

# Texas A&M University-San Antonio

## 2023 Annual Security Report & Fire Safety Report



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

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The men and women of the Texas A&M University-San Antonio Police Department (A&M-SA PD) are committed to ensuring that our students, faculty, staff, and guests enjoy a safe working and learning environment. This Annual Security Report & Fire Safety Report contains critical information you should familiarize yourself with about campus safety and security. Described in detail is our law enforcement arrest authority; our crime reporting policies, procedures & responses; our working relationships with state and local police; our encouragement of prompt reporting of crimes; and access control procedures. Additionally, there is information concerning drug and alcohol abuse prevention, weapons on campus and sexual assault, stalking, and domestic and dating violence information.

This report contains data about crime statistics for the three previous calendar years, detailing the reported crimes that occurred on the A&M-SA Main Campus and support facilities to include property owned or controlled by the university and on public property or property immediately adjacent to and accessible from the campus. This information is required by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Reauthorization Act and is provided by A&M-SA PD.

We also welcome you to browse our web site at <http://www.tamusa.edu/upd/> to send us your questions and feedback so that we may provide you with the best service possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Davidson'.

Ron Davidson, MS  
Chief of Police

# 2023 Annual Security and Fire Safety Report

*(Known as the Clery Compliance Report)*

The Texas A&M University-San Antonio 2023 Annual Security and Fire Safety Report (AS&FSR) is designed to provide important information about safety on our campus. This report contains information on the resources and services available to faculty, staff, and students of Texas A&M University-San Antonio. It also contains statistics about certain crimes that were reported to have happened on our campus and adjacent public property and at any non-campus locations owned or controlled by the university that are used for educational purposes. These statistics were gathered for the three previous calendar years (2020, 2021, and 2022).

It is important to stress that our campus is safe. However, you are encouraged to be aware of your personal safety and security and to be responsible for your actions while on campus. Texas A&M University-San Antonio has many programs and procedures in place to contribute to a safe campus environment, and you are encouraged to become familiar with them and review them regularly.

- Daily Crime Log
- Fire Log
- Timely Warnings
- Crime Prevention Tips
- Classroom Call Boxes
- Parking Lot Blue Lights

Your safety is very important to us. If you notice any suspicious, dangerous, or illegal activities on campus, please notify the **A&M-SA PD at (210) 784-1900 (non-emergency) or in an emergency 911 on campus phones and (210) 784-1911 (on your cell)** as soon as possible for investigation and resolution.

## Contact Information

### For Campus Emergencies

A&M-SA PD Emergency Number (24/7)  
Facilities Services  
Safety and Risk Management  
Emergency Management

911 (campus phones)  
(210) 784-1911 (Cell)  
(210) 784-2100  
(210) 784-2028  
(210) 784-1907

### Campus Numbers

A&M-SA PD Dispatch Non-Emergency Number  
Enrollment Services Center  
University Library  
ITS Helpdesk

(210) 784-1900  
(210) 784-1300  
(210) 784-1500  
(210) 784-4357



## SafeZone App

SafeZone is a free app for all university faculty, staff, and students. The app connects you directly to A&M-SA PD when there is an emergency on campus, 24 hours a day and seven days a week. When you trigger the icon, you are connected to dispatch. At the same time, police officers are notified in the field on their phones, and the closest one will head to your location. Dispatch gathers more information and relays it to the officer. It is easy and available for iPhones and Android devices. Registration is only possible with your A&M-San Antonio email address.

Sign Up Now!

Download the app from your app store or search for SafeZone.

[iOS App Store](#) (Apple)

[Google Play](#) (Android)

## Preparing the Annual Security and Fire Safety Report

This Annual Security and Fire Safety Report (AS&FSR) is compiled and prepared by the A&M-SA PD in cooperation with many campus departments, including:

- Campus Security Authorities (CSAs)
- Office of Student Rights and Responsibilities
- Title IX Coordinator
- Office of Student Success and Engagement

Crime and disciplinary referral statistics are collected from the above groups, while statistical information for activity that occurs off campus is obtained from the San Antonio Police Department and other local and out of state law enforcement agencies. For purposes of making timely warning reports and the annual statistical disclosure required under the Clery Act, the campus community should report crimes to either the A&M-SA PD or a Campus Security Authority (CSA).

## Law Enforcement Authority

The A&M-SA PD is the primary respondent for campus emergencies and reports of criminal activity on campus. A&M-SA PD has primary jurisdiction for all law enforcement matters occurring on campus. The defined patrol area includes all university properties within university boundaries and public streets adjacent to the university. At this time, there are no off-campus locations for student organizations. A&M-SA PD officers derive their authority under the Texas Education Code Section 51.203: Campus Peace Officers. A&M-SA PD officers are fully certified by the State of Texas with full arrest powers.

A&M-SA PD does not employ non-commissioned security officers. Jaguar Patrol is composed of student employees of the police department. Jaguar Patrol assists with several safety programs at A&M-SA, from motorist assists to escorts and parking enforcement. Jaguar Patrol does not have arrest authority. At times, A&M-SA PD supplements its staff to support events with officers from other agencies who have arrest authority under mutual aid

agreements. The university may occasionally provide event staff that are exclusively crowd management and do not have arrest authority. Such event staff and Jaguar Patrol are provided information and training as Campus Security Authorities.

## Law Enforcement Training

Texas A&M University-San Antonio police officers attend the Sexual Assault Family Violence Investigators Course (SAFVIC). This course is specifically designed to provide law enforcement officers with the tools they need to effectively investigate and prevent sexual assault and family violence. The curriculum covers crucial aspects for law enforcement's response to these crimes, as well as the creation and use of community-based resources to assist law enforcement's efforts.

## Law Enforcement Partnerships

A&M-SA PD regularly works with state and local police agencies (City of San Antonio Police Department, Bexar County Sheriff's Department), resulting in the university's awareness of criminal activity perpetrated beyond the campus. The A&M-SA PD currently has a mutual aid agreement in a Memorandum of Understanding with the San Antonio Police Department. Crimes are investigated by the A&M-SA PD but depending on the nature and severity of the crime, other agencies can be contacted to assist in the investigation. A&M-SA PD also requests that local law enforcement keep us informed of crimes which may require timely warnings and incidents which require emergency notifications.

## Missing Student Notification and Emergency Contact Registration

In the event that a member of the campus community has reason to believe that a Texas A&M University-San Antonio student is missing, they must immediately notify the A&M-SA PD at (210) 784-1900. Missing student reports can be made to any CSAs (Campus Security Authorities – see page 11 for more information on CSAs) and all members of A&M-SA PD. A&M-SA PD will generate a missing person report and initiate an investigation.

Students in housing are given the option to identify an emergency contact person at the time of registration who the university will notify if the student is determined to be missing. Students who live in campus student housing, regardless of age, may register one or two individuals to be a contact strictly for missing person purposes. This contact information is kept confidential and is accessible only to the A&M-SA PD and authorized campus officials, and it will not be disclosed outside of a missing person investigation. The contact information will be used to assist in locating a missing student and/or to make notifications to the designated emergency contact person within 24 hours from the time the student was determined to be missing.

If the investigation determines that the student has been missing over 24 hours, then within the next 24 hours, the university will:



- 1) Notify the listed emergency contact of the missing student;
- 2) Notify a parent or guardian if the missing student is under 18 years of age and not emancipated; and
- 3) Notify local law enforcement agencies.

## Reporting Crimes

**Texas A&M University-San Antonio**  
**One University Way, San Antonio, Texas 78224**

Texas A&M University-San Antonio encourages accurate and prompt reporting of all crimes to A&M-SA PD, although employees may not notify law enforcement of alleged incidents of sexual assault, domestic or dating violence, or stalking without the permission of the victim, unless the victim is unable to contact law enforcement themselves. Employees who witness or receive information about an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking involving a current student or employee must notify the Title IX Coordinator at (210) 784-2061, [titleix@tamusa.edu](mailto:titleix@tamusa.edu), CAB 439K 4. Reports to the Title IX Coordinator must include all relevant information about the incident.

Members of the campus community, including students, faculty, staff, and third parties, who observe criminal activities and other emergencies occurring on campus, with the exception above, should contact A&M-SA PD immediately by dialing 911 from any campus telephone or by dialing (210) 784-1911 from your cell phone. The SafeZone App is also available to contact A&M-SA PD for emergencies, as well as police officers on patrol or in our on-campus A&M-SA PD offices. While A&M-San Antonio has identified numerous Campus Security Authorities, we officially designate the following offices as places where campus community members should report crimes:

Director of Student Housing	(210) 784-1717
Office of Student Rights and Responsibilities	(210) 784-1353
Title IX Coordinator	(210) 784-2061
A&M-SA PD	(210) 784-1900 (non-emergency) (210) 784-1911 (emergency)

To report a non-emergency security or public safety-related matter, call the A&M-SA PD at (210) 784-1900. Officers are available 24 hours a day to answer calls.

In response to the reporting of a crime, the A&M-SA PD will take the following actions as necessary:

- Dispatch police, fire, and/or medical assistance as needed to the scene of the incident; if it is a non-emergency, ask the victim to report the incident to the A&M-SA PD office;
- Investigate and/or assist allied agencies regarding the situation;
- Take appropriate actions to identify, apprehend, and submit for prosecution to the

- courts the responsible person(s).
- Notify or request assistance from other law enforcement agencies and/or other allied agencies as appropriate;
  - Document occurrences and/or take appropriate action and/or notify appropriate agency/departments. All student-related A&M-SA PD incidents are forwarded to the Office of Student Success and Engagement for review and possible disciplinary action. A&M-SA PD will investigate a report when it is deemed appropriate. Additional information obtained during the investigation will also be forwarded to the Office of Student Success and Engagement.

Incidents that may or may not be crimes should be reported to any Campus Security Authority at Texas A&M University-San Antonio. This includes the Office of Student Success and Engagement.

## Victim or Witness Voluntary/Confidential Reporting

If you are the victim of or witness to a crime and do not want to pursue action within the university disciplinary system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the chief or a designee of A&M-SA PD can file a report on the details of the incident without revealing your identity beyond its reporting to the Title IX Coordinator, if applicable. The purpose of a confidential report is to comply with your desire to remain anonymous while taking steps to ensure the future safety of yourself and others. The university will take all reasonable steps to respond and investigate consistent with the request, so long as doing so does not prevent the school from responding effectively and preventing future crimes against other students or members of the university community. The university cannot guarantee total anonymity. With such information, the university can keep an accurate record of the number of incidents involving students; determine when and where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Victims may request that directory information on file with the university be withheld by request to the [Registrar's Office](#) at 210-784-1300 or at this link: [Request to Restrict Directory Information](#).

Regardless of whether a victim has opted-out of allowing the university to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as private 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, including accommodations and protective measures, to the extent that maintaining such privacy would not impair the ability of the institution to provide the support and protective measures.

The university does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus

Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

## Campus Security Authority

Although the reporting of criminal activity directly to the A&M-SA PD is encouraged, crimes may also be reported to a Campus Security Authority (CSA). The definition of “Campus Security Authority,” according to federal law, is as follows:

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

Campus Security Authorities are responsible for forwarding non-identifying information to the A&M-SA PD for inclusion in the annual security report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges. Please be aware that information forwarded by a CSA is for statistical purposes only.

When a CSA is notified of a crime or an incident that may be a crime, and there is little or no reason to doubt the validity of the information, the CSA must record the information on a Campus Security Authority Form and submit the report to the A&M-SA PD in a timely manner to determine if a timely warning should be issued or not.

## Pastoral and Professional Counselors

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

All reported crimes will be taken seriously, even if anonymous or reported confidentially. Crimes occurring off campus should be immediately reported to the appropriate law enforcement agency.

## Security and Access to Campus Buildings and Grounds

### A&M-SA Campus

During business hours, the university will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all university facilities is by admittance via the A&M-SA PD or by identification card if individual has been given access. The hours below are when classes are in session.

- Monday through Friday: 8 a.m. to 10 p.m.
- Saturday: 8 a.m. to 6 p.m.
- Sunday: 1 p.m. to 9 p.m. (library open)

Certain doors on the Main Campus have been identified as “late hour entry” and are equipped with a security card reader system. Swipe your ID card on the card reader and the door will open if you have proper clearance. Students have 24/7 card access to the student computer lab in the Central Academic Building.

University buildings and grounds are inspected and maintained with concern for security and safety (e.g., broken windows, functionality of building locks, lights not working properly). The A&M-SA PD also receives information from the campus community regarding damaged roadways and the overgrowth of shrubbery and other areas in need of repair. During their patrols, officers will report facility security and safety concerns/deficiencies observed, and this information is forwarded to Facilities Services in a timely manner for follow-up. Anyone aware of a hazardous situation in any building or on the campus grounds should notify Facilities Services at (210) 784-2100 or A&M-SA PD at (210) 784-1900 so repairs can be made promptly.

