

# Southwestern University

## 2023 Annual Security and Fire Safety Report

Includes Policy Statements for the 2021-2022 Academic Year  
and Crime Statistics for Calendar years (CYs) 2020, 2021 & 2022

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In compliance with the Jeanne Clery Disclosure of Campus Security Policy  
and Campus Crime Statistics Act (20 USC ~ 1092(f), 34 CFR 668.46)



SOUTHWESTERN  
UNIVERSITY

# Table of Contents

From the Chief of Police	3
Police Authority and Jurisdiction	4
Crime Reporting and Response	5
Responsibilities of the Southwestern University Community For Their Own Personal Safety and Security and the Safety and Security of Others	7
Missing Student Notification (Students Residing on Campus)	8
Emergency Response and Evacuation Procedures	9
Timely Warnings	12
Emergency Notifications	13
The Daily Crime Log	15
Security of and Access to Campus Facilities	16
Maintenance of Campus Facilities	17
Health Risks of Alcohol and Drugs	17
Alcohol, Other Drugs, and Weapons	19
Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	25
University Sexual Misconduct Policy	31
Sexual Harassment Policy	42
Other Considerations	48
Southwestern University Title IX Policy	48
Legal Rights, Accommodations, and Interim Protective Measures	72
Physical Evidence	73
How To Be An Effective Bystander	74
Risk Reduction	74
Sex Offender Registration	78
Prevention and Awareness Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking	79
Crime Definitions	81
Definitions of Clery Act Locations	85

Clery Map	86
Preparation of Annual Disclosure of Crime Statistics and Clery Compliance	86
Annual Security Report Notifications	87
Southwestern University - Reportable Crimes	88
Crime Prevention and Safety Awareness Programming	92
Important Telephone Numbers	94
Annual Fire Safety Report	95
Fire Statistics	97
Student Housing Policies	99
Student Housing Evacuation Procedures	100

To the Southwestern University Community:

On behalf of the members of the Southwestern University Police Department (SUPD), I want to thank you for your interest in our Annual Security and Fire Safety report.

We publish this report because it contains valuable information for our campus community. We also publish this report to comply with the essential provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be part of everyone's responsibility at Southwestern University.

We encourage you to review the information available to you in this document. You will find information about our organization, including descriptions of certain services. You will also become familiar with our firm commitment to victims of crimes and the specific, extensive services we make available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information.

We are proud to be an integral part of Southwestern University's tradition of excellence. Campus safety and security is a collaborative effort at Southwestern University. We partner with the many departments at the university that have a critical role in fostering campus safety, including the Division of Student Life, Environmental Health and Safety, Human Resources, and other University offices.

Our goal has always been to provide the highest quality of public safety services to the University, and we are honored to collaborate with the entire Southwestern University community. The men and women of SUPD are committed to making the Southwestern University campus a safe place to live, work, and study.

Donald Klepac, Interim Chief of Police

# **Police Authority and Jurisdiction**

## **SUPD Department Overview**

SUPD provides law enforcement and security services to all components of Southwestern University. Part of the Division of Student Life, SUPD has a staff of seven full-time, state-certified police officers, approximately ten on-call police officers, one public safety officer, two full-time campus operators, seven part-time on-call campus operators, and one full-time communication and records coordinator.

To promote a safe campus for our students, faculty, staff, and visitors, SUPD has uniformed officers on patrol 24 hours a day, year-round. Officers patrol on foot and in obviously marked patrol vehicles.

Patrol, emergency response, and educating our community with safety-related programming are core functions at SUPD. Officers answer calls for service, respond to alarms, and enforce University policy, local ordinances, and state laws.

## **SUPD Jurisdiction**

SUPD is the primary police authority for Southwestern University. The boundaries of Southwestern University fall within the incorporated city limits of Georgetown, Texas. SUPD officers are certified Texas peace officers as defined by article 2.12 of the Texas Code of Criminal Procedure. Under Section 51.203 of the Texas Education Code, police officers commissioned by an institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, or otherwise under the control of the institution of higher education.

## **SUPD Arrest Authority**

As peace officers, SUPD's armed police officers have the authority under the Texas Code of Criminal Procedure to detain and arrest offenders.

