INDECENT ASSAULT:

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
  - (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Texas Penal Code, Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

- (a) A person commits an offense:
  - (1) if the person:
    - (A) intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
      - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
      - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
    - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of a child by any means;
      - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
      - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
      - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
      - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
  - (2) if:
    - (A) the person:
      - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
      - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02](#) (a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
      - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02](#) (a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
      - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
      - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or,
      - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
    - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
    - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
  - (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section [22.04](#)(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

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

Texas Penal Code, Sec. 25.02. PROHIBITED SEXUAL CONDUCT:

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

### **Dating Violence Penal Code**

Texas Family Code, Sec. 71.0021. DATING VIOLENCE.

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

### **Family Violence (Domestic Violence) Penal Code**

Texas Family Code, Sec. 71.004. FAMILY VIOLENCE.

"Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;



- (2) abuse, as that term is defined by Sections [261.001\(1\)\(C\), \(E\), \(G\), \(H\), \(I\), \(J\), \(K\), and \(M\)](#), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

Texas Family Code, Sec. 71.005. HOUSEHOLD.

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

Texas Family Code, Sec. 71.006. MEMBER OF A HOUSEHOLD.

"Member of a household" includes a person who previously lived in a household.

### Stalking Penal Code

Texas Penal Code, Sec. 42.072. STALKING.

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

Texas Penal 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, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
    - (B) a communication made to a pager.
  - (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:
- (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter [129A](#), Civil Practice and Remedies Code.

## **Institutional Definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

### **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. The following information is provided in accordance with System Regulation 08.01.01.

**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 will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition:
  - 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. [34 U.S.C. 12291(a)(10)]

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

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

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

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

For the purposes of this definition:

- 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.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

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

### Texas Penal Code

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

*Consent* is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (as described in “Sexual Assault, Dating Violence, Domestic Violence and Stalking State Laws” elsewhere in this document).

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

### Reporting to the University Police Department

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

The following local law enforcement agencies 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 complainant's choice whether or not to make a report. Victims also have the right to decline to notify law enforcement.

### Reporting to University Officials

Individuals also have the option of reporting incidents of sexual assault, dating violence, domestic violence, or stalking to university officials. If a complainant would like to make a report to the university, they may contact either official below:

#### **Zakiya Brown**

##### **Director, Title IX Compliance and Title IX Coordinator**

M.T. Harrington Science Building, Suite 311

Prairie View, TX 77446

Tel: (936) 261-2166

[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/titleix/reporting/report-to-the-university/>

#### **LaToya Douglas**

##### **Director, Equal Opportunity**

M.T. Harrington Science Building, Suite 108

Prairie View, TX 77446

Tel: (936) 261-1792

[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)

Electronic reporting:

<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

Complainants are also able to anonymously [report an incident](#). The anonymous reports are forwarded directly to the Title IX Coordinator (TIXC) 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 (OTIXC) 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 OTIXC 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.

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

The university's response to allegations of prohibited conduct will be prompt and equitable. The response is intended to stop, prevent and/or remedy 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.

The OTIXC 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, OTIXC will determine if the alleged prohibited conduct falls under the jurisdiction of OTIXC or if it should be referred to another office. After OTIXC determines jurisdiction, OTIXC 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, OTIXC 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 OTIXC 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 OTIXC/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.

The university has procedures in place that serve to be sensitive to complainants who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The university will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the complainant chooses to report the crime to the UPD or local law enforcement.

For reports involving students, contact:

**Zakiya Brown**  
**Director, Title IX Compliance and Title IX Coordinator**  
 M.T. Harrington Science Building, Suite 311  
 Prairie View, TX 77446  
 Tel: (936) 261-2166  
[titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu)

For reports involving employees, contact:

**LaToya Douglas**  
**Director, Equal Opportunity**  
 M.T. Harrington Science Building, Suite 108  
 Prairie View, TX 77446  
 Tel: (936) 261-1792  
[EEOD@pvamu.edu](mailto:EEOD@pvamu.edu)  
 Electronic reporting:  
<https://www.pvamu.edu/hr/office-of-equal-opportunity-diversity/complaints>