### Esperanza Hall

Esperanza Hall is a secure housing facility that provides access to its professional staff members and residing students only through use of an electronic FOB access key. Students are encouraged to keep their doors locked for their own personal safety. There are two main entry ways into the residence hall, one on the front side (adjacent to Patriots’ Casa) and one on the backside. These main entryways are located in the middle of the building. The main entry doors are locked at all times (24/7). Five additional exits are located throughout the hall at stairwells and two additional locations. The exterior stairwell doors are secured at all times. Resident Assistants and staff will be available at the main front desk from 8:00 a.m. – 10:00 p.m., Monday – Friday and from 10:00 a.m. – 2:00 p.m. on Saturdays.

When students lock themselves out of their assigned apartment, Resident Assistants may be contacted to grant students access to their rooms. A&M-SA PD does not unlock doors in student housing. Residents are encouraged to report all suspicious persons to the Esperanza Hall staff or the A&M-SA PD. For more information regarding housing, call the Director of Student Housing at: (210) 784-1405.

Esperanza Hall will provide secure services to all students residing in the facility. When staff are ready to address any maintenance or service requests, they will properly announce

themselves when entering a resident unit, complete the necessary items requested, and leave a courtesy card when appropriate. Students will also be notified in advance by professional staff when monthly inspections, fire drills, routine facility maintenance tasks, and other emergency items are being scheduled.

## Campus Crime Statistics

### The Annual Disclosure of Crime Statistics

Each year, A&M-SA PD, in collaboration with the Office of Student Success and Engagement, the Office of Student Rights and Responsibilities, the Title IX Coordinator, and Campus Security Authorities, prepares an Annual Security & Fire Safety Report (AS&FSR) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding the main campus and alternate sites. Crime statistics are included in the report. Campus crime, arrest, and disciplinary referral statistics include those reported to A&M-SA PD and/or designated campus officials.

Each year, an email is sent to all students and employees providing notification of the availability of this report. Prospective employees can reference the AS&FSR via our Human Resources employment website. Anyone, including prospective students and employees, may obtain a copy of the report at the A&M-SA PD office located in Police Modular Building or by visiting <https://www.tamusa.edu/about-us/campus-information/safety/university-police-department/documents/annual-security-report.pdf>.

A link to the Annual Security and Fire Safety Report is included on the footer of the tamusa.edu website. Information regarding the availability of the report and website location is included during student orientation and other campus presentations and published in the current Student Handbook.

### Reporting Requirements

An institution must report statistics of the following crimes that occurred on campus, on related non-campus property, and on adjacent public property adjacent to campus:

- Murder/Non-negligent Manslaughter
- Manslaughter by negligence
- Sexual Assault - Rape, Fondling, Incest, and Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Additionally, statistics are provided for the following:

- Violence Against Women Act (VAWA) Offenses: domestic violence, dating violence, stalking, and sexual assault. Hate Crimes: Any of the above-mentioned offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias; and
- Arrests and Referrals for Disciplinary Action for Weapons (Carrying, Possessing, etc.), Drug Abuse violations, and Liquor Law violations.

## Daily Crime Log

The A&M-SA PD provides a daily crime log within their patrol jurisdiction for the previous 60 days. The log includes the nature of the crime, the date and time the crime occurred and the general location and disposition of the complaint, if known. This log is available to any member of the public upon request. Any portion of the log older than 60 days will be made available within two (2) business days of a request for public inspection.

According to federal law, an institution may withhold any of the required fields of entry in the crime log (e.g., the nature, date, time, location, and/or disposition of a case), if any of the following conditions apply:

- The disclosure is prohibited by law;
- The disclosure would jeopardize the confidentiality of the victim;
- The disclosure would jeopardize an ongoing criminal investigation or the safety of an individual;
- The disclosure would cause a suspect to flee or evade detection; and/or
- The disclosure would result in the destruction of evidence.

## Hate Crimes and Hate Incidents

“Hate violence” is defined as any act of physical intimidation, physical harassment, physical force, physical violence, or the threat of physical force or violence that is directed against any person or group of persons because of the actual or perceived ethnicity, race, national origin, religion, sexual orientation, gender, gender identity, or disability of that person or group. The university and the A&M-SA PD will not tolerate hate violence and are dedicated to ensuring all persons are protected regardless of their race, national origin, religion, sexual orientation, gender, gender identity, or disability. In furtherance of this mission, all "hate" crimes and incidents will be thoroughly documented, investigated, and assigned to the courts for possible prosecution. Students are encouraged to promptly report these types of incidents to A&M-SA PD at (210) 784-1900 and the Office of Student Success and Engagement (210) 784-1330.



## Crime Definitions (as defined by the Clery Act)

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

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

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

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

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe bodily injury, usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm, although it is not necessary that physical injury actually occur.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft; it 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.

**Arson:** The willful and malicious burning of another's property.

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

**Weapon Law Violations:** Violations of laws dealing with weapons offenses, such as the unlawful manufacture, sale, possession, and carrying of deadly weapons.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, cultivation, and manufacturing of narcotic drugs and dangerous non-narcotic drugs.

**Liquor Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, and possession of intoxicating liquor. (Drunkenness and driving under the influence are not included in this definition).

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

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based 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 people 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.

**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.
- A 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.

**Location of Crime:**

- *On campus:* Anywhere on the university campus. It includes all properties owned by the university and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, or reasonably contiguous to the area and owned by the university but controlled by another person and is frequently used by students and supports the institutional purpose.
- *Non-campus Property:* A building or property owned or controlled by the institution in direct support of or in relation to the institution's educational purposes; it is frequently used by students and is not within the same reasonably contiguous geographic area of the university or is owned or controlled by a student organization that is officially recognized by the university.

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



## Annual Crime Statistics

Main Campus, One University Way, San Antonio, Texas 78224

Offense (Reported By Hierarchy)	Year	On Campus	On Campus Student Housing	Non- Campus	Public Property	Total	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	1	1	0	0	1	0
Aggravated Assault	2022	0	0	0	0	0	0
	2021	1	0	0	0	1	1
	2020	0	0	0	0	0	0
Burglary	2022	4	4	1	0	5	0
	2021	1	1	0	0	1	0
	2020	4	4	0	0	4	0
Motor Vehicle Theft	2022	0	0	10	0	10	0
	2021	0	0	7	0	7	0
	2020	0	0	0	0	0	0
<b>Sex Offenses</b>							
Rape	2022	1	1	1	0	2	0
	2021	0	0	1	0	1	0
	2020	1	1	0	0	1	0
Fondling	2022	1	1	0	0	1	0
	2021	1	1	0	0	1	0
	2020	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<b>Arrest and Referred for Disciplinary Action</b>							
Liquor Law Arrests	2022	5	5	0	0	5	0
	2021	1	0	1	0	1	0
	2020	0	0	0	0	0	0
Drug Law Arrests	2022	4	4	0	5	9	0
	2021	2	1	0	1	3	0
	2020	1	0	0	4	5	0
Weapons Law Arrests	2022	1	0	0	0	1	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	8	8	0	0	8	0
	2021	9	5	4	0	9	0
	2020	8	8	0	0	8	0
Drug Law Violations Referred for Disciplinary Action	2022	2	1	0	0	2	0
	2021	7	3	0	0	7	0
	2020	2	1	0	0	2	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0

Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	On Campus Student Housing	Non- Campus	Public Property	Total	Unfounded Crimes
Arson	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<b>Violence Against Women Act</b>							
Domestic Violence	2022	1	1	0	0	1	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Dating Violence	2022	1	1	0	0	1	0
	2021	1	1	0	0	1	0
	2020	0	0	0	1	1	0
Stalking	2022	3	1	0	2	3	0
	2021	5	1	1	0	6	0
	2020	1	0	0	0	1	0

<b>Hate Crime Statistics for Main Campus</b>		
2022	0	<b>Reportable hate crimes (motivated by bias) are:</b> All Clery Crimes, except Negligent Manslaughter, as well as theft, simple assault, intimidation, and destruction/damage/vandalism of property. <b>The categories are:</b> Race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.
2021	0	
2020	2	

2020: Two instances of hate crimes (intimidation) categorized by race bias were reported to have occurred at on-campus geography.



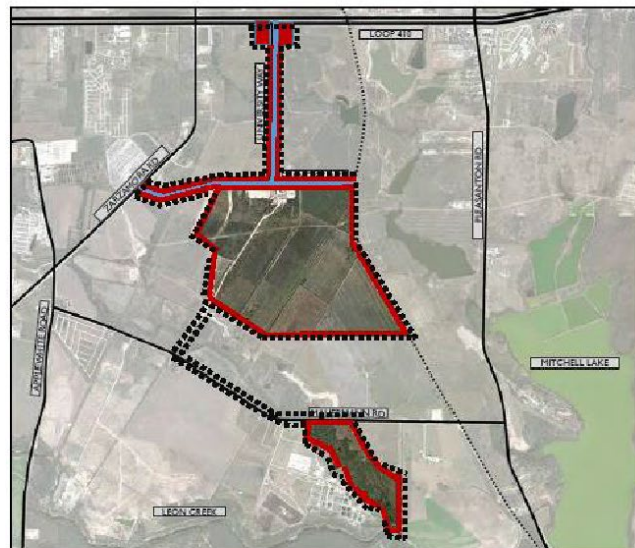


# Clery Geography and Patrol Jurisdiction Maps

- Public Property Boundary
- Campus Property Boundary
- Campus Buildings
- Campus Residence Hall



- Public Property Boundary
- Campus Property Boundary
- - - - Patrol Area





# Crime Prevention and Security Awareness Programs

## Sex Offender Registration

The [Campus Sex Crimes Prevention Act \(CSCPA\) of 2000](#) is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. In accordance with this act, the A&M-SA PD is providing the following link to the Texas Department of Public Safety site for registered sex offenders:

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

## Security Awareness Programs

During orientation activities held for new students, they are informed of services offered by the A&M-SA PD. A crime prevention table is set up at all information fairs during orientations to distribute brochures and discuss security, safety, and recent crime on campus. Similar information is presented to new employees. The Annual Security and Fire Safety Report detailing crime statistics and recommended practices for personal safety is made available at this time. Each year, the Annual Security and Fire Safety Report is published, and the campus community is notified of this through email. Periodically during the academic year, the A&M-SA PD, in cooperation with other university organizations and departments, presents crime prevention awareness sessions on such topics as sexual assault (rape and acquaintance rape), drug and alcohol use, theft prevention, Safety Begins with You (topics cover stalking, sexual assault, bystander intervention, domestic violence, dating violence, protective orders, and safety on and off campus), CRASE (Civilian Response to Active Shooter Events), and personal safety.

A common theme of awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and to be concerned for the safety of others.

The A&M-SA PD has a crime prevention program that assists the university community to reduce their risk of becoming a crime victim. The crime prevention officer is a certified crime prevention specialist who has had specific training in crime prevention.

- **Safety Awareness Resources:** Brochures are available through the A&M-SA PD which provide additional information on theft prevention, carjacking, vehicle burglary prevention, Operation Identification, identity theft, stalking, dating violence, domestic violence, domestic violence safety plan, sexual assault, bystander intervention, the Office of Victim Services, and crime victims' information. The university's Emergency Action Plan is available to the campus community through the Office of Emergency Management regarding procedures for emergency evacuation and responding to fires, earthquakes, hurricanes, serious injury, bomb threats, hazardous material leaks, and violent crimes.

- **A&M-SA PD Escort:** A&M-SA PD provides our campus community an escort to their vehicle when personal safety is of concern by contacting police dispatch at (210) 784-1900. This is provided seven days a week, 24 hours a day.
- **Emergency Blue Light Phones:** Emergency telephones are located on Main Campus. A&M-SA PD can be quickly contacted by pushing one button. These emergency phones are located in or near campus parking lots.
- **Motorist Assistance:** This service is available 24 hours a day to help motorists on campus with vehicle problems, such as keys locked in their vehicle and dead batteries. Please contact (210) 784-1900 for assistance.
- **Safety Begins With You:** This presentation is offered to the campus community the first part of each semester. It offers awareness and prevention information on home security, physical security, personal security, active shooter, Clery Act, Title IX, bystander intervention, sexual assault, stalking, and domestic and dating violence. This is offered at least twice a year in the Fall and Spring semester.
- **AWARE:** Assessing your surroundings While Remaining aware and being realistic about your Environment – learn personal awareness and basic self-defense skills.
- **Crime Statistics:** A&M-SA PD posts a daily log of crimes that occurred in our patrol district within the last 60 days, in addition to the annual crime statistics required by the Clery Act.
- **CRASE (Civilian Response to Active Shooter Events):** The CRASE class, built on the Avoid, Deny, Defend strategy developed by ALERRT in 2004, provides strategies, guidance, and a proven plan for surviving an active shooter event. Topics include the history and prevalence of active shooter events, the role of professional guardians, civilian response options, medical issues, and drills. This class is offered at least twice a year.
- **Operation ID:** Operation Identification (Operation ID) is a citizen's burglary prevention program for use in homes and businesses. The program involves marking property with an identifying number and recording serial numbers as a means of discouraging burglary and theft. It also provides police with a way to identify property should it be stolen and recovered. In communities where it has been properly implemented, Operation ID has shown dramatic results in burglary reduction. This service is offered throughout the year.
- **Crime Prevention Tables:** Throughout the year, crime prevention tables are set up on campus for new student orientations and special events. The crime prevention officer offers various brochures on safety on and off campus and how not to become a victim, and also provides crime statistics.