## **SUPD Training**

Biannually, SUPD officers must complete 40 hours of in-service training as mandated by the Texas Commission on Law Enforcement (TCOLE). SUPD officers routinely exceed this minimum, including specific training related to cultural diversity and cultural awareness, annual in-service training sessions within the department, select out-service training, practical online training/webinars, and regular pass-on information sessions.

## **SUPD Enforcement Authority**

SUPD utilizes the Georgetown Police Communications/Dispatch Center to access criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to SUPD are investigated and may be referred for prosecution through the Offices of the Williamson County Attorney and District Attorney when appropriate. Criminal matters involving University students may be referred to the University administration for disciplinary action.

## **Working Relationships and Agreements With Other Law Enforcement Agencies**

SUPD has a written agreement or Memorandum of Understanding (MOU) between the Georgetown Police Department (GPD) and the Southwestern University Police Department (SUPD) that provides for a cooperative arrangement for regional law enforcement and public safety. This agreement pertains to the

communication of criminal activity reported to each department and requests for assistance in the investigation of alleged criminal incidents, including sexual assault and other sexual misconduct offenses.

SUPD is also an active partner with the Austin Regional Intelligence Center (ARIC). This partnership allows SUPD to receive law enforcement bulletins related to criminal activity in our region of five counties.

### **Monitoring Non-Campus Locations**

Southwestern University does not have any officially registered student organizations with registered or unregistered non-campus locations. Suppose a Southwestern University student is involved in an offense in a non-campus location. In that case, SUPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively monitor criminal activity. SUPD does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University's Clery geography.

Institutionally-sponsored travel by a student or student organization to a location outside of Williamson County may result in the location's meeting the criteria for Clery non-campus property. SUPD does not respond to or investigate criminal activity at these non-campus locations but will record crime statistics for Clery offenses that occur and are made available by the local law enforcement agency with jurisdiction.

### **Crime Reporting and Response**

Southwestern University encourages everyone on campus to report all criminal actions, emergencies, or other public safety-related incidents within the University's Clery geography to SUPD. The University's geography includes on-campus property, including campus residence halls, buildings, and facilities; public property adjacent to and immediately accessible from the on-campus property; and non-campus property owned or controlled by the University. SUPD strongly encourages the accurate and timely reporting of crimes. Accurate and timely reporting ensures that SUPD can evaluate, consider, and send timely warning reports, disclose crimes through ongoing disclosure processes such as posting crimes in the Daily Crime Log, and accurately document reportable crimes in its annual statistical disclosure. SUPD further encourages accurate and timely reporting when the victim of a crime either elects to or is unable to make such a report.

This publication focuses on SUPD because it has primary responsibility for patrolling the Southwestern University campus. It has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the local Georgetown Police Department. Additionally, as outlined below, the University has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported.

### **Reporting Criminal Offenses to University Officials: Campus Security Authorities**

The Clery Act recognizes certain University officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as 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 authority and the duty to take action or respond to particular issues on behalf of the institution.” Campus Security Authorities can report Clery crimes on the “CSA Report Form,” provided to each CSA upon assigned training.

While the University prefers that community members promptly report all crimes and other emergencies directly to SUPD, we also recognize that some may prefer to report to other individuals or University offices. The University has officially identified the offices listed in the table below as places where campus community members should report crimes; however, you may report a crime to any Campus Security Authority, including resident assistants, peer advisors, and student organization advisors.

Southwestern University also has a confidential, anonymous option for reporting a crime to the institution. The link can be found on any page of the Southwestern University website by clicking on [“Title IX Reporting”](#) at the bottom of the page.

A student may talk with an SU counselor during normal business hours by calling them directly at the number listed below or after hours by calling SUPD at 512-863-1944 and telling them it is a confidential matter. The SU counselor will provide confidential support and discuss reporting options, accompany the student to the hospital and police department (either on or off campus) if requested, and facilitate arrangements to ensure safety.

Name	Phone	Location
Vice President for Student Life	512-863-1582	McCombs Campus Center
Dean of Students	512-863-1582	McCombs Campus Center
Residence Life	512-863-1624	McCombs Campus Center
Athletics Department - Director, Associate/Assistant Directors, Athletic Trainers, Head Coaches, Assistant Coaches, Volunteer Coaches, Equipment Manager	512-863-1381	Robertson Center
Director of Counseling (if acting in role of administrator)	512-863-1252	Prothro Center
<b>Confidential Options (not Campus Security Authorities and not required to report)</b>		
Counseling Services - All Counselors	512-863-1252	Prothro Center
Health Services - Nurses and Physicians	512-863-1252	Prothro Center

To obtain information or request any public safety escort service; community members should call SUPD at 512-863-1944 or extension 1944.