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

| Incident Being Reported | Procedure University Will Follow  |
|-------------------------|---|
| Sexual Assault          | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> </ol> |

| Incident Being Reported | Procedure University Will Follow   |
|-------------------------|--|
|                         | <ol style="list-style-type: none"> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>   |
| <b>Stalking</b>         | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> </ol> |

| Incident Being Reported  | Procedure University Will Follow   |
|--------------------------|--|
|                          | <p>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>   |
| <b>Dating Violence</b>   | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Dating Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), university will provide complainant with access to medical care and assess immediate safety needs of complainant.</li> <li>2. University will assess which office has jurisdiction of the complaint.</li> <li>3. University will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. University will assess need to implement interim or long-term protective measures, if appropriate.</li> </ol>  |

| Incident Being Reported | Procedure University Will Follow  |
|-------------------------|---|
|                         | <ol style="list-style-type: none"> <li>6. University will provide the complainant with a written explanation of the complainant’s rights and options.</li> <li>7. University will notify the complainant of options, such as “Criminal Trespass Warning” (CTW) directives and protective orders applied to the accused party if deemed appropriate.</li> <li>8. University will provide a copy of the policy applicable to Domestic Violence to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>9. University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol> |

The appropriate OTIXC 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 procedures complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- 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 complainant chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the university’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 university;
- information about how the university will protect confidentiality;
- A statement that the university will provide written notification to students and employees 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 Baylor 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**

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

Personally identifiable information about the complainant 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 complainant, 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 complainant 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 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, complainants 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 complainant’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.

| On-Campus             | Type of Services Available | Service Provider            | Contact Information   |
|-----------------------|----------------------------|-----------------------------|---|
| Counseling (Students) | Counseling                 | Student Counseling Services | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |



| On-Campus                     | Type of Services Available  | Service Provider   | Contact Information   |
|-------------------------------|---|--|---|
| Health                        | Medical care and health education   | Owens-Franklin Health Center                                     | (936) 261-1410<br>8:00 a.m. – 5:00 p.m.   |
| Mental Health (Students)      | Mental health assistance  | Student Counseling Services                                      | (936) 261-3564<br>8:00 a.m. – 5:00 p.m.<br><br>(936) 553-0990<br>24-Hour Crisis Hotline |
| Victim Advocacy (Students)    | Individual and group support, crisis intervention, housing and coursework advocacy, referrals, student conduct process advising | Relationship & Sexual Violence Prevention (RSVP) Program Manager | (936)261-1468   |
| Legal Assistance (Students)   | Legal advocacy  | RSVP Manager   | (936)261-1468   |
| Student Financial Aid         | Student financial aid assistance  | Office of Student Financial Aid and Scholarships                 | (936) 261-1000  |
| Peer Support                  | RSVP Student Advocates and Volunteers   | RSVP Manager   | (936)261-1468   |
| Visa & Immigration Assistance | Referral only   | RSVP Manager   | (936)261-1468   |

| Off Campus                | Type of Services Available | Service Provider  | Contact Information   |
|---------------------------|----------------------------|---|---|
| Counseling (Employees)    | Counseling                 | Guidance Resources  | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Health                    | Medical                    | Emergency Care – EMS<br><br>Memorial Hermann Cypress Hospital<br><br>Scott & White – Brenham, TX<br><br>Memorial Hermann Tomball Hospital | 911 or 4-911<br><br>(346)-231-4000<br><br>(979) 337-5000<br><br>(281) 516-0911                                |
| Mental Health (Employees) | Mental health assistance   | Guidance Resources  | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |

| Off Campus                      | Type of Services Available                                | Service Provider                                  | Contact Information   |
|---------------------------------|---|---|---|
| Victim Advocacy                 | Hospital accompaniment and support                        | Focusing Families                                 | (979) 826-8024  |
| Legal Assistance (Employees)    | Limited legal advice                                      | Guidance Resources                                | <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a><br>Registration web ID: TAMUS |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Waller County District Attorney's Office          | (979) 826-7718  |
| Legal Assistance                | Assistance with criminal complaints and protective orders | Harris County District Attorney's Office          | (713) 274-5800  |
| Legal Assistance                | Sexual assault legal services                             | Legal Aid for Survivors of Sexual Assault (LASSA) | <a href="http://www.teajf.org/index.aspx">http://www.teajf.org/index.aspx</a><br>1-844-303-7233               |
| Visa and Immigration Assistance | Visa and Immigration Assistance                           | U.S. Citizenship and Immigration Services (USCIS) | <a href="https://www.uscis.gov/">https://www.uscis.gov/</a>   |