## Drills, Exercises and Training

The university conducts at least one emergency response exercise on campus annually, such as a tabletop exercise, active shooter drills, or fire drills, by using the JagE Alert system. Buildings are selected at random; an emergency drill notification is initiated and includes providing information on emergency response and evacuation procedures. These tests may be announced or unannounced. The JagE Alert system is tested at least monthly by either placing the system in “test mode” and documenting the test, or during a scheduled exercise. The drill is critiqued and an After Action Report (AAR) is generated. The AAR is retained for a minimum of (2) two years.

## Timely Warnings

In the event a situation arises on campus that in the judgment of the Chief of A&M-SA PD or designee constitutes a serious or continuous threat, a university-wide “timely warning” will be issued. The warning will identify the main building or area where the incident has occurred/is occurring. The alert will notify students, faculty, and staff, as reasonably and timely as possible, that an incident has occurred that may represent a serious or ongoing threat to the campus community.

The Office of the Chief of Police or designee prepares and distributes the alert. A&M-SA PD drafts an email containing the proposed timely warning and forwards it to the university’s Communications Office. This office reviews and revises the text as needed. If the Communications Office is not available, A&M-SA PD proceeds with issuing the timely warning to the university community as an email blast using the Jag-E Alert System in Outreach Mode (see more information about the Jag-E Alert under Emergency Notifications below). Updates to the A&M-SA community about any particular incident resulting in a timely warning may also be distributed electronically in the same manner. A&M-SA PD social media sites, university websites, and public university monitors may be used as well.

A timely warning may be issued for any qualifying incident as defined by the Clery Act that occurs within the university’s Clery geography and/or when a crime is reported to any campus security authority (CSA) which presents an immediate ongoing threat to the community.

The timely warning will withhold the names and other identifying information of victims as confidential. The university is not required to provide a timely warning for crimes reported to a pastoral or professional counselor.

**Anyone with information warranting a timely warning should immediately report the circumstances to the A&M-SA PD by phone at (210) 784-1900 (non-emergency), (210) 784-1911 (emergency), by using the SafeZone App, or in person at their office at Room 120, Frank L. Madla Building, One University Way, San Antonio, Texas, 78224.**

## Emergency Notifications

During an emergency situation, information will be released to the university community through the [JagE Alert System](#). This is a system that quickly notifies registered users of campus emergencies through text messages, emails, and/or voice mail alerts. Students may include several telephone numbers and email addresses, allowing notification to their parents and/or spouse as well. Because JagE Alert uses data provided by the students, it is the student's responsibility to ensure their contact information is current at all times.

In emergency situations, the campus can also use an outdoor speaker system that can broadcast direct commands and sounds to alert the campus to danger and to take necessary precautions.

The university is equipped with Mass Notification Systems, and in the event of an emergency, the university community may also be notified via external/internal audible alerts and visual alerts (flashing lights). Additionally, announcements can be made in buildings equipped with public address capability through the fire alarm system. These visual and audible alerts are located throughout the university campus and buildings. A warning will include a tone and a set of instructions indicating the type of emergency and the type of response to take depending on the situation. The Office of the Chief of Police or designee will determine when the emergency notification systems will be initiated. They will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Office of the Chief of Police or designee will, consistent with the university's Emergency Operations Plan, authorize immediate notification to the university community following confirmation by the Police Department of the threat, unless that notification is delayed for as short a time as possible if there is a professional determination by law enforcement that issuing a notice would put the university community at greater risk. The content of the initial notification will be determined by the Office of the Chief of Police or designee. It will be generic in nature to maintain campus safety while responding to, containing, and/or rendering aid or assistance to victims. The Office of the Chief of Police or designee will determine the appropriate segment or segments of the campus community to receive the notification. All the JagE Alert messages are sent to everyone on the distribution list (all employees and student emails with the option of signing up for text messaging). Wording in the Emergency Notification should indicate what segment or area of the university community is affected. University Communications will notify the external community by various means to include the university's website, social media, and/or press releases.

The A&M-SA PD will notify/coordinate response efforts with local law enforcement authorities and other outside emergency personnel. If there is an immediate threat to the health or safety of students or employees occurring on campus, the Chief of Police or designee is responsible for disseminating emergency information to the public. Follow-up emergency notifications may come from the Office of the Chief of Police, University

Communications, and/or the Office of the President of the university. The distribution list used for the initial Emergency Warning will be used to communicate follow-up information to the community.

## Emergency Response and Evacuation Procedures

When A&M-SA PD receives notification of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and/or campus visitors, first responders will confirm the emergency/threat. If the emergency/threat warrants, the A&M-SA PD supervisor will communicate immediately with the Chief of Police or designee and, depending on the magnitude of the incident, will initiate the appropriate Emergency Operations Plan protocol. The [JagE Alert System](#) may be initiated to quickly mobilize the Emergency Management Team. An Emergency Operations Center may be established using the Incident Command System (ICS), which is a management system designed to enable effective and efficient domestic incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure.

The A&M-SA PD currently has a mutual aid agreement via a Memorandum of Understanding (MOU) with the San Antonio Police Department. Crimes are investigated by the A&M-SA PD but, depending on the nature and severity of the crime, other agencies can be contacted to assist in the investigation. A&M-SA PD also requests local law enforcement keep the university informed of crimes which may trigger timely warnings and emergency notifications.

## Shelter In Place

In some instances, it is safer to shelter “in place” rather than to evacuate a building; e.g., when there is smoke or fire immediately outside the room, live electrical wires that bar access to the exit, or an active shooter.

- If the hazard is fire or smoke and you are trapped in a room:
  - Place wet cloth material around or under the door to prevent smoke from entering the room.
  - Close as many doors as possible between you and the fire or smoke.
  - Be prepared to signal someone outside, but DO NOT BREAK GLASS unless absolutely necessary (outside smoke may be drawn into the room).
- If the hazard causes elevators to become inoperative and you are unable to descend via stairs:
  - If it is safe to do so, go to the nearest stairwell and tell someone who is evacuating to notify the emergency personnel of your location and that you are unable to evacuate.
  - Call 911 on campus phones or 210-784-1911 on your cell phone and tell them your name and location and that you are unable to evacuate, and follow the directions of the operator.
- If there is an active shooter and getting away is difficult or impossible, you need to DENY entry:

- Keep distance between you and the source.
- Create barriers to prevent or slow down the threat from getting to you.
- Turn off the lights.
- If you think it is safe to call A&M-SA PD, call 210-784-1911 on your cell phone and tell dispatch your location, if you are injured and any information on the shooter you might have.
- Remain out of sight and quiet by hiding behind large objects and silencing your phone.

## Campus Evacuation

The President or designee will authorize university evacuation orders. An announcement of a campus-wide evacuation will come from the Office of the President, the Office of the Chief of Police, or designee. Students and employees should follow the instructions and timeline for leaving the campus and alert others to do the same. Information about returning to campus will be provided through JagE Alert. The personnel recall process for employees and press releases will be made through the Office of Communications, coordinating with news media outlets.

## Building Evacuation

An evacuation will occur when the fire alarm sounds and/or notification is made by the A&M-SA PD, Emergency Management Coordinator, the Campus Community Emergency Response Team (acting under the instructions of these offices), or other bona fide first responders, such as the San Antonio Fire Department, San Antonio Police Department, FBI, and ATF.

All persons (students, employees, and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit, and alert others to do the same.

- Remain Calm.
- WALK, DO NOT RUN!
- Use the stairs. DO NOT use elevators.
- If safe to do so, assist people with special needs as indicated by that person or direct them to the nearest exit stair enclosure. The exit stairs are designed as safe zones separated from the remainder of the building by two-hour fire resistive construction.
  - Notify fire department/emergency personnel of the location of the person so that their evacuation can be completed. This may be done by calling the A&M-SA PD at (210) 784-1900.
- Once outside, proceed to the designated Evacuation Assembly Area if it is safe to do so.
- Do not re-enter the building until given an ALL CLEAR signal by Texas A&M University-San Antonio officials, JagE Alert, or the building public address system.
- The Evacuation Assembly Areas are the east part of Lot 1, the west part of Lot 2, and the Kinesiology Pavilion.



# University Policies and Procedures

## Violence in the Workplace

Texas A&M University-San Antonio adheres to a “zero tolerance” of violations of the law and of violence in the workplace. A&M-SA PD will investigate complaints of threats or intimidation, and the university will take disciplinary action, when employees demonstrate any behavior which, in management’s opinion, constitutes a potentially violent situation. This policy extends to persons connected to university business, including vendors or others who interact with university employees. A climate of fear or intimidation will not be tolerated at Texas A&M University-San Antonio. Threatening behaviors, acts of aggression, and violence will result in appropriate action by the university, up to and including dismissal. Student misconduct will be handled in accordance with the student code of conduct and/or applicable state or federal laws.

## VAWA-Violence Against Women Reauthorization Act of 2013

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

The Texas A&M University System, and specifically Texas A&M-San Antonio, does not discriminate on the basis of sex in its educational programs and activities. Sexual harassment and sex/gender-based violence are types of sex discrimination. Other conduct can also be forms of sex-based discrimination and are also prohibited, whether sexually based or not, including dating violence, domestic violence, sexual assault, stalking, and sexual exploitation, as specified by The Texas A&M University System Policy 08.01 and A&M System Regulation 08.01.01, as well as A&M-SA Rule 08.01.01.01. Additionally, A&M-SA issues its own statement of policy in the form of a Notice of Non-Discrimination and Abuse to inform the community of its commitment to address sex/gender-based violence, including sexual assault, domestic violence, dating violence, stalking, and sexual exploitation, whether the incident occurs on or off campus. In this context, A&M-SA reaffirms its commitment to maintaining a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of A&M-SA’s statement regarding sex/gender-based violence, visit <https://www.tamusa.edu/about-us/business-affairs/documents/notice-of-nondiscrimination-abuse-fy2020-21.pdf>.

The university’s Title IX Coordinator may be contacted by calling (210) 784-2061, or in person by visiting One University Way, Central Academic Building 439K, San Antonio, Texas, 78224.

## Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

- **Domestic Violence:**
  1. A felony or misdemeanor crime of violence committed—
    - a) By a current or former spouse or intimate partner of the victim;
    - b) By a person with whom the victim shares a child in common;
    - c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - d) 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
    - e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  2. For the purposes of this definition—
    - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - b) Dating violence does not include acts covered under the definition of domestic violence.
  3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI's UCR program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

1. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  2. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  3. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
    - 1) 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.
    - 2) For the purposes of this definition—
      - a) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.
      - b) A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
      - c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
    - 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

In Texas, statutes define the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

### “Family Violence” (Domestic Violence) Family Code Sec. 71.004.

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

**"Dating Violence"** Family Code Sec. 71.0021.

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

**"Sexual Assault"** Penal Code Sec. 22.011.

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

- (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is “**Without the Consent**” of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;

- (C) a physical therapist licensed under Chapter 453, Occupations Code;
  - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
  - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section [505.002](#), Occupations Code;
  - (B) chemical dependency counselor as defined by Section [504.001](#), Occupations Code;
  - (C) licensed professional counselor as defined by Section [503.002](#), Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section [502.002](#), Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section [501.003](#), Occupations Code; or
  - (G) special officer for mental health assignment certified under Section [1701.404](#), Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section [250.001](#), Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under



the appearance of being married under Section [25.01](#).

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

**"Consent"** means assent in fact, whether express or apparent. [Texas Penal Code Section 1.07\(a\)11](#) The Texas A&M University System has also defined "consent" in its System [Regulation 08.01.01](#) on page 2.

Texas law defines **"Stalking"** in Penal Code Sec. [42.072](#).

- (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.



## How to Be an Active Bystander

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.”

Bystander intervention involves safe and positive options that may be carried out by an individual to prevent harm or to 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.

The university promotes a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. However, individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at the Student Counseling Center and the Title IX Office. If you or someone else is in immediate danger, dial 911 on campus phones or (210)784-1911 on your cell if you're on campus. This is always an option if you feel it is not safe for you to intervene.

- 1) Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- 2) Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- 3) Speak up when someone discusses plans to take sexual advantage of another person.
- 4) Contact the facility manager or party host if you think someone may be in trouble.
- 5) Distract the possible abuser by spilling a drink or telling them their car is being towed or that the police have been called.

## Risk Reduction

With no intent to blame victims and recognizing that only abusers are responsible for their actions, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from the 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. Act like you know where you are, even when you do not.
- 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 money for transportation if needed.

- 7) Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- 8) Avoid putting music earbuds 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.
- 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). When on campus dial 911 on campus phones or (210) 784-1911 on your cell phone.
- 11) Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have 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 punch bowls or other large, common open containers.
- 13) Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- 14) If you suspect you have, or a friend has, been drugged, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 911 on campus phones and (210) 784-1911 on your cell phone.
- 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; the other person who is making you uncomfortable 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.