## Response to Reports

SUPD is staffed 24 hours a day, 365 days a year. After normal business hours, if the officer is on patrol, calls to SUPD are forwarded to the officer's field phone or to the campus operators, who are also staffed 24 hours a day to answer campus community calls. These operators have direct communication with the officer(s) on duty and will notify them if a crime or emergency is reported. SUPD will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on the current activity and the nature of the call. Crimes in progress, crimes against persons, alarms, and medical assistance have higher priority than other calls. For non-campus offenses, we encourage prompt reporting to the appropriate local law enforcement agency.

## Responsibilities of the Southwestern University Community For Their Own Personal Safety and Security and the Safety and Security of Others

Members of the Southwestern University community must **assume responsibility for their own personal safety** and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to SUPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Walk with a friend or use the SUPD escort service
- Limit your alcohol consumption, leave functions that get too loud, too crowded, or have people drinking irresponsibly.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times, and do not lend them to anyone.
- Lock up bicycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room or apartment, whether or not you are there. Be certain that your door is locked when you sleep and keep windows closed and locked when you are not at home. **DO NOT PROP INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can easily notice them.
- Engrave serial numbers or the owner's recognized numbers on valuable items, such as a driver's license. SUPD can assist with engraving items and recording numbers.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Southwestern University wants to state VERY clearly, if you are the victim of a crime, it is not your fault, and these strategies are not meant to imply otherwise. No matter what you do or act, NO ONE has the right to cause you harm. There are always ways to decrease your risk, but you can never 100% prevent a crime from occurring to you because that crime is a choice that someone else makes.



## Missing Student Notification (Students Residing on Campus)

Each student residing on campus is given the option of providing confidential contact information for an individual to be notified in the event that the student is officially reported as missing. This individual can be the same person or a different person than is listed as the emergency contact by the student. The University will notify this identified individual if the student is determined to be missing for more than 24 hours. This information is voluntary and will be collected through Residence Life and stored in the office of Student Life.

An individual may report to any one of the persons or organizations listed below in the event that a student has been missing for 24 hours.

- Any SUPD officer ~ 512-863-1944
- Vice President for Student Life ~ 512-863-1582
- Dean of Students ~ 512-863-1582
- Residence Life ~ 512-863-1624
- Counseling and Health Services ~ 512-863-1252
- Athletics Department ~ 512-863-1381

If the missing student is reported to any of the non-SUPD personnel above, they will **immediately** notify SUPD of the missing student report.

In the event that SUPD receives a report of an on-campus student who is missing for LESS THAN 24 HOURS, SUPD will handle the call as a welfare concern and attempt to locate the missing student, which may include:

- Contacting the Office of Student Life;
- Contacting the student's residence life professional staff for possible location information;
- Inspecting the student's assigned room;
- Attempting to contact known friends or faculty members for last sighting or additional contact information;
- Conducting a search of frequented campus locations to locate the student (library, cafeteria, etc.)
- Accessing card entry logs to determine the last use of the student's ID card and track the card for future uses;
- Accessing the student's vehicle registration information for vehicle location and distribution to authorities;
- Reviewing email logs for last login and use of the SU email system.

Within 24 hours of the time the University determines that a student is missing, the University will:

- Notify the student's missing student contact;
- Notify a parent or guardian if deemed necessary;
- Notify local law enforcement agencies to assist in enacting the necessary search protocol.

The Missing Student Notification Procedure also covers emancipated students under 18 years of age who reside on campus, with the exception that the student's custodial parent or guardian, in addition to the missing student contact individual, must be notified within 24 hours after the student is determined to be missing for 24 hours.

**Exception:** If it is determined that a student has medical, emotional, or other special needs, SUPD may determine that a more intensive search begins before the 24-hour window.