### Institutional Rights and Options (Supportive 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.

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, PVAMU will provide written notification to students and employees about remedial measures available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

The 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. At the complainant's request, and to the extent of the complainant's cooperation and consent, university offices will work cooperatively to assist the complainant in obtaining remedial measures. If reasonably available, upon the request of an individual involved with the report, OTIXC 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 university 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, OTIXC 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. OTIXC 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 university 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. OTIXC 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 OTIXC 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, OTIXC may request that an employee be placed on leave during the investigation and resolution process. OTIXC 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. OTIXC 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. OTIXC 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.

To request changes to academic, living, transportation and/or working situations or protective measures a student or employee who is a complainant of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available such as No-Contact Directive, Interim Administrative Actions for Employees, Confidentiality/Privacy of Accommodations and Protective Measures (includes interim measures). For more information contact:

Zakiya Brown (students) at [titleixteam@pvamu.edu](mailto:titleixteam@pvamu.edu), 936-261-2166; or,  
LaToya Douglas (employees) at [EEOD@pvamu.edu](mailto:EEOD@pvamu.edu), 936-261-1792

If the complainant wishes to receive assistance in, changing academic, living, transportation, and work situations requesting these measures by the complainant and reasonably available. These requests will be considered by Dr. Zakiya Brown (students) or Ms. LaToya Douglas (employees) regardless of whether the complainant chooses to report the incident to law enforcement. Examples of potential remedial measures may include assistance in obtaining institutional no contact directive and/or changing living location, transportation, parking location, or class schedules to reduce the chance of continued contact with the alleged offender.

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**Legal Rights and Options**

The university 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**

If a person wishes to report an incident that involves another student or employees in a learning environment that potentially violates the Student Code of Conduct, please use our online Title IX Report Form to submit your concern at <https://www.pvamu.edu/titleix/reporting/>. To learn about OTIXC and the process, please visit the OTIXC (<https://www.pvamu.edu/titleix/>) and PVAMU Student Handbook (<https://www.pvamu.edu/sa/wp-content/uploads/sites/77/PVAMU-Code-of-Student-Conduct.pdf>) or contact the OTIXC at 936-261-2166 located in M.T. Harrington Science Building, Suite 311 or by email [TitleIXteam@pvamu.edu](mailto:TitleIXteam@pvamu.edu).

Once an incident is reported to the OTIXC, OTIXC will conduct a preliminary assessment to decide whether the OTIXC has jurisdiction to investigate. The TIXC will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient, the TIXC, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and:

1. Dismiss it as baseless;
2. Close it for insufficient information to investigate or lack of jurisdiction;
3. Refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing; or,
4. With the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution.

If the information is sufficient, the TIXC will designate an Investigative Authority (IA) within five (5) business days after the complainant signed a formal complaint form and forward the complaint in order to proceed with the investigation. When a complaint involves the designated university officials, the investigation of such a complaint will be transferred to another administrator designated by the President.

The OTIXC will provide written notification to the complainant(s) and the respondent(s) of:

1. Receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01 Civil Rights Compliance;
2. The appointed investigative authority;
3. The appointed designated administrator;
4. Interim protections imposed, if any; and,
5. Admonishments regarding cooperation and prohibiting retaliation.

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking (prohibited conduct) are provided a prompt, fair, and impartial process from the initial investigation to the final result, including any appeals. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 business days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. They are consistent with the institution's policies and transparent and equitable to the complainant and respondent. The adjudication process provides that:

- Parties may bring an advisor of their choice to any related meeting or proceeding during the investigation process.