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

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

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

A&M-San Antonio is committed to increasing the awareness and prevention of sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches. These include a clear statement that A&M San Antonio prohibits such acts, provides their definitions and the definition of consent, suggests options for bystander intervention, provides information about risk reduction, and sets forth policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are offered throughout the year.

### Primary Prevention and Awareness Programs

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

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Prohibited Behavior Covered</u>
Title IX Student Video	Fall, Spring	Online Video	❖ DoV, DaV, SA, S
Crime Prevention Tables, Brochures & Q&A	1/19, 1/24, 1/26, 2/23, 4/27, 4/28, 7/19, 7/21, 7/28, 8/8, 8/9, 8/10, 8/13, 8/22, 9/8, 10/24, 10/16, 11/3	Main campus	DoV, DaV, SA, S
AWARE	Fall and Spring	Admin Mod	DoV, DaV, SA, S

- ❖ DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault, and S = Stalking



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

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Prohibited Behavior Covered</b>
Creating a Discrimination Free Workplace	Upon hire and every two years thereafter	Online training	Discrimination, sexual harassment, *DoV, DaV, SA, S
What is Title IX? Know Your Rights	Handed out upon hire, provided during events, and available in departments across campus	Brochure	Sexual harassment, types of sexual harassment, forms of sexual harassment, pregnancy and parenting protections, description of consent, confidentiality, how to report, additional resources, and Title IX contact information
Alcohol and Consent Doesn't Mix Posters	September	Esperanza Hall	DoV, DaV, SA
Title IX Training-Residence Hall Advisors	August 16, September 2, 2022	Esperanza Hall	Awareness brochures & slide deck presented to all Residence Hall Advisors by Title IX Coordinator DoV, DaV, SA, S
Orientation to the A&M System	Upon hire	Online training	Sexual harassment and drug and alcohol abuse
The Clery Act	Upon appointment of a Campus Security Authority	Online training	DoV, DaV, SA, S
Safety Begins with You	Fall and Spring	Main Campus	DoV, DaV, SA, S

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



## Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with various audiences throughout the university.

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

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Prohibited Behavior Covered</u>
Crime Prevention Tables, Brochures & Q&A	1/19, 1/24, 1/26, 2/23, 4/27, 4/28, 7/19, 7/21, 7/28, 8/8, 8/9, 8/10, 8/13, 8/22, 10/24, 10/16, 11/3	Main Campus	DoV, DaV, SA, S
Active Bystander Intervention Workshop	7/26	SciTech 231	DoV, DaV, SA, S
Sexual Assault Awareness Month (SAAM) Social Media posts	April	All Campus Buildings	DoV, DaV, SA, S
Standing Banners/ psychoeducational material; Sexual Assault Awareness Month	APRIL	All Campus Buildings	DoV, DaV, SA, S
Title IX Table/Activity- National Hazing Week	September 19, 2022	West Lawn	Sexual harassment, DoV, DaV, SA, S
Anniversary of Title IX; presentation to student athletes	May 2, 2022	Auditorium	Sexual harassment, DoV, DaV, SA, S
Pride Picnic Tabling Event	June 15, 2022	Auditorium courtyard	Sexual harassment, DoV, DaV, SA, S
National Coming Out Day Resource Fair, Tabling event	October 11, 2022	CAB Courtyard	Sexual harassment, DoV, DaV, SA, S
Do Not Haze T-Shirt Giveaways – Title IX brochures	9/20/21	Southside of CAB	DoV, DaV, SA, S
Denim Day Tabling Event – Title IX	4/27/22	CAB Courtyard	DoV, DaV, SA, S
Title IX Table/Activity- National Hazing Week	September 19, 2022	West Lawn	Sexual harassment, DoV, DaV, SA, S



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

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered</u>
Creating a Discrimination Free Workplace	Upon hire and every two years thereafter	Online training	Discrimination, sexual harassment DoV, DaV, SA, S
What is Title IX? Know Your Rights	Handed out upon hire, provided during events, and available in departments across campus	Brochure	Sexual harassment, pregnancy and parenting protections, description of consent, confidentiality, how to report, additional resources, and Title IX contact information
Orientation to the A&M System	Upon hire	Online training	Sexual harassment and drug and alcohol abuse
The Clery Act	Upon appointment of a Campus Security Authority	Online training	Sexual harassment, retaliation, etc.
Crime Prevention Tables, Brochures & Q&A	1/19, 1/24, 1/26, 2/23, 4/27, 4/28, 7/19, 7/21, 7/28, 8/8, 8/9, 8/10, 8/13, 8/22, 9/8, 10/24, 10/16, 11/3	Main	DoV, DaV, SA, S
Domestic Violence Awareness Month Virtual Book Display (Partnership with the University Library)	October	Esperanza Hall	DoV, DaV, SA, S
Standing Banners/ psychoeducational material; Domestic Violence Awareness Month	OCTOBER	All campus buildings; Available to entire campus community	DoV, DAV, SA, S
Denim Day Tabling Event – Title IX	4/27/22	CAB Courtyard	DoV, DAV, SA, S
President's Picnic Tabling Event	August 24, 2022	CAB Courtyard	Sexual harassment, DoV, DaV, SA, S
Tabling Event, Title IX, Block Party	8/19/21	CAB Courtyard	DoV, DAV, SA, S
Standing Banners, Sexual Assault Awareness Month	April 2022	CAB and S&T	DoV, DaV, SA, S

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

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

After an incident of sexual assault, dating violence, domestic violence, or stalking, the victim should consider seeking medical attention as soon as possible at the closest hospital. In case of a sexual assault, you should go to the Methodist Specialty and Transplant Hospital, 8026 Floyd Curl Drive, San Antonio, Texas, 78229, phone number (210) 575-8168. For children and adolescents under the age of 13, you should go to the Children's Hospital of San Antonio, 333 North Santa Rosa, San Antonio, Texas, 78207, phone number (210) 704-2190. This should be done so that evidence may be collected, and pregnancy/STD information and testing can be provided, even if you choose not to make a report to law enforcement, in accordance with Texas law.

A&M-SA PD can collect evidence for "safekeeping" in accordance with A&M System Regulation 61.99.01, Retention of State Records. In addition, the victim has the option to use a pseudonym as defined in Texas Code of Criminal Procedure (CCP) Art. 57.01. If the victim chooses a pseudonym, the reporting officer will provide the victim with a form entitled "Pseudonym for Sexual Assault Survivors" as required by CCP, Art. 57.02. There is also a form for family violence and stalking survivors.

The sexual assault response team at Methodist Specialty and Transplant Hospital provides a compassionate environment for sexual assault survivors ages 13 and up. Through an exclusive agreement with local law enforcement agencies, a sexual assault nurse examiner trained by the Texas Attorney General's office provides comprehensive care to sexual assault survivors and collects physical evidence that can be used to prosecute offenders. Follow-up care, counseling, and treatment of related injuries are also provided. A chaplain and/or advocate from the rape crisis center can also provide counseling and support to the survivor and family.

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, and/or obtaining protection orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with A&M-SA PD or other law enforcement to preserve evidence in the event that they decide later to report the incident to law enforcement or the university. Other important evidence that can be retained are voicemail messages; photos of bruises or other injuries, persons, and cars; text

messages; a log of date/time/location of incidents; snapchat pictures; the names and/or statements of witnesses, Ring videos, police reports and/or case numbers, etc. Keep all this information in a safe place, possibly with a close friend or family member.

## Involvement of Law Enforcement and Campus Authorities

The A&M-San Antonio Police Department, along with the Title IX Office, the Student Counseling Center, the Office of Student Rights and Responsibilities, and the Office of Victim Services work together to provide assistance to victims and respondents.

## Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, stalking, or sexual exploitation, you should report the incident promptly to the Title IX Coordinator at One University Way, Central Academic Building 439K, San Antonio, Texas, 78224, (210) 784-2061, by calling, writing, or coming into the office to report in person, as well as A&M-SA PD (if you desire). It is your choice whether or not to make a report to A&M-SA PD or other law enforcement agency; the Title IX Coordinator will not do so without your permission. If you desire, the Title IX Coordinator and/or other campus officials will assist you with notifying law enforcement on campus or local police. Reports of all domestic violence, dating violence, sexual assault, and stalking made to A&M-SA PD will automatically be referred to the Title IX Coordinator for review and/or subsequent investigation regardless of whether the complainant chooses to pursue criminal charges. The Student Counseling Center at (210) 784-1331 (available 24/7/365), any Campus Security Authority, and/or the Title IX Coordinator at (210) 784-2061 can provide assistance. You may also find the [Community Emergency Resources](https://www.tamusa.edu/student-resources/support/student-counseling-center/24-hour-crisis-hotlines-and-text-lines.html) useful online at <https://www.tamusa.edu/student-resources/support/student-counseling-center/24-hour-crisis-hotlines-and-text-lines.html>.

Texas A&M-San Antonio Police Department may be reached directly by calling (210) 784-1900, or in person at One University Way, Frank Madla Building, Suite 120. You also may contact the Crime Victim Advocate/Crime Prevention Officer at (210) 784-1906 or [ovs@tamusa.edu](mailto:ovs@tamusa.edu). The Police Department's website is found online at <http://www.tamusa.edu/upd/index.html>.

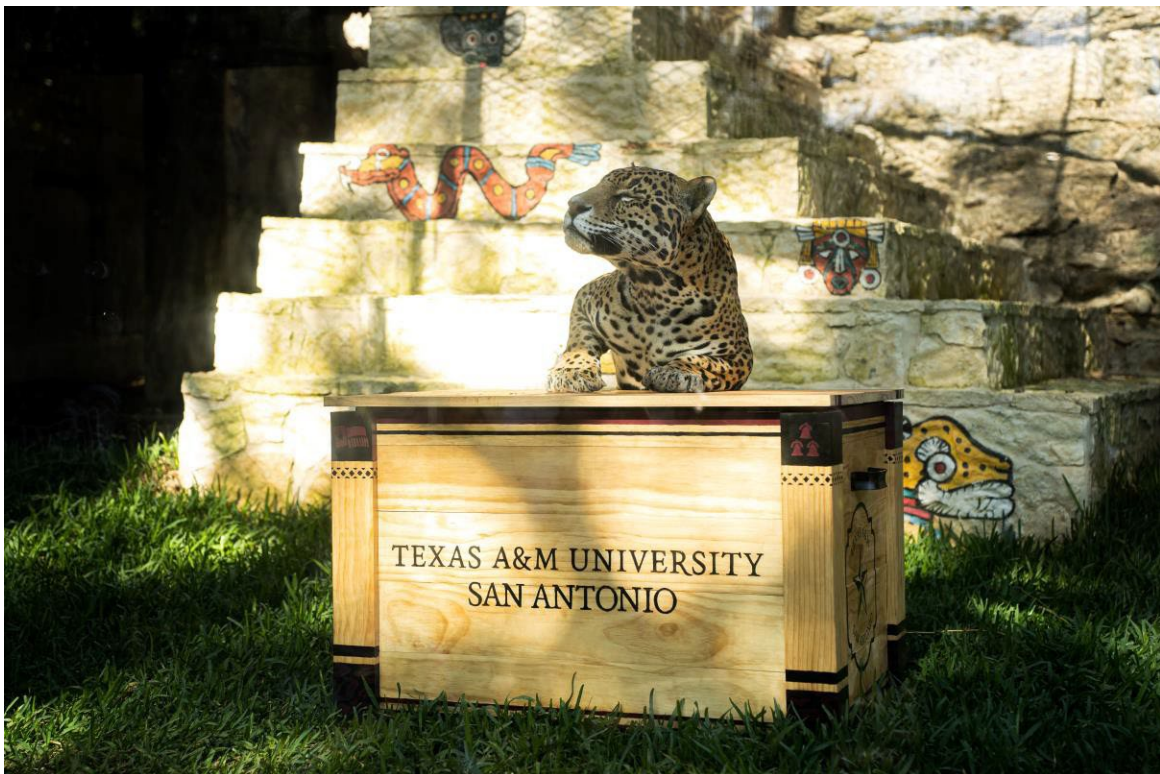
## University-Initiated Supportive Measures

The well-being of students and employees during the investigation and resolution of complaints of sexual harassment, sexual assault, domestic or dating violence, and/or stalking is of utmost importance to Texas A&M University-San Antonio. The university will provide written notification to victims, respondents, and other affected individuals of support measures, if reasonably available. Examples of these measures include the availability of counseling, health services, mental health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid counseling, residential hall

relocation, paid or unpaid leaves of absence, excused absences for medical appointments, adjustment of course schedules or class deadlines, withdrawal procedures, reassignment to a different supervisor or position, changing work hours, assistance in notifying appropriate local law enforcement, academic and transportation accommodations, and other services on and/or off campus. Additional measures may be taken to prevent contact between a complainant and an accused party, such as an institutional no contact order if deemed appropriate or at the request of the victim or accused, or having the student or employee park in a different location or providing a safety escort.

These supportive measures may be applied to one, both, or multiple parties involved in the investigation and/or proceedings. Failure to comply with the terms of supportive measures such as mutual no contact restrictions may be considered a separate violation of system policies and regulations and member rules and procedures. Supportive measures may be temporary pending the results of an investigation or may become permanent as determined by the university.