## Missing Student Contact Information

A student's voluntary contact information will be registered confidentially and accessible to authorized campus officials only. This information may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

## Emergency Response and Evacuation Procedures

### Emergency Management at SU

The purpose of emergency planning and preparedness at Southwestern University is to develop, organize, coordinate, and lead the campus toward effective preparation for an efficient response to emergencies and disasters with the primary focus on saving lives, reducing human suffering, and minimizing loss of property and academic services.

SUPD is responsible for the Emergency Action Plan (EAP). This plan is designed to be an all-hazards disaster response or emergency action plan complying with FEMA guidelines for higher education.

### Evacuation Procedures

Students, faculty, and staff should follow these safety procedures in evacuation emergencies:

- Evacuate when prompted by continually sounding fire alarms or the official announcement (Emergency Notification System).
- Be aware of, and make use of, designated primary and alternate evacuation routes.
- Close classroom or office doors as you leave.
- Leave the building orderly without rushing or crowding, and do not use the elevators.
- Be aware of and follow instructions given by SUPD and other officials.
- Always evacuate crosswind and upwind away from an emergency by a safe route.
- Evacuate at least 300 feet from the building and out of the way of emergency vehicles.
- Report to emergency responders any individuals who may be injured or left behind.
- Do not re-enter a building until SUPD gives an all-clear.

Some potential causes for emergency evacuations may include but are not limited to: major fire, explosion, hazardous materials spill or release, chemical/biological/radiological spill, structure failure, bomb threat, or power failure.

### Evacuation Procedures for Individuals with Disabilities

In the event of an evacuation alarm, all persons should exit the building as quickly as possible and proceed to the designated safe area outside the building. The Southwestern University Police Department (SUPD) and the Georgetown Fire Department (GFD) have the following responsibilities:

- The building Emergency Action Representatives (EARs) will sweep all floors and stairways **unless or until they smell smoke or see fire** (at which time representatives should evacuate the building).
- SUPD and Facilities Management, after checking the alarm panel, will walk all stairs checking at each floor level for anyone requiring assistance.
- GFD is dispatched immediately upon receipt of alarm notification. They assume responsibility for the emergency response operations while on site.

**For those requiring assistance, proceed to the nearest safe stairwell and prepare to exit the building in one of two ways:**

**Option 1 (Individual assumes no imminent danger)**

Verbally notify emergency responders (Building EAR, SUPD, or Facilities Management) that you are willing to wait for professional assistance from GFD. A non-disabled person may wait with the individual requiring assistance until GFD arrives. Upon arrival, the GFD will secure individuals at a safe stairwell and investigate sources.

- Assist individuals downstairs if deemed necessary. (Individuals have the option of calling 911 and providing information directly to the 911 dispatcher.)

**Option 2 (Assumes imminent danger may exist)**

Verbally request special assistance down the stairs from nearby staff, faculty, or students. Pre-selecting a team to assist you is highly recommended.

For all individuals with disabilities who agree to participate: a floor plan showing your main office/residence hall location will be kept in the fire alarm panel box of the building where your main office/residence hall is located. Contact SUPD to register.

The Emergency Action Plan is an all-hazards response plan available to the University community. This plan can be viewed on the SU web page under Safety and Security or at the following link:

<https://docs.google.com/document/d/1jaGsdisdVz49thsAvtA031ZIsScRrRRjvE2UNpkwo7U/>

**Campus-Wide Evacuation Plan and Map**

The campus-wide evacuation plan is a tool to help facilitate a timely, effective, efficient, safe, and coordinated emergency response to significant events affecting the campus or its population. The information in this plan is intended to cover most emergencies in which an evacuation might be required but is not all-inclusive. Common sense should be utilized in an evacuation plan when instructions are not given. This plan can be viewed on the SU web page under Safety and Security or at the following link:

<https://docs.google.com/document/d/1I2WM4c1nw3Xvx-0atDTKRgRbFXN2uws64slOypcjvIk/edit>

**Shelter-in-Place Procedures**

The procedures described above for severe weather and hazardous materials release are known as shelter-in-place procedures. Sheltering-in-place uses any designated safe shelter area within a building, classroom, or office to provide temporary shelter. Shelter-in-place procedures are internationally recognized as standard practices for providing shelter for any of the following reasons: a chemical truck overturning, tornado, chemical train derailment, chemical facility accident, pipeline rupture, terrorist attack, release of biological agents, release of chemical agents, hazardous materials release, or radiological release.

**Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access/ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. Follow their directions if police or fire department personnel are on the scene.

## **How to “Shelter-in-Place”**

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

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

## **Severe or Inclement Weather Procedures**

Students, faculty, and staff should follow these procedures in severe or inclement weather:

- Depending on the timeliness of information, you will receive an “SU Alert” before, during, or immediately after a severe weather event.
- Seek shelter immediately in designated safe shelter areas.
- If possible, if you’re inside a building, go to the lowest level of the building.
- Stay away from windows.
- Go to an interior hallway, and use your arms to protect your head and neck in a “drop and tuck” position.
- Use a jacket, cap, backpack, or any similar items, if available, to protect your face and eyes.

## **Hazardous Materials Procedures**

Students, faculty, and staff should observe the following steps in the event of a hazardous material spill or release on campus:

- You will receive an “SU Alert” shelter-in-place announcement.
- Immediately move indoors.
- Close all windows and doors to shelter and seal as best you can, using towels, clothes, or paper.
- If there appears to be air contamination within the shelter, place a paper mask, wet handkerchief or wet paper towel over the nose and mouth for temporary respiratory protection.
- Continue to follow instructions given by official authorities.

## **Drills, Exercises, And Training**

In conjunction with other local emergency agencies, Southwestern University conducts emergency response drills and exercises each year, such as tabletop exercises, field drills, and tests of the emergency notification system on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

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

## Timely Warnings

To provide timely notice to the campus community about a Clery Act crime that may pose a serious or ongoing threat to members of the community, The University Police issues “SU Crime Alerts” (timely warning notice) that withhold the names of victims as confidential and that will aid in the prevention of similar crimes. A “SU Crime Alert” intends to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

SU Crime Alerts are generally distributed to the campus community by the Chief of University Police or the Communications and Records Coordinator for the police department. Message content is written, approved, and routinely reviewed by the Chief of University Police, the Vice President for Student Life, and the Dean of Students before distribution.

SUPD will generally issue SU Crime Alerts for the following Uniform Crime Reporting Program (UCR) National Incident-Based Reporting System (NIBRS) crime classifications:

- Murder and non-negligent manslaughter
- Negligent Manslaughter,
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an ongoing threat to the larger Southwestern community.
- Robbery involving force or violence (cases involving pickpocketing and purse snatching will typically not result in issuing a Timely Warning Notice but will be assessed on a case-by-case basis).
- Burglary
- Motor vehicle theft
- Sex offenses (sexual assault, fondling, incest, statutory rape)
- All hate crimes
- Arson
- Domestic violence
- Dating violence
- Stalking

“SU Crime Alerts” for the above-listed crimes are considered on a case-by-case basis and depend upon several factors, including the nature of the crime, the timeliness of the report, and the continuing or ongoing danger to the campus community; whether the perpetrator was apprehended; and the possible risk of compromising law enforcement efforts. For example, suppose a physical assault occurs between two students who disagree. In that case, there may be no continuing threat to other Southwestern University community members, and a “SU Crime Alert” would not be distributed.

In cases involving sex offenses reported long after the incident occurred, there is no ability to distribute a “SU Crime Alert” to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by SUPD or the Dean of Students.

SUPD will distribute these warnings as soon as pertinent information is available and in a manner reasonably likely to reach the entire campus community, including, but not limited to, emails, phone calls, texts, and other media.

All initial messages will begin with “SU Crime Alert” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. When additional information is available, it may be provided using one or more methods listed above. The information you receive may caution you to avoid certain areas of the campus, let you know if classes are canceled due to an emergency, or provide vital information on what actions you need to take.

In the event a timely warning is sent, it may include the following information:

- Type of crime or occurrence
- Date, time, and location of the crime
- Suspect description or information, if available

The SUPD will issue SU Crime Alerts whenever all of the following criteria are met:

- A crime is committed.
- The perpetrator has not been apprehended.
- There is a substantial risk to the physical safety of community members because of this crime.

**An example of a timely warning is as follows:**

SU Crime Alert: On Monday, 09/09/19, at 10:10 p.m., an Armed Robbery occurred outside of Ruter Hall. The suspect had a handgun and was described as a tall male in a red hooded sweatshirt. Last seen running west on McKenzie Street toward Maple Street. This is an active situation. Please be alert if you are in the area.