- 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.
- During the investigation, the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- During the investigation, the advisor may not represent the party or inhibit a meeting.
- Following fact-finding, the parties will have the opportunity to review the draft investigation report and submit responses.
- The investigator will review any submitted responses to the investigation and develop a final report, with a review by SECO and OGC. Once finalized, the investigator will submit final report and exhibits to the designated administrator.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
- The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.
- At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The TIXC, Investigators, Designated Administrators, Informal Resolution Facilitators and Appellate Authorities receive annual training regarding university rules, administrative procedures, state law, handling of civil rights investigations, conducting fair and impartial investigations, trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process. All trainings attended by those involved in the Title IX investigation and adjudication process are listed on the OTIXC website.

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 OTIXC, 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 OTIXC, 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, OTIXC 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 by signing a formal complaint. OTIXC may not proceed with an investigation without a signed formal complaint. The TIXC may choose to sign a formal complaint themselves.

- 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 university rules or administrative procedures, system policies or regulations, or codes, OTIXC 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 OTIXC dismiss a complaint, without Title IX resolution of the allegations, 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. OTIXC 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 dismissal, the university may close the matter with no action taken, refer the matter to another university office or 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 OTIXC 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.

### **Informal Resolution**

In order to consider an informal resolution of sex discrimination under Title IX, a formal complaint must be submitted in the manner described in PVAMU Rule 08.01.01.P1. An informal resolution is an option

only until initiated final decision has been rendered. Parties may request an informal resolution at any point prior to the determination of a final decision.

If either party requests an informal resolution meeting during the formal complaint, the university will seek to honor the request, and will notify the Pre-Hearing Coordinator (PHC) who will meet with parties to see if an informal resolution can be agreed upon. The PHC will meet with both parties and go over what possible outcomes can occur during the informal resolution and what outcomes are the complainant is comfortable with during the informal resolution meeting. Informal resolution will not impede the university's ability to enhance the safety and security of the complainant and the university community. The TIXC must agree, in consultation with SECO and OGC, that informal resolution is appropriate in each instance.

To initiate the informal resolution process, both parties must consent in writing to the investigator, the administrative hearing officer, or the TIXC. The PHC will notify both parties in writing of the decision regarding whether the university will initiate an informal resolution meeting.

If the parties reach a resolution and agreement during the informal resolution process, each party will waive their option and right to appeal a decision arising from the same alleged incident. One or both parties may submit a subsequent complaint regarding another party's failure to abide by any conditions established in the agreement. An informal resolution offer may be withdrawn by either party or the university prior to a final agreement. PHC will notify both parties in writing if the informal resolution is withdrawn.

### **Formal Resolution**

The allegations will be considered for investigation, after the formal complaint has been signed by the complainant, pursuant to the following procedures. OTIXC reserves the right to dismiss a complaint 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, OTIXC may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute prohibited conduct; and,
- An assessment of whether a complainant's request for dismissal or informal 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, OTIXC may, after consultation with SECO and 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 the formal complaint has been signed by the complainant, it has been determined that the university will proceed with a formal investigation, OTIXC will appoint the 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.

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), informal resolution(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,
- In the case of an employee respondent, 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.

OTIXC 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, OTIXC shall notify, in writing, the respondent's department head and/or Vice President, that OTIXC 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 OTIXC;
- 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;
- Failure of a witness to appear for a meeting with the IA (student witnesses may decline to provide information but must appear for the meeting);
- 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 party may provide letters or other written testimonials 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 administrative 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 university will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. 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. Students must have an advisor during administrative hearings. If a student does not have an advisor for an administrative hearing, the university will provide them with an advisor. The advisor may be any person selected by a party, including legal counsel. Restrictions regarding the extent to which the

advisor will participate in the proceedings may be established and applied equally to both parties. Except for the administrative hearing, 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. During an administrative hearing, any cross-examination of the opposing party and/or witnesses must be conducted by a party's advisor. 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, OTIXC 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 discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. If an IA determines that a party's submitted information is not relevant to the investigation, the IA will notify the party in writing. The party may then rebut the IA's decision; the ultimate decision regarding relevance during the investigation lies within the discretion of the IA. 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. The parties will be given the opportunity to review the draft investigation report and may submit responses in writing to the IA before the investigation report is finalized.

Whether or not criminal charges are filed, the university or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):



## Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

Following an investigation of alleged sexual harassment under System Regulation 08.01.01, the DA in Title IX cases will conduct an **administrative hearing**. If the parties agree to resolve a matter prior to the administrative hearing, they may do so in an **administrative conference or other informal resolution** with an Informal Resolution Facilitator (IRF).