The university will make such accommodations available if reasonably available and a student or employee requests them, regardless of whether they choose to report the crime to A&M-SA PD or local law enforcement.



## Assistance for Victims: Rights & Options

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

The Title IX Coordinator will give the victim a crime victim rights and options information pamphlet and, with the victim's consent, will contact the Crime Victim Advocate to assist with safety information, resources, and crime victim's compensation information. The Title IX Coordinator will also provide support to the victim and/or assist in making referrals to other agencies. The Crime Victim Advocate will contact the victim within five days by phone, email, mail, or a meeting in person. The Crime Victim Advocate will remain in contact with the victim throughout the investigative process to provide additional support as needed.

According to Texas law, a victim of crime is defined by [Chapter 56 of the Code of Criminal Procedure](#) as (1) someone who is the victim of sexual assault, kidnapping, or aggravated robbery or who has suffered bodily injury or death because of the criminal conduct of another, (2) the close relative (spouse, parent, adult brother or sister, or child) of a deceased victim, or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss.

- 1) Depending on when reported (immediately versus delayed), the institution will help complainant obtain medical care if needed and wanted.
- 2) It will assess the immediate safety needs of complainant and the community.
- 3) It will provide written instructions on how to apply for a Protective Order.
- 4) It will provide written information to the complainant on how to preserve evidence.
- 5) It will assist the complainant with contacting local police if complainant desires AND provide the complainant with contact information for local law enforcement authorities;
- 6) It will provide the complainant with referrals to on and off campus mental health providers;
- 7) It will assess the need for interim and/or long-term protective measures, if appropriate.
- 8) It will provide the complainant with a written explanation of their rights and options.
- 9) It will provide a copy of the applicable policy to the complainant and inform the complainant of timeframes for initial assessment, investigation, and resolution.
- 10) If an investigation is requested, it will inform both the accuser and accused in writing of (a) the initiation of an investigation, if appropriate; (b) the investigation process; (c) the outcome of the investigation, if any; and (d) sanctions against the accused, if any.
- 11) It will enforce its anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in an investigation.



The State of Texas intends that victims of crime receive the following safeguards, assurances, and considerations:

- Receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- Have their safety considered by the magistrate when setting bail;
- Receive information, on request, of relevant court proceedings, including appellate proceedings; of cancellations and rescheduling prior to the hearing; and appellate court decisions after the decisions are entered but before they are made public;
- Be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;
- Provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;
- Be provided with information about the Texas Crime Victims' Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;
- Be provided information, on request, about parole procedures, notification of parole proceedings and of the inmate's release, and the opportunity to participate in the parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;
- Be provided a separate or secure waiting area at all public court proceedings;
- Have any property promptly returned that is no longer needed as evidence;
- Have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work;
- On request, be provided with counseling and testing regarding AIDS and HIV infection for victims of sexual assault;
- Request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;
- Be informed of the use and purpose of a victim impact statement, be given assistance in completing a victim impact statement, and have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole.

A victim, guardian of a victim, or close relative of a deceased victim may be present at all public court proceedings, with the consent of the presiding judge.

A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a service enumerated herein.

Victims should also know that they can have a Victim Advocate accompany them during the sexual assault exam if an advocate is available at the time of the examination.

## Protective & No Contact Orders

Victims of sexual assault, domestic and dating violence, and stalking are eligible to apply for protective orders and/or no-contact orders or similar lawful orders issued by a criminal, civil, or tribal court and/or the Office of Student Success and Engagement. Standard protective orders may prohibit the offender from committing further acts of violence or harassing or threatening the victim, either directly or indirectly by communicating the threat through another person. No-Contact Orders are court orders or administrative orders that prohibit someone from contacting another person in any way. Texas law provides for the criminal enforcement of valid protective orders issued by a Texas court, as well as valid out of state protective orders. For more information on protective orders, contact the A&M-SA PD at (210) 784-1900 or the Bexar County Family Justice Center at (210) 631-0100 or [www.bcfjc.org](http://www.bcfjc.org).

A&M-SA complies with Texas law in recognizing orders of protection. Any person who obtains a Protective Order from Texas, any state, U.S. territory, or U.S. Military Protective Order should provide a copy to A&M-SA PD and the Office of the Title IX Coordinator. A complainant may then meet with A&M-SA PD to develop a Safety Action Plan, which is a plan for A&M-SA PD and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home. The university cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. A Magistrate's Order for Emergency Protection may be issued at the time of a defendant's appearance before a magistrate, after arrest for an offense involving domestic violence, dating violence, sexual assault, human trafficking, or stalking. Applications are available through the Bexar County Family Justice Center, 126 E. Nueva, San Antonio, Texas, 78204, phone number (210) 631-0100.

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

The university does not publish the name of crime victims nor house identifiable information regarding victims in the A&M-SA PD Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request to the Office of the Registrar (210-784-1300) and by completing a Request to Restrict Directory Information Form.



## On and Off Campus Services

Information for various services can be obtained from the resources below:

### On Campus Resources

#### **Victim/Survivor Advocacy**

##### **Office of Victim Services**

Texas A&M-SA Police Department  
MOD 112A  
(210) 784-1906

#### **Counseling & Mental Health**

##### **Student Counseling Center (SCC)**

Texas A&M-SA  
Modular C – 166  
(210) 784-1331 (Available 24/7/365)

#### **Employee Assistance Program**

[www.guidanceresources.com](http://www.guidanceresources.com)

(866) 301-9623

#### **Student Financial Aid**

##### **Office of Scholarships & Financial Aid**

Texas A&M-SA  
Office of Financial Aid & Scholarships  
(210) 784-1300

#### **Visa & Immigration Assistance**

##### **International Affairs**

Texas A&M-SA International Affairs  
Madla Building Room 309  
(210) 784-1309

#### **Additional Resources**

##### **Title IX Coordinator**

Central Academic Building 439K  
<https://www.tamusa.edu/university-policies/titleix/index.html>[Titleix@tamusa.edu](mailto:Titleix@tamusa.edu)  
(210) 784-2061

##### **Office of Student Rights and Responsibilities**

Texas A&M-SA  
Madla Building, Suite 342  
[StudentRR@tamusa.edu](mailto:StudentRR@tamusa.edu)  
(210) 784-1353

##### **A&M-SA Police Department**

Texas A&M-SA  
Madla Building, Suite 120  
(210) 784-1900

##### **Disability Support Services**

Texas A&M-SA  
Central Academic Building, Suite 210  
(210) 784-1335

##### **AVP for Student Success & Engagement & Dean of Students**

Madla Building, Suite 312  
(210) 784-1354

### Off Campus Resources

#### **Victim/Survivor Advocacy**

##### **Rape Crisis Center**

4606 Centerview Dr. Ste. 200, San Antonio, TX 78228  
(210) 349-7273

##### **Bexar County Family Justice Center**

126 E. Nueva, 2nd Floor San Antonio, TX 78204  
210-631-0100

##### **San Antonio PD South Substation**

Victim Advocacy Services  
711 W Mayfield Blvd., San Antonio, TX 78211  
(210) 207-8701

##### **Bexar County Sheriff's Office**

Victim Services  
200 N Comal St., San Antonio, TX 78207  
(210) 335-6010

#### **Counseling & Mental Health (24/7)**

**Center for Health Care Services, 24 hour helpline**  
210-223-7233

##### **National Crisis Text Line**

Text "Hello" to 741-741

##### **National Suicide Prevention Hotline**

800-273-8255

#### **Legal Assistance**

##### **Texas Legal Services Center**

2101 S IH 35 Frontage Rd., Austin, TX 78741  
(512) 477-6000

##### **Advocates for Victims of Crime Texas Legal Services**

(888) 343-4414

##### **Refugee and Immigrant Center for Education and Legal Services**

**VINE (Victim Information & Notification Everyday)**  
200 N Comal St., San Antonio, TX 78207  
(210) 226-6010

**The National Sexual Assault 24/7 hotline RAINN**  
(800) 656-4673

**Family Violence Prevention Services**  
7911 Broadway, San Antonio, TX 78209  
(210) 930-3669

### **Health**

**Methodist Specialty & Transplant Hospital,  
Forensic Nursing Services**  
8026 Floyd Curl Dr., San Antonio, TX 78229  
(210) 575-8110

**San Antonio Behavioral Hospital**  
8550 Huebner Rd., San Antonio, TX 78240  
(210) 541-5300

**Steven A. Cohen Military Family Clinic**  
6363 De Zavala Rd. #300, San Antonio, TX 78249  
(210) 399-4838

**CentroMed,**  
<https://centromedsa.com/>  
3750 Commercial Ave., San Antonio, Texas 78221  
(210) 922-7000

1305 N Flores St., San Antonio, TX 78212  
(210) 222-0964

**Visa & Immigration Assistance**  
**City of San Antonio Immigration Services**  
20760 North, US-281 a, San Antonio, TX 78258  
(800) 375-5283

### **Additional Resources**

**Catholic Charities**  
231 West Commerce San Antonio, TX 78205  
(210) 222-1294

**Pride Center – San Antonio**  
1303 McCullough Ave. #160, San Antonio, TX 78212  
(210) 370-7743

If requested, campus authorities will assist the victim in contacting the A&M-SA PD and/or other law enforcement authorities. A&M-SA PD is available to all victims to provide information about personal safety, Texas Crime Victims' Rights, the Texas Crime Victims Compensation Fund, and other related information upon request. Reports of sexual assault, domestic and dating violence, and stalking can also be made to:

- San Antonio Police Department (210) 207-7273
- Bexar County Sheriff's Office (210) 335-6000

A&M-SA PD or Campus Security Authorities will assist the victim in contacting these agencies, if requested. Victims of sexual violence can also contact the Title IX Coordinator at (210) 784-2061.

## Disciplinary Actions

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on related issues, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Investigations will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused. Furthermore, each process provides that:

1. All parties will have timely notice for meetings at which either or both parties may be present.
2. All parties will be given an explanation of the grievance process.
3. All parties will have timely and equal access to evidentiary material and have the right to present evidence and witnesses.
4. All parties have the right to not be present in the same room as the other party(ies) during a conduct hearing.
5. Both the accuser and the accused have the same opportunity to be accompanied by one advisor of their choice to any related meeting or proceeding (this may be an attorney at the student's or employee's expense), so long as the availability of the advisor does not hamper the timeliness of the meeting or proceeding. The selected advisor may not be an individual who may be charged as a result of the same or similar fact pattern. The advisor is limited to advising the student or employee, although the advisor will conduct any cross-examinations during a hearing. The mere presence of a university attorney at any meeting or proceeding does not indicate representation.
6. Both the accuser and the accused have the same opportunity to have evidence of past sexual history excluded during a conduct hearing. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
7. Both the accused and the accuser have the right to request a change in classes or other steps to prevent unnecessary or unwanted contact or proximity to the other party, especially when such contact is likely to place the party in danger of bodily injury or cause the party severe emotional distress.
8. The university will provide simultaneous written notice to the accuser and accused of (1) the result of the conduct hearing arising from the alleged dating violence, domestic violence, sexual assault, or stalking; (2) the process for the accuser and the accused to appeal the result of the conduct hearing, if any; (3) any change to the result of the conduct hearing; (4) the sanctions to be applied to the accused, if any; and (5) when the result of the conduct hearing becomes final.

The victim of an alleged act of sex-based misconduct may be unwilling to serve as the complainant. In such circumstances, if the Title IX Coordinator, Compliance Officer, or Human Resources Officer, in consultation with other campus authorities, believes there is good cause for charges to be brought against an accused student or employee in the interest of the university community, the Title IX Coordinator may sign and submit a formal complaint without becoming the complainant. However, the lack of the victim's cooperation in a grievance process may limit the university's ability to establish responsibility for the conduct.

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

The Texas A&M University System (A&M System), including Texas A&M University-San Antonio, prohibits discrimination, sexual harassment, and related retaliation based on the protected categories of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity. The A&M System develops policies and regulations that are followed by system members, including Texas A&M University-San Antonio. A&M System Policy 08.01, Civil Rights Protections and Compliance (<http://policies.tamus.edu/08-01.pdf>), directs system members to comply with all applicable legal requirements prohibiting discrimination, sexual harassment, and/or related retaliation against employees, students, applicants for employment or admission, and the public. The policy outlines the civil rights protections provided by the system to employees, students, applicants for employment and admission, and the public, and sets forth procedures and responsibilities for compliance with applicable laws and regulations. This policy also requires that each member appoint a Title IX (of the Education Amendments of 1972) Coordinator.

The A&M System has also established Regulation 08.01.01, Civil Rights Compliance (<http://policies.tamus.edu/08-01-01.pdf>), which provides guidance in complying with local, state, and federal civil rights laws and regulations. The regulation applies to complaints and/or appeals of employment or disciplinary actions made by faculty, administrators, staff, students, and/or third parties which allege prohibited discrimination, sexual harassment, and/or related retaliation. The regulation defines the terms confidential, consent, dating violence, domestic or family violence, hostile environment, private, quid pro quo sexual harassment, sexual assault, sexual harassment, and stalking, among others.