- Keep your doors and windows locked. Do not let the person(s) you do not know into your area.
- Be alert to your surroundings, walk with a friend and walk in well-lit areas.
- Keep your vehicle locked and look inside before entering.
- Report all suspicious person(s) or activity to SUPD at 512-863-1944 on-campus or call 911 off-campus.

## **Emergency Notifications**

In the event of an emergency, an effective campus-wide communication process is vital to provide the greatest safety possible for the University community. As part of its Emergency Action Plan, the University has adopted a formalized procedure for issuing immediate notifications to the campus community.

The emergency notification system is designed to assist the University in immediate notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include but are not limited to a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

Without delay, the university will take into account the community's safety, determine the content of the notification and initiate the emergency notification system to the appropriate segment or segments of the campus community.

Southwestern University is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or near campus that poses an immediate threat to the health and safety of campus community members. The following procedures outline the process the University uses when issuing emergency notifications.

### **Procedures Used to Notify the Campus Community**

In a situation that poses an immediate threat to campus community members, the University has various systems in place for communicating information quickly. "SU Alert" is Southwestern University's system for alerting the campus community in the event that an Emergency Response Notice is required. In addition to the University's SU Alert emergency communication method, SUPD may employ various communication methods to inform building occupants or a larger portion of campus about imminent safety threats. Communication methods will be employed based on many factors that will be evaluated for each incident, such as the nature and extent of the threat, time of day, etc.

Information and instructions may be sent using one or more of the following methods:

- Text message to your cell phone
- Audio message to a cell phone, or other phone
- Email notification to your Southwestern University email account. (automatically opted in)
- Police patrol car announcements
- Other emerging communications platforms (e.g., Instagram, Twitter, Facebook, etc.)
- Face-to-face communication

Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. The local news media may disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the SU website and social media.

#### **An example of an emergency notification is as follows:**

SU Alert: Tornado Warning - Proceed to your designated safe shelter within the building where you are. Life-threatening weather conditions exist. You will receive another message advising that it is safe for you to leave your designated safe shelter location. SU Alert

### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

Southwestern University Police or other campus officials may become aware of a critical incident or other emergencies that potentially affect the health or safety of the campus community. Suppose an emergency or dangerous situation is confirmed. In that case, the SUPD officer on duty will immediately contact the University Chief of Police who will quickly evaluate the situation to determine if an alert is warranted, decide on message content, and then identify the appropriate segment or segments of the campus community who will receive the notification. The Chief of Police can issue an alert without delay and further consultation with any other University official.

Initial confirmation by SUPD may occur by observation of a police officer, multiple witnesses, telephone calls, alarms activating, or a confirmed report from other emergency responding agencies (such as Georgetown Police Department, Williamson County Sheriff's Office, Georgetown Fire Department, Williamson County Emergency Medical Services, Williamson County Hazardous Materials Response Team, FBI, County Public Health, etc.).

The notification content may contain pre-scripted brief messages or tailored content developed in consultation with the University Chief of Police, the Vice President of Student Life, or the Dean of Students. This notification to the community may include protective actions or measures.

If issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the University will issue an emergency notification to the campus community.

### **Emergency Notification System (ENS) Testing and Registration**

The Emergency Notification System (ENS) will be tested at least each academic semester to ensure that all systems are working properly and that emergency managers maintain a working knowledge of the system; These tests will also be educational moments for the campus community to remind them that this system does exist and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual ENS test notifications, information is shared with the campus community related to the campus' emergency response and evacuation procedures.

We encourage members of the campus community to enroll in the "SU Alert" system by visiting <https://www.southwestern.edu/emergency/emergency-notification-system/> or by contacting the Emergency Notification System Administrator, Michelle Flatt, at 512-863-1657. University community members are also encouraged to update their information regularly at the same site.

### **The Daily Crime Log**

Each business day, SUPD publishes a Daily Crime Log for the most recent 60 day period. Any portion of this crime log older than 60 days is made available for public inspection within 2 business days of a request. This log is available to the public free of charge. The information in the crime log typically includes the incident number, crime classification, location, date and time reported, date and time occurred, and the disposition. Anyone may view a printed copy of the Daily Crime Log during normal business hours at SUPD (1005 Maple