- In an Administrative Hearing, the DA will hear cases involving alleged violations of System Regulation 08.01.01 and other university rules (when applicable). The administrative hearing is not analogous to a criminal trial. The focus of inquiry in disciplinary proceedings shall be deciding whether the party violated a university rule or policy. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the party results.
- The Administrative Conference is a voluntary meeting between the complainant, the respondent, and a university official who conducts the conference. The Administrative Conference occurs prior to a formal hearing. The purpose of the conference is to determine whether an agreed resolution of the complaint (including sanctions, if applicable) may be reached. Agreed sanctions, if any, must be in compliance with the sanctioning requirements noted in System Regulation 08.01.01. If an agreement is reached, the university official will draft a Voluntary Written Resolution of the Complaint Without a Hearing (“Voluntary Resolution”) which will be signed by the parties and the university official. A party may withdraw from the conference without reaching an agreement at any time prior to signing the Voluntary Resolution. If a party withdraws prior to signing the Voluntary Resolution, neither the university nor the other party may introduce any information shared at the Administrative Conference unless such information was previously documented in the Investigation Report or can be presented by an independent source.

### 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 in a formal hearing 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 university 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 hearing officer or hearing panel then considers various sanctions under the following guidelines.

Please note that this guide is a model for member universities to employ and/or adapt as outlined in The Texas A&M University System Regulation 08.01.01. It is not intended to be utilized without appropriate training from the System Ethics and Compliance Office (SECO) or other qualified professionals.

#### 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.

Note that these factors are not necessarily treated equally, and not all will be relevant in each case. For example, the nature of the offense may be deemed so severe that it may outweigh other factors, or a student with a lengthy disciplinary record may be removed from a university for what might otherwise be deemed a relatively minor offense. Hearing officers and hearing panels must carefully scrutinize what factors are most compelling when determining sanctions.

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?

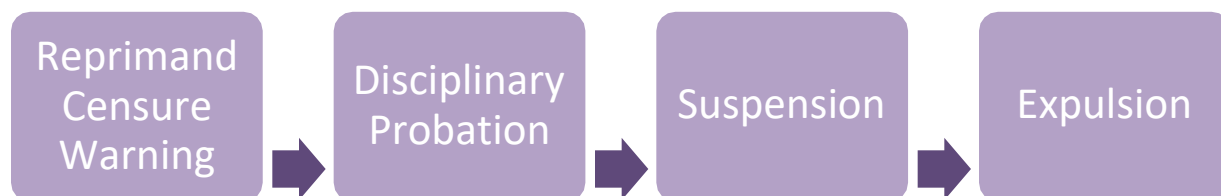
As a university with a primary mission of educating its community, the creation of learning outcomes from the answers to these questions should drive the imposition of both inactive and active sanctions.

#### 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:



##### *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

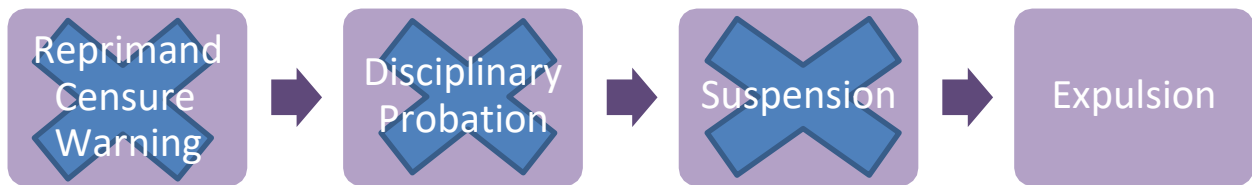
The following sanctions are deemed to be appropriate minimum sanctions:

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

Examples:

- Dating and domestic 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

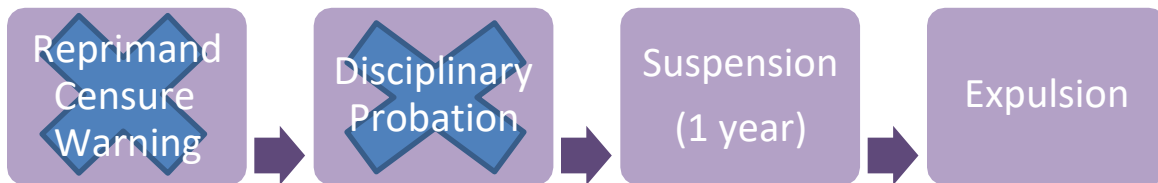
Restriction from campus grounds and/or events.