Texas A&M University-San Antonio's Rule 08.01.01.01, Civil Rights Compliance (<https://www.tamusa.edu/about-us/business-affairs/documents/08-01-01-01-civil-compliance.pdf>)

establishes the procedures for making, receiving, and processing complaints of discrimination, sexual harassment, and related retaliation.

All employees, including student employees of the university, are responsible for complying with state law requiring system training on equal opportunity and nondiscrimination within 30 days of hire and every two years thereafter.

1) How to File a Complaint Under System Policy and Regulation

Texas A&M University-San Antonio Rule 08.01.01.01, Civil Rights Protections and Compliance ([08.01.01.01 CIVIL RIGHTS COMPLIANCE \(tamusa.edu\)](https://www.tamusa.edu/08.01.01.01-CIVIL-RIGHTS-COMPLIANCE)), Subsection 1.1, states that the President designates the Title IX Office, Human Resources Office, and the Compliance Office (designees) as the entities responsible for overseeing A&M-San Antonio's civil rights protections program. The designees will:

- Ensure that all allegations of discrimination, sexual harassment, and/or related retaliation are promptly, thoroughly, and equitably investigated and resolved;
- Periodically follow up on situations in which discrimination, sexual harassment, and/or related retaliation is found to ensure that the situation does not recur;
- Develop, conduct, coordinate, and oversee campus civil rights compliance training; and
- Provide periodic updates to managers and the campus community regarding the civil rights compliance program.

An employee who experiences, observes, or becomes aware of discrimination, sexual harassment, and related retaliation must promptly report the incident(s) to a supervisor or the university's Title IX Coordinator, Chief Human Resources Officer, or Compliance Officer. Only certain employees may keep reports of violations of this regulation confidential; i.e., licensed health care personnel and trained sexual assault advocates, when acting in this capacity as part of their official employment. All other employees informed of possible violations of the regulation should advise the reporter that they cannot keep the information confidential and are required to report it. The employee should inform the reporter where confidential guidance can be obtained, such as the Student Counseling Center or the employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report.

Students and third parties (including, but not limited to, anyone receiving services from the university, vendors, and private business associates) should also promptly report an incident involving an employee to the university's Title IX Coordinator, Chief Human Resources Officer, or Compliance Officer.

Employees and students are prohibited from discriminating, harassing, and engaging in related retaliation against any person based on a protected status in A&M-San Antonio's educational programs, activities, admission and employment, or as a result of their participating in an investigation of such alleged violations.

An employee or student is not required to report discrimination, sexual harassment, and/or related retaliation to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor, or other designee.

2) How the University Determines Whether This Policy Will be Used

If faculty, students, staff, and/or third parties file a complaint or make a report alleging discrimination, sexual harassment, and/or related retaliation, System Policy 08.01, Civil Rights Protections and Compliance (<http://policies.tamus.edu/08-01.pdf>); System Regulation 08.01.01, Civil Rights Compliance (<http://policies.tamus.edu/08-01-01.pdf>); and Texas A&M-San Antonio Rule 08.01.01.01, Civil Rights Protections and Compliance 08.01.01.01 CIVIL RIGHTS COMPLIANCE (tamusa.edu),) are followed, as stated above.

System Policy 32.01, Employee Complaint and Appeal Procedures (<http://policies.tamus.edu/32-01.pdf>); System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members (<http://policies.tamus.edu/32-01-01.pdf>); Texas A&M-San Antonio Procedure 32.01.01.O0.01, Complaint and Appeal Procedure for Faculty Members ([32.01.01.O0.01 Complaint and Appeal Procedure for Faculty Members \(tamusa.edu\)](http://policies.tamus.edu/32-01-01-00-01-Complaint-and-Appeal-Procedure-for-Faculty-Members-tamusa.edu); ; and System Regulation 32.01.02, Complaint and Appeal Process for Non-faculty Employees (<http://policies.tamus.edu/32-01-02.pdf>) are followed as applicable when faculty, students, staff, and third parties file a complaint that does NOT allege discrimination, sexual harassment, and/or related retaliation.

When it is uncertain whether the complainant is alleging discrimination, sexual harassment, and/or related retaliation, the university follows the 08.01-related policy/regulation/rule until such time as the nature of the complaint is determined not to be civil rights-related.

Anticipated Timelines. Timelines are set forth in A&M System Regulation 08.01.01 (<http://policies.tamus.edu/08-01-01.pdf>).

An unredacted version of the complaint will be given to a respondent(s) and their advisor, if applicable, with admonishments regarding privacy. If there is sufficient information, the designated office will forward the complaint to an appointed investigative authority within five (5) business days of the determination to proceed with the investigation. The designated office 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 this regulation; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim supportive measures, if any; (5) admonishments regarding cooperation and prohibiting retaliation, and (6) any informal resolution process that may be available.

The university can place an employee respondent on administrative leave with pay, reassign them, and/or place them in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action.

The investigative authority will review each report, complaint, and/or appeal, interview witnesses (if applicable), review relevant documentation, and provide an initial draft report of their investigation to the A&M System Office of General

Counsel (OGC) for review within 30 days. OGC will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten (10) business days. The investigative authority will have five (5) business days to create a final draft report and share that document electronically with both the complainant and the respondent, who will have ten (10) business days to review the report and provide written commentary, if desired, to the investigative authority. The investigative authority will then have five (5) additional business days to prepare a final report to be reviewed by OGC and SECO, who will have five (5) business days to provide feedback. The latter review may be waived by mutual agreement between the member and OGC/SECO if no substantive changes were made following the initial review. The final report and exhibits are then sent directly to the designated administrator and the parties.

Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause with written notice to the complainant and respondent of the delay and/or extension and the reasons therefore. The investigative authority should send an extension request, if needed, to the office or individual who appointed them.

The parties will be provided a pre-hearing conference to review the hearing process, as well as to explore any available options for informal resolution, on request. The parties will be provided at least ten (10) business days to review the final investigative report and to respond in writing to the designated administrator (if desired) prior to any hearing.

At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint, with the exception of sexual misconduct complaints and complaints in which imminent threats of harm may exist. If a formal complaint cannot be resolved through an informal process or if either the complainant or the respondent in a sex-based complaint requests a hearing, a formal live hearing will be conducted by the designated administrator (a hearing officer or hearing panel). Unless waived by the parties, following the pre-hearing conference, the parties will be given a minimum of five (5) business days notice of any formal hearing. Hearings will be closed to the public.

### 3) Decision-Making Process

Students: For student respondents, the designated administrator is the Vice President of Student Success and Engagement or other designee. They will review the investigative report and make a decision whether or not to hear the case themselves or, if required, to forward it to a Student Conduct Hearing Committee. The hearing will follow the Student Conduct process and will determine if the respondent is responsible or not responsible based on the Student Code of Conduct.



Employees: The Title IX Coordinator, Human Resources Officer, or Compliance Officer will appoint a designated administrator which, in the case of sexual assault, sexual harassment, dating or domestic violence, or stalking, will be a hearing panel.

A complainant and a respondent at a hearing of sex-based misconduct must have an advisor with them to conduct cross-examinations. Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process. Questions are to be directed to the hearing officer or hearing panel chair, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker(s) must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party.

Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the hearing officer or hearing panel can see and hear one another in real time during the course of the hearing.

If a complainant, respondent, or witness is not in attendance at a live hearing, the hearing officer or hearing panel cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing.

Following the hearing, the hearing officer or hearing panel will have five business days to issue a decision letter. The decision letter must be sent simultaneously to both/all parties. The designated administrator may decide sanctions, if any, or may delegate the sanctioning decision to another authority within the member. Sanctions, if any, will be issued at the same time as the decision.

#### 4) Possible Sanctions

##### **Students**

A&M-SA follows The Texas A&M University System Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations when a student is found in violation of misconduct related to sexual violence, sexual harassment, or sex-based misconduct (<http://assets.system.tamus.edu/files/policy/pdf/08-01-01-Appendix.pdf>).

Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions incurred (e.g., those involving tuition, fees, housing) may be applied. The primary sanctions are listed in level of severity.

Once a student has been assessed a disciplinary sanction, however, no more severe primary sanctions may be assessed against them by any higher university authority. For Title IX cases, including offenses involving violence or non-forcible sex offenses, the results of any disciplinary hearing conducted by the university will include the findings and any sanctions, which will be sent in writing to both the accuser and the accused.

Sex-Based Violence and/or Nonconsensual Penetration (with Predation)

Range: Expulsion

Sex-Based Violence and/or Nonconsensual Penetration (without Predation)

Range: Suspension (1 year) up to Expulsion

Nonconsensual Sexual Contact

Range: Disciplinary Probation up to Expulsion

Sexual Exploitation

Range: Disciplinary Probation up to Expulsion

Stalking

Range: Warning up to Expulsion

Sexual Harassment

Range: Warning up to Expulsion

## Description of Sanctions

### Primary Sanctions for Students

**Expulsion:** Permanent separation of the student from the university whereby the student is not eligible for readmission to this university. Expulsion prohibits entry into university premises for class or affiliated events for any reason, and an individual may be issued a Criminal Trespass Warning. A notation of the conduct violation will be made on the student's academic transcript.

**Dismissal:** Separation of the student from the university for an indefinite period of time. Readmission to the university may be possible in the future, but no specific time for a decision is established. Dismissal prohibits entry into university premises for class or affiliated events for any reason, and an individual may be issued a Criminal Trespass Warning. A notation of the conduct violation will be made on the student's academic transcript.

**Suspension:** Temporary loss of privilege of being enrolled as a student at Texas A&M University- San Antonio for a definite period of time. Once a student is eligible to return, conditions for review of reenrollment may apply. Suspension prohibits entry into university premises for class or affiliated events for any reason, and an individual may be issued a Criminal Trespass Warning. A suspended student may not reside in on-campus housing and will be considered "not in good standing" with the university. A notation of the conduct violation will be made on the student's academic transcript.

**Banishment from Campus (Criminal Trespass Order):** In addition to being suspended or expelled from the university, the student is banned from entering the grounds and/or facilities owned, operated, and/or maintained by the university. Entrance onto campus or into those facilities/areas will be viewed as a violation of this sanction, and the student will be charged accordingly for trespassing and failure to comply. A notation of the conduct violation will be made on the student's academic transcript.

**Housing Eviction:** Permanent separation of the student from University on-campus residence facilities. A student who is removed from on campus housing as the result of this sanction may be required to pay the full room charge and any other fees that are owed as stipulated in the lease contract. Eviction prohibits entry into on-campus housing for any reason, and an individual may be issued a Criminal Trespass Warning. Individuals who violate this sanction may be arrested and/or additional charges filed against them under the Student Code of Conduct.

**Interim Suspension:** At any point in the process, a respondent may be subject to removal from the member's education program or activity on an emergency basis, provided that an individualized violence risk assessment (conducted by or in conjunction with a member's behavioral assessment team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The respondent is given notice and an opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. The university will designate the assignment of a hearing authority for this purpose.

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

**Restricted Access:** Restricting or banning from entering certain designated areas or the use of specific equipment as defined by the Student Conduct Officer or designee for a specified period of time. Restricting or banning may include, but is not limited to, access to a university owned or operated facility and/or services, academic related programs and/or opportunities, internships, access to on campus housing, participation in university-sponsored activities, and contact with a specified university community member(s).

**Deferred Suspension:** The sanction of suspension may be placed in deferred status. If the student is found in violation of any university rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the university. A student who is not in good standing is subject to the following restrictions:

- A. Ineligible to hold an office in any student organization recognized by the university or to hold any elected or appointed position within the university.
- B. Ineligible to compete in intercollegiate athletic activity.
- C. Ineligible to represent the university in any capacity, including representing the university at any official function.
- D. Ineligible to receive a university-administered scholarship or fellowship when the sanction is in place for longer than one semester.

**Conduct Probation:** An official warning that the student's conduct is in violation of Texas A&M University-San Antonio Student Rules, but is not sufficiently serious to warrant expulsion, dismissal, or suspension. A student on conduct probation is deemed "not in good standing" with the university. This sanction includes the same restrictions listed under Deferred Suspension.

**Conduct Review:** An official warning that the student's conduct is in violation of Texas A&M University-San Antonio Student Rules, but is not sufficiently serious to warrant expulsion, dismissal, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the university. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions will be administered.

**Letter of Enrollment Block:** A letter stating that the student may not re-enroll in Texas A&M University-San Antonio without prior approval through the Office of Student Rights and Responsibilities or Vice President for Student Success and Engagement if enrollment has been blocked for a previous student conduct problem.

**Letter of Reprimand:** A letter that makes a matter of record any incident that reflects unfavorably on the student or the university.

**Warning:** Serves as a formal written warning that the student has violated the Code of Conduct.

### Secondary Sanctions

**Community/University Service:** A student may be offered an opportunity to complete a specified number of hours of community/university service in lieu of or in addition to other sanctions.

**Educational Requirements:** A student may be offered an opportunity to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

**Academic Sanctions:** Appropriate academic sanctions are based upon specifics of the incident. The provision will be clearly defined. Such academic requirements may include, but are not limited to, plagiarism coursework, educational workshop, etc.

**Restrictions:** The withdrawal of specified privileges for a definitive period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

**Restitution:** A payment for financial injury to an innocent party in cases involving theft, destruction of property, or deception. The assessed costs to be paid may be in addition to any of the above sanctions.

**Loss of Parking Privileges on Campus:** Revocation of campus vehicle registration and forfeiture of permit and all refund rights to said permit.

## Employees

System Policy 32.02, Discipline and Dismissal of Employees (<http://policies.tamus.edu/32-02.pdf>), states that System employees may be subject to discipline and/or dismissal in accordance with System policies and regulations. All non-faculty positions at Texas A&M University-San Antonio are “at will” and may be dismissed from employment with or without cause, although any such dismissal must be in compliance with federal and state law. Dismissal of a faculty member shall be in accordance with applicable System policies.

System Regulation 32.02.02, Discipline and Dismissal of Non-faculty Employees (<http://policies.tamus.edu/32-02-02.pdf>), and A&M-San Antonio Rule 32.02.02.00.01, Discipline and Dismissal of Non-faculty Employees (<https://www.tamusa.edu/about-us/business-affairs/compliance/documents/32-employee-relations/32-02-02-00-01-discipline-and-dismissal-of-nonfaculty-employees.pdf>) establish the basis and procedure for discipline or dismissal of a non-faculty employee of the System; however, the regulation does not modify the “at will” status of any System non-faculty employee.

Although adherence to the principle of progressive discipline found in the regulation is not required, it is encouraged as a good management practice when practical. Even if progressive discipline is chosen, not every step must be taken in each case. With progressive discipline, an employee faces increasingly stricter disciplinary measures if satisfactory improvement does not occur after the disciplinary process is initiated.

Failure to follow procedures as outlined in the regulation will not create claims based on failure to meet standards of procedural due process. Failure by the university to follow the procedural steps outlined in the regulation will not form the basis of any employee’s appeal of termination.

Supervisors can invoke the following types of discipline: verbal or written counseling, written reprimands, suspension without pay, transfer, demotion, reduction in salary, and/or dismissal.

Employees may be suspended with pay by the Chief Executive Officer (CEO) for up to 30 work days upon a finding that the suspension is in the best interests of the member or to investigate allegations against the employee. This is not considered disciplinary action. Additional time for the suspension beyond 30 days may be granted only by the CEO.

Employees being dismissed are notified in writing. Employees being disciplined or dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases or payment of wages, for unauthorized travel expenses, or for other illegal or improper actions. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action and/or further discipline or dismissal.

When unprofessional behavior by an employee that does not rise to the level of a violation of the regulation is discovered during the civil rights investigation and adjudication process, the information will be forwarded to the employee's supervisor.

When an employee is found to have sexually harassed or engaged in sex-based misconduct against another member of the university community, the sanction will be termination of employment. Employees being disciplined or dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases or payment of wages, for unauthorized travel expenses, or for other illegal or improper actions. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action and/or further discipline or dismissal.

## Notification to Victims of Crimes of Violence

The university will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex crime the report on the results of any disciplinary proceeding conducted by such institution against a student or employee who is the alleged perpetrator of such crime or offense.

If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.



## Standard of Evidence for Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Preponderance of the evidence is the standard used in proceedings for determining allegations of dating violence, domestic violence, sexual assault, and stalking at the university. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

## Title IX of the Education Amendments of 1972

Title IX prohibits discrimination on the basis of sex in educational programs and activities provided by recipients of federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Title IX requires the university to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. A&M-San Antonio will offer appropriate supportive measures to all parties to an alleged incident of sex-based misconduct, including living and/or academic accommodations if reasonable and available. The Title IX Coordinator will oversee the administrative investigation of claims of sexual harassment and sexual violence and ensure that there are appropriate grievance procedures for the prompt and equitable resolution of student sex discrimination complaints. A law enforcement investigation does not relieve the university of its independent Title IX obligations to investigate sexual misconduct.

Individuals may report a sex offense to the university's Title IX Coordinator at (210) 784-2061 or in person at One University Way, Central Academic Building 439K.

## Sexual Assault Prevention and Response

All members of the campus community should be aware that sexual assaults, including date or acquaintance rape, are prohibited by state laws and university rules, and will be viewed by Texas A&M University-San Antonio as a serious matter. Sexual assault (rape) is a nonconsensual sexual act involving force, manipulation, and/or coercion. It is an act of aggression, violence, and power and is a felony crime. The perpetrator can be a stranger, relative, acquaintance, or date. Although sexual assault is usually a crime committed against women, it can also happen to men. To enhance personal safety, especially after evening classes, community members are encouraged to walk with friends or a well-known acquaintance.

Texas A&M University-San Antonio provides educational programs to promote the awareness of rape and other forcible and non-forcible sex offenses. These programs are sponsored by various offices on

campus, including the Student Counseling Center, the Office of Student Rights and Responsibilities, A&M-SA PD, the Title IX Office, and off-campus referral centers.

## Sexual Assault Prevention

Texas A&M University-San Antonio is also committed to providing comprehensive sexual education and violence prevention programs. Emphasis is placed upon personal safety and awareness of one's surroundings, risk assessments, and bystander intervention.

**Safety Begins With You:** This presentation is offered to the campus community the first part of each semester. It provides awareness and prevention information on home security, physical security, personal security, active shooter, Clery Act, Title IX, bystander intervention, sexual assault, stalking, and domestic and dating violence. This is offered at least twice a year in the Fall and Spring semesters.

## Reporting Sexual Assault

Victims of a sexual assault should report the incident to the Title IX Coordinator and/or A&M-SA PD; however, victims are not required to report to law enforcement. They may also contact Office of Victim Services for guidance on different options what they might possibly do next and provide on and off campus resources.

If the incident takes place off-campus, victims should contact the local police if they want to file a report. Victims will be assisted in notifying law enforcement authorities if the victim so chooses or declines to notify such authorities. A&M-SA PD, Office of Victim Services, the Dean of Students, the Title IX Coordinator, staff of the Counseling Center, and/or other appropriate university staff are available to assist with outside agency reporting, if requested. Filing a police report with A&M-SA PD or other law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Filing a report will:

- 1) Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim.
- 2) Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam).
- 3) Ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
- 4) Begin the legal process in case the victim decides to prosecute at a later date.

Victims are strongly encouraged to report an attempted or completed sexual assault to the Title IX Coordinator and/or the police. If criminal charges are later pursued, it is critical for the law enforcement agency to be informed as soon as possible following the incident

so appropriate steps, such as gathering crucial evidence and information, can be taken. A victim always has a choice whether or not to report a sexual assault, but reporting an assault, or an attempted assault, is extremely important for the protection of both the victim and the community.

When a sexual assault victim contacts the A&M-SA PD, the Title IX Coordinator will be notified. The Crime Victim Advocate may also be contacted to guide the victim through available resources, to support the victim in their decisions, and to ensure access to available counseling services. The officer receiving a report will give the victim a crime victim assistance information pamphlet and will call the Crime Victim Advocate, if desired.

## Counseling and Support

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

Various counseling options are available from the university through the Student Counseling Center at (210) 784-1331; available 24/7/365 (students only) and ComPsych Guidance Resources Employee Assistance Program at (886) 301-9623 (employees only). Counseling and support services may also be obtained outside the university through the Rape Crisis Center 24-hour hotline: (210) 349-7273. [The Rape Crisis Center](#) is located at 4606 Centerview Drive, Suite 200, San Antonio, Texas, 78228.

The A&M-SA PD works closely with the Office of Student Success and Engagement in dealing with sensitive situations and referring persons to counseling services, as needed. Police officers are trained in threat assessment, and counselors have the option to encourage their clients to report crimes to the A&M-SA PD, if they deem appropriate, to prevent the potential for future crimes and for inclusion into the annual crime statistics. Information is provided to clients on how to report crimes to A&M-SA PD and the Title IX Coordinator, along with other victim and resource information.

Counselors and the Title IX Coordinator do not disclose identifying information to the police department without the consent of the client unless there is an immediate threat to safety.

## Criminal Prosecution and Student Disciplinary Hearings

The victim of a sexual assault may choose for an investigation to be pursued through the criminal justice system, the campus disciplinary system, or both. The A&M-SA PD, with

the victim's consent, will immediately conduct a criminal investigation of on-campus sexual assault incidents. Completed investigations will be forwarded to the District Attorney's office for review and possible prosecution. Upon request and if reasonably available, the university will adjust a victim's academic, residential, and/or work situations after an alleged sex offense by making special accommodations such as distance learning options. University disciplinary action may be imposed on individual students, recognized student organizations, and/or university faculty and staff found in violation of the university's sexual misconduct policy. In addition to any criminal prosecution, students may be placed on probation, suspended, expelled, and/or evicted from on-campus housing for committing violent and/or criminal acts on campus or at campus-related events. University disciplinary proceedings are detailed in the Texas A&M University-San Antonio Student Handbook. If a student is found guilty of sexual offense, the university may impose any of the primary sanctions, such as expulsion, dismissal, suspension, banishment from campus (criminal trespass), and housing eviction.

In accordance with the Texas Code of Criminal Procedure Article 57, victims may use a pseudonym to protect their identity. A pseudonym is a fictitious name or set of initials chosen by the victim to be used in all public files and records concerning the sexual assault.

## What Happens When the Police are called?

Police units will respond immediately. An ambulance or a police officer will transport the victim to the emergency room of the Methodist Specialty and Transplant Hospital, 8026 Floyd Curl Drive, San Antonio, Texas, 78229, (210) 575-8110, so evidence may be collected, even if the victim chooses not to make a report to law enforcement. The police will properly gather all evidence. A physical examination is necessary to take care of obvious and/or hidden physical injuries, and it will provide an opportunity for the victim to discuss potential pregnancy or communicable disease concerns with a physician. In addition, emergency room personnel can call the local rape crisis center so that a counselor can provide support and education.

## Preservation of Evidence

To preserve evidence for an examination, a victim

- 1) Should not shower, bathe, or douche;
- 2) Should not comb hair or wash hands;
- 3) Should try not to urinate;
- 4) Should not smoke, eat, brush teeth, or rinse mouth if oral contact took place; and
- 5) Should not change clothes. (A victim should carry a change of clothes to the hospital, if possible, in case the clothes they are wearing need to be kept for evidence. If clothes must be changed, a victim should place them in a paper bag because plastic may destroy evidence.)

Preserving evidence may assist in proving the alleged criminal offense occurred and may be helpful in obtaining a protective order.

A specially trained criminal investigator will interview the victim. The victim has the option of requesting a concealed identity or pseudonym during the investigation. In all cases the victim will be treated with compassion, consideration, understanding, and patience during the interview. The officer will make every attempt to maintain the confidentiality of the victim.

## Campus Sexual Assault, Domestic and Dating Violence, and Stalking Victims' Bill of Rights

The United States Congress enacted the "Campus Sexual Assault Victim's Bill of Rights" as a part of the Higher Education Amendments of 1992, as amended by the Campus Sexual Violence Elimination Act (Campus SaVE). This law requires that all universities provide sexual assault victims certain basic rights such as:

- 1) The accuser and accused must have the same opportunity to have others present, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- 2) Both parties will be simultaneously informed of the outcome of any disciplinary proceeding in writing.
- 3) Victims will be informed of their options to notify law enforcement, including on-campus and local police.
- 4) Victims will be notified of counseling services.
- 5) Victims will be notified of options for academic and living adjustments, transportation, and work modifications, if so requested by the victim and if such accommodations are reasonably available, regardless of whether or not the victim chooses to report the crime to campus police or local law enforcement.

## University Discipline Process

Victims have the option to pursue university disciplinary charges if the assailant is a Texas A&M University-San Antonio student or faculty or staff member. Sexual assault is a violation of Texas A&M University-San Antonio Student Code of Conduct and sexual violence rule. Whether the student or employee wants to involve the A&M-SA PD or student or employee conduct processes, information and evidence obtained by the police can be used in university disciplinary actions if the assailant is a student or employee, regardless of whether or not criminal charges are filed.

## Rights of Both Parties

Both the accused and accuser are entitled to the same opportunities to have others present during an investigation and at any disciplinary proceedings. Both the accused and the accuser must be informed of the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense, except when to do so would violate state or federal law [e.g., the Family Educational Rights and Privacy Act (FERPA)].

## Written Notification

The university will send simultaneous written notification to both the accuser and the accused of the results of any disciplinary proceeding conducted by the university for sex-based policy violations, as well as procedures, if any, to appeal the results of the disciplinary proceeding, any changes to the results, and when such results become final.

If the alleged victim is deceased as a result of the offense, the institution will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## Sexual Harassment

Sexual harassment of students and employees at Texas A&M University-San Antonio is unacceptable and will not be tolerated. Any member of the university community violating this policy will be subject to disciplinary actions. For more information, see the Title IX website at <http://www.tamusa.edu/titleix/index.html>.