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

Examples:

- Dating and domestic 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

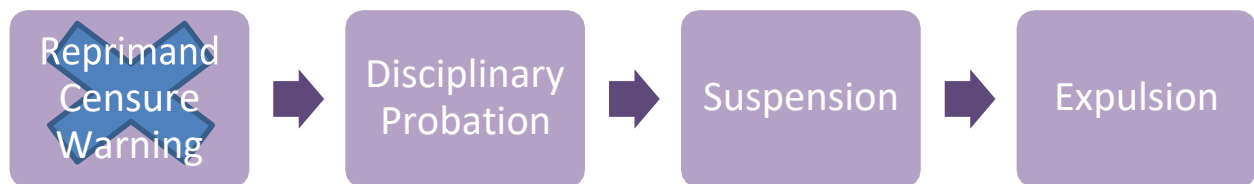
As appropriate for desired learning outcomes (based on the finding of fact)

**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 the finding of fact).

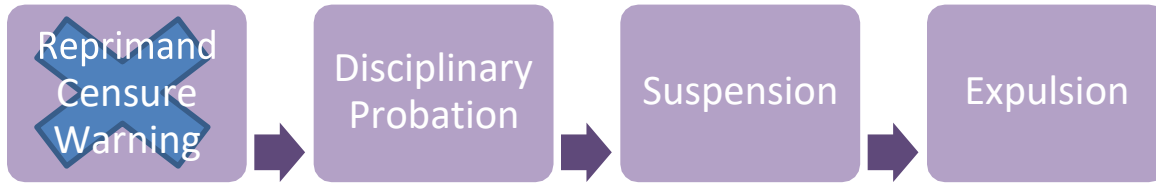
**SEXUAL EXPLOITATION**

Examples:

- Secretly videotaping 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

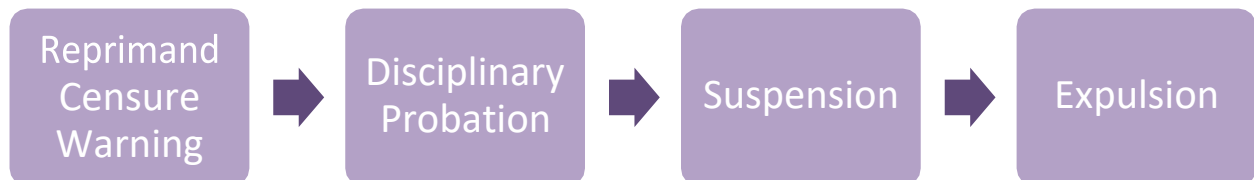
As appropriate for desired learning outcomes (based on the finding of fact).

### 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 the finding of fact).

### HARASSMENT OR MISCONDUCT BASED ON SEX

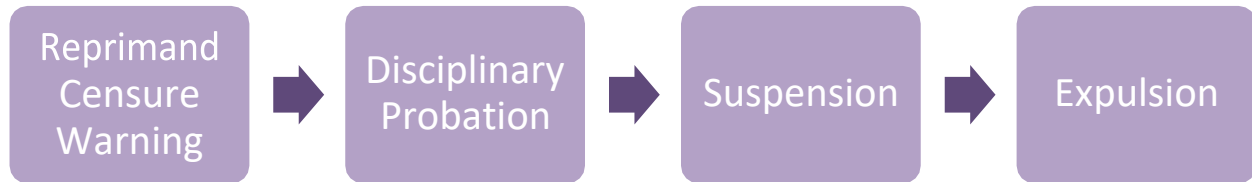
Examples:

- 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 the finding of fact).

#### **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 requests must be submitted in writing to the investigative authority or the designated administrator(s); and must include a statement outlining the basis for the appeal and any evidence, which supports the appeal. Only appeals that meet the following guidelines are applicable to appeal the decision and the sanction of the designated administrator: (a) A procedural irregularity that affected the outcome. (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the university's appeals form. (c) The TIXC, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome. (d) The appropriateness or severity of the sanctions.