# University's Alcohol and Drug Policy

## Alcoholic Beverages

The possession, use, sale, or furnishing of alcoholic beverages on the Texas A&M University-San Antonio campus is governed by statements in the Student Handbook and Texas state law. Laws regarding the possession, use, sale, consumption, or furnishing of alcohol are generally enforced by the Texas Alcoholic Beverage Commission (TABC). The enforcement of alcohol laws on campus is the primary responsibility of the A&M-SA PD. Violators may be subject to university disciplinary action, criminal prosecution, fines, and/or imprisonment (or a combination of these).

It is unlawful to sell, furnish, or provide alcoholic beverages to a person under the age of 21. The possession of alcoholic beverages by anyone less than 21 years of age is illegal. On-campus use of alcohol is allowable in designated authorized areas as approved by the university's President. It is also a violation of the Student Code of Conduct for anyone to possess or consume alcohol in any public or private area of campus without prior university approval. Organizations or groups violating alcohol or drug policies, or laws may be subject to sanctions by the university. Clarification regarding alcohol and controlled substances can be found in the [Student Handbook](#).

## Legal Sanctions – Laws Governing Alcohol

The State of Texas sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances governing alcohol, including driving while intoxicated and public intoxication, are available from the Texas Alcoholic Beverage Commission (TABC) or Public Safety Office. Effective January 1, 2006, state laws regarding alcohol include the following:



- 1) Persons under age 21 found in possession of alcohol may be given a maximum fine of \$500.00, mandatory alcohol awareness course, mandatory 8-12 hours of community service, and 30-day driver's license suspension.
- 2) Anyone convicted of driving while intoxicated may be given a maximum fine of \$2000.00 and/or up to 180 days in jail, mandatory Alcohol awareness course, mandatory 20-40 hours of community service, a 60-day driver's license suspension, and 30-day ineligibility for occupational license.
- 3) Adults and minors who provide alcohol to minors (a Class A misdemeanor) may be given a fine of \$4,000.00, maximum confinement of one year, and license suspension of 180 days upon conviction.

## Illegal Drugs

The Texas A&M University-San Antonio campus has been designated "Drug Free." The unlawful possession, sale, manufacture, or distribution of any controlled substance or paraphernalia is illegal under both state and federal laws. These laws are strictly enforced by the A&M-SA PD. Violators may be subject to university disciplinary action, criminal prosecution, fines, and/or imprisonment (or a combination of these). The university reserves the right to employ an outside agency to assist in the detection of illegal drugs, controlled substances, and/or drug paraphernalia.

## Alcohol and Substance Abuse – Prevention Programs

### Student Education and Prevention Programs

**Alcohol and Drug Education Programming:** The Alcohol and Other Drug (AOD) Prevention Committee provides educational programming to students on campus. This includes information tables on safe behavior while drinking, bystander intervention, standard drink education, consent under the influence of alcohol, dangers of alcohol poisoning, education on Texas 911 Lifeline Law, party drug information, etc. Other educational programs include 4:20 Marijuana Education, National Night Out Block Party, drunk goggle simulations, Education Bingo, and education on resources on campus. A comprehensive list can be found on the webpage for AOD:

<https://www.tamusa.edu/university-policies/student-rights-and-responsibilities/alcohol-drug-prevention/index.html>.

- **Alcohol Education Course:** The university mandates that all in-coming students under the age of 21 complete an alcohol education course. The online education module is hosted through Vector Solutions, which also provides a Sexual Assault Prevention course and a Prescription Drug course. These courses are open for all university students to complete. An Alcohol EDU for Sanction course is also available for students found responsible for violating university policy regarding use or possession of alcohol.
- **Alcohol Screening:** The university recognizes that alcohol/drug dependency is an illness and a major health problem. Excessive use of alcohol and other drugs is a

serious health problem in itself, but alcohol and drug abuse can also contribute to a host of other physical and mental health problems, such as complications in pregnancy, violent behavior, HIV infection and other sexually transmitted diseases, psychological depression, hallucinations, and even death. The Student Counseling Center offers confidential online screening and assessment.

Information, assessment and referral services for alcohol or drug-related problems are available on campus:

- 1) Services for students are available at the Office of Student Success and Engagement, (210) 784-1330.
- 2) The Student Counseling Center (210) 784-1331 (available 24/7).
- 3) Services for employees are available through the university's Human Resources office.
- 4) Other resources: San Antonio Council on Drug & Alcohol Abuse, 7500 HWY 90 W., Building 1, Suite 100, San Antonio, Texas 78227, (210) 225-4741.

### **Employee Education and Prevention Programming:**

The university offers an Employee Assistance Program (EAP) contracted through ComPsych Guidance Resources services. ComPsych Guidance Resources can be reached via the web, [guidanceresources.com](http://guidanceresources.com), via App: GuidanceNow, and by telephone (866) 301-9623. Substance abuse treatment may be covered by medical plans offered by Texas A&M University-San Antonio. A&M-SA also offers leave for treatment which is covered under the Family and Medical Leave Act (FMLA). Employees are encouraged to meet with the Office of Human Resources regarding FMLA requests.

## **Firearms and Weapons Policy**

Texas A&M University-San Antonio Campus Concealed Carry Rule 34.06.02.01, "Carrying Concealed Handguns on Campus," approved April 27, 2016, became effective August 1, 2016.

This rule is designed to promote knowledge about the permissible concealed carrying of handguns and to provide information relative to those areas on campus where concealed carry is excluded. <https://www.tamusa.edu/about-us/business-affairs/documents/34-06-02-01-carrying-concealed-handguns-on-campus.pdf>

**Reason for Rule** - This rule was established pursuant to [Texas Government Code 411.2031](#).

### **Procedures and Responsibilities**

1. The university's President established this rule after consulting with Texas A&M University-San Antonio students, staff, and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This rule was reviewed by the System Board of Regents as required by law.

2. A handgun license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M University-San Antonio or in a Texas A&M University-San Antonio vehicle, unless prohibited by state or federal law or this rule. The open carrying of a handgun on campus is prohibited. Licensed peace officers are authorized by law to carry firearms at all times.
3. Texas A&M University-San Antonio enforces state laws regulating firearms on campus. This enforcement occurs in two ways. First, university police or other applicable law enforcement agencies will investigate and take appropriate action, including referral for criminal prosecution when violations occur. Second, Texas A&M University-San Antonio will consider any violation of state law regulating firearms to be a violation of Texas A&M University-San Antonio rules. Accordingly, such a violation is subject to disciplinary action under rules applicable to students, faculty, and staff.
4. Rules Applicable to Carrying a Concealed Handgun on Campus
  - State Law Prohibitions
    - A license holder is responsible for complying with the applicable state prohibitions.
  - Federal Law Prohibitions
    - A license holder is responsible for complying with the applicable federal law prohibitions.
  - Other Prohibited Campus Premises
    - A license holder is also prohibited from carrying a concealed handgun on the following campus premises:
      - Student Counseling Center
      - Fitness Center
      - Any premises where the university, as directed or approved by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the term "owner of the property" in Section 30.06(b), Penal Code, means the president of the university. No university employee is "someone with apparent authority to act for the owner" for purposes of Section 30.06(b), Penal Code. All notices under Section 30.06, Penal Code, will be institutional notice, conform to Sections 46.03 and 46.035, Penal Code, and apply equally to all handgun license holders.
      - Any campus premises leased by the university to a third party, if the third party determines to prohibit the concealed carry of handguns on the premises and provides effective notice pursuant to Section 30.06, Penal Code.
      - Assigned offices, as approved by the president, for which the employee has demonstrated that the carrying of a concealed handgun by a license holder in the office presents a significant risk of substantial harm due to a negligent discharge. At all premises where concealed carry is prohibited, Texas A&M

University-San Antonio must give effective notice under Section 30.06, Penal Code.

## **Related Statutes, Policies, or Requirements**

[System Regulation 34.06.02, Weapons](#)

### **Definitions**

**Assigned Office:** An office assigned to an individual faculty or staff member that is not generally open to the public.

**Campus:** All land and buildings owned or leased by Texas A&M University-San Antonio.

**Campus Housing:** Dormitories or other residential facilities located on campus that are:

- (1) owned and operated by Texas A&M University-San Antonio; or
- (2) leased and operated by Texas A&M University-San Antonio.

**Premises:** A building or portion of a building. The term does not include any public or private driveway, street, sidewalk, walkway, parking lot, parking garage, or other parking area.

**Significant Risk:** A high probability of harm, not just a slightly increased, speculative, or remote risk.

**Substantial Harm:** Serious injury or death to a person or persons, or destruction of valuable property.

### **Appendix**

[Texas Statutory Prohibitions](#)

[Download PDF copy of Carrying Concealed Handguns on Campus document](#)

## **Non-Smoking Campus**

In order to ensure a safe, healthy, and pleasant work, educational, and living environment, Texas A&M University-San Antonio is a smoke, tobacco, and vape free campus. Smoking (cigars, cigarettes, electronic cigarettes, vaping, etc.) and smokeless tobacco (chewing tobacco, “dip”) are prohibited on all university-owned building or leased properties, and in all vehicles owned, leased, or rented by Texas A&M University-San Antonio.

# Fire Log for On-Campus Student Housing Facility



The A&M-SA PD maintains a daily fire log that is open to public inspection, upon request, during normal business hours for the most recent 60-day period. The fire log contains all reported fires that occurred at the housing facility. Any portion of the fire log older than 60 days and archived will be made available within two business days of a request for public inspection. Archived daily fire logs will be kept for seven years.

## Annual Fire Safety Report

### On-Campus Student Housing Facilities – Fire Safety Systems

Esperanza Hall, 1130 Jaguar Parkway, San Antonio, Texas, 78224, has a full coverage central sprinkler system and a centrally monitored fire alarm system. The systems are integrated and provide coverage for all spaces in the buildings. All resident units are equipped with the following safety features: integrated smoke detectors and GFI electrical outlets near sinks. Fire alarm pull stations and fire extinguishers are located on each floor. Fire safety equipment in units for the hearing impaired also includes a high-pitched horn and flashing strobe.

Facility	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plan and Placards	Number of Evacuation (Fire) Drills per Year
Esperanza Hall	✓	✓	✓	✓	✓	2

### **Esperanza Hall Rules on Appliances**

Some small appliances, such as radios, televisions, irons, refrigerators not exceeding four cubic feet, and microwaves not exceeding 600 watts are permitted. Electrical appliances and extension cords are to be kept in good repair. Deficiencies must be reported to the maintenance department or management immediately. Space heaters and other heating devices present a fire hazard and are prohibited.

### **Esperanza Hall Smoking and Open Flame Policy**

Smoking and open flames including incense are prohibited in Esperanza Hall. This includes any public areas, e.g., hallways, lounges, and laundry rooms.

### **Esperanza Hall Rules for Barbecue Grills**

Fire code prohibits storage or use of barbecue grills in or on any building, walkway, stairway, or balcony. Community grills are available for tenants only.

### **Esperanza Hall Fire Evacuation Procedures**

In the event of a fire alarm, tenants should proceed in accordance with the instructions posted in and about Esperanza Hall. Do not wait for an order to evacuate if you feel that you or others are in danger.

### **Esperanza Hall Fire Drills**

The fire drills in 2022 took place on March 25, 2022, and August 15, 2022.

### **Esperanza Hall Fire Safety Education and Training Programs**

Fire safety and education training is held one to two weeks prior to each semester with all professional and student staff at Esperanza Hall. During each session, staff are trained on how to act during mandatory drills, how and when to talk to students about safety and evacuation plans, and knowledge of the designated safety evacuation areas.

For those living in the hall as tenants, all tenants are required to attend mandatory floor meetings where they are reminded of the correct evacuation routes and emergency procedures, such as not using elevators during an evacuation. The fire drills are held to ensure all students and staff are aware of and practicing proper fire safety procedures.

### **Plans for Future Improvements in Fire Safety**

The university continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets National Fire Safety standards. Inspections of the Fire Safety System are completed annually, and deficiencies identified in equipment integrity/functionality are corrected in a timely manner.

### **Report Contact Information**

For purposes of including fire statistics in the AS&FSR, employees and students should report all instances of a fire that occurred in on-campus student housing to the A&M-San Antonio Police Department Dispatch at (210)784-1900 [UPD.Dispatch@tamusa.edu](mailto:UPD.Dispatch@tamusa.edu). This notification will initiate awareness to the A&M-San Antonio Risk & Compliance Coordinator who will update the Daily Fire Log with the information. This information will be included in the annual AS&FSR.



### **Esperanza Hall Fire Statistics**

Esperanza Hall opened on August 6, 2017.

Residential Facility	Year	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire (in US dollars)
Esperanza Hall 1130 Jaguar Parkway, San Antonio, Texas 78224	2020	0	0	NA	0	0	0
Esperanza Hall 1130 Jaguar Parkway, San Antonio, Texas 78224	2021	0	0	NA	0	0	0
Esperanza Hall 1130 Jaguar Parkway, San Antonio, Texas 78224	2022	0	0	NA	0	0	0