Appeals requests must be submitted in writing to the IA or the DA within five (5) business days of receipt of the written decision or sanction letter to be appealed requests. 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 OTIXC by the party.

If no appeal is filed within the receipt of the DA's decision or OTIXC 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, OTIXC 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. OTIXC 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 OTIXC. 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 OTIXC. OTIXC 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 TIXC 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 TIXC 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.

### **HEOA 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.

### **Primary Prevention and Ongoing Awareness Programs**

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

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

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

- A statement that PVAMU prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).

- The definitions of domestic violence, dating violence, sexual assault, and stalking as defined by VAWA as well as Texas State Law.
- What behaviors and actions constitute consent to sexual activity in the State of Texas.
- PVAMU’s definition of consent and the purposes for which the definition is used.
- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs” elsewhere in this document);
  - How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - Options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

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 TIXC facilitates education with students, faculty, and staff on the role of Title IX at the university. In addition, the TIXC 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.

Specifically, the university offered the following primary prevention and awareness programs for all incoming students in 2022:

| Name of Program                | Date Held                           | Location Held               | Which Prohibited Behavior* Covered? |
|--------------------------------|-------------------------------------|-----------------------------|-------------------------------------|
| Sexual Assault Prevention      | Access granted when students enroll | Online via EverFi           | DoV, DaV, SA, S                     |
| Panther Camp Title IX Training | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |
| Bystander Intervention         | August 2022                         | Virtual                     | DoV, DaV, SA, S                     |
| Student Counseling and RSVP    | August 2022                         | Various Locations on Campus | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The university offered the following primary prevention and awareness programs for all new employees in 2022:

| Name of Program                          | Date Held   | Location Held        | Which Prohibited Behavior* Covered? |
|--|---|----------------------|-------------------------------------|
| Creating a Discrimination-Free Workplace | Access granted during employees’ respective start dates | Online via TrainTraq | DoV, DaV, SA, S                     |
| Sexual Harassment Prevention             | Access granted in January and August 2022               | Online via EverFi    | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means 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 engage 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.

- 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 Office 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 – National Human Trafficking Prevention Month

January – Stalking Awareness Month

February – Dating Violence Awareness Month

April – Sexual Assault Awareness Month

June – PTSD Awareness Month

October – Domestic Violence Awareness Month.

- 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.



The university offered the following ongoing prevention and awareness programs for students in 2022:

| Name of Program                                | Date Held                             | Location Held               | Which Prohibited Behavior* Covered? |
|--|---------------------------------------|-----------------------------|-------------------------------------|
| Relationship and Sexual Violence Support Group | Bi-weekly                             | Virtual                     | DoV, DaV, SA, S                     |
| Trauma Informed and Victim Centered Training   | Monthly                               | Virtual                     | DoV, DaV, SA, S                     |
| RSVP Student Advocacy Program                  | Weekly                                | Virtual                     | DoV, DaV, SA, S                     |
| Print Campaigns                                | Various Dates                         | Available Throughout Campus | DoV, DaV, SA, S                     |
| Adult Survivors of Sexual Violence             | 1/27/2021                             | Women’s Center              | SA                                  |
| Sexual Assault and Protocols Orientation       | 8/4/2021                              | Virtual                     | SA                                  |
| Domestic Violence and COVID-19                 | 8/14/2021                             | Virtual                     | DoV                                 |
| Mental Health and Sexual Assault               | 9/18/2021                             | Virtual                     | SA                                  |
| Domestic Violence Awareness Week               | October 13-15, 2021                   | Virtual                     | DoV, DaV, SA, S                     |
| Domestic Violence Awareness Month              | Various Dates Throughout October 2021 | Virtual                     | DoV, DaV, SA, S                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The university offered the following ongoing prevention and awareness programs for employees in 2022:

| Name of Program  | Date Held   | Location Held   | Which Prohibited Behavior* Covered? |
|--|---|-----------------|-------------------------------------|
| HRTA 1: Title IX – Preventing Sex Discrimination for Faculty & Staff | January, July, September, October and December 2022 | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX - Seeing the Signs: Recognizing Domestic Violence   | July, August, September, October 2022               | Online via Zoom | DoV, DaV, SA, S                     |
| HRTA 2: Title IX: Bystander  | July, August, September 2022                        | Online via Zoom | DoV, DaV, SA, S                     |

| Name of Program                          | Date Held | Location Held | Which Prohibited Behavior* Covered? |
|--|-----------|---------------|-------------------------------------|
| Intervention: Faculty & Staff Responders |           |               |                                     |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

## Bystander Intervention and Risk Reduction

### Bystander Intervention

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

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 Bystander Intervention Program called Be the One. The program is presented in August to all incoming first year students at Panther Camp. 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.

### Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems confused, disoriented, extremely intoxicated for the amount of alcohol they have consumed, or is acting out of character, escort them to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## 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.

## 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 for Clery Crime Statistics

The following information comes from a variety of sources, including the Department of Education's Handbook for Campus Safety and Security Reporting (2016); Uniform Crime Reporting Handbook; Sex Offenses definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program; and definitions of domestic violence, dating violence, and stalking adapted from the

amendments made to the Violence Against Women Reauthorization Act of 2013, and Texas statutes. The following definitions are used when preparing the annual disclosure of crime statistics.

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

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

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

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

**Dating Violence:** Violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Drug Law Violations:** Violation of state and local laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drugs or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. For Clery Act purposes, hate crimes include any of the following offenses that are

motivated by bias: Murder and non-negligent manslaughter, sexual offense (rape, fondling, incest, and 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.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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.

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



**Location of Crime:**

- **On-campus:** 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 Facility (Residential Facility):** Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. For students on campus is a subset of the "On-Campus" category.
- **Non-campus Property:** Any building or property owned or controlled by 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.

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

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

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

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

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

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

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

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) Fear for the person's safety or the safety of others, or B) Suffer substantial emotional distress. For the purposes of this definition:

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

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

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

**Weapon Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**PVAMU Northwest Houston Center - Reportable Crimes 2020-2022**

| <b>Offense</b>   | <b>Year</b> | <b>On Campus Property</b> | <b>Residential Facilities (Subset - On Campus)</b> | <b>Non-Campus Property</b> | <b>Public Property</b> |
|--|-------------|---------------------------|--|----------------------------|------------------------|
| Murder / Non-negligent Manslaughter                                    | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Manslaughter by Negligence   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Rape   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Fondling   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Incest   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Sex Offenses, Statutory Rape   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Robbery  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Aggravated Assault   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Burglary   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Motor Vehicle Theft  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Arson  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Domestic Violence  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Dating Violence  | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Stalking   | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Illegal Weapons Possession Arrests                                     | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |
| Illegal Weapons Possession Violations Referred for Disciplinary Action | 2020        | 0                         | N/A  | 0                          | 0                      |
|  | 2021        | 0                         | N/A  | 0                          | 0                      |
|  | 2022        | 0                         | N/A  | 0                          | 0                      |

| <b>PVAMU Northwest Houston Center - Reportable Crimes 2020-2022</b> |             |                           |  |                            |                        |
|---|-------------|---------------------------|--|----------------------------|------------------------|
| <b>Offense</b>  | <b>Year</b> | <b>On Campus Property</b> | <b>Residential Facilities (Subset - On Campus)</b> | <b>Non-Campus Property</b> | <b>Public Property</b> |
| Drug Law Arrests  | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Drug Law Violations Referred for Disciplinary Action                | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Liquor Law Arrests  | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |
| Liquor Law Violations Referred for Disciplinary Action              | 2020        | 0                         | N/A  | 0                          | 0                      |
|   | 2021        | 0                         | N/A  | 0                          | 0                      |
|   | 2022        | 0                         | N/A  | 0                          | 0                      |

Statistics were requested from local law enforcement agencies. However, they 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.

**Hate Crime Reporting**

2022: No hate crimes reported.  
 2021: No hate crimes reported.  
 2020: No hate crimes reported.

**Unfounded Crimes**

Unfounded Crimes are those that a commissioned peace officer has investigated and found to be false or baseless.  
 2022: No unfounded crimes.  
 2021: No unfounded crimes.  
 2020: No unfounded crimes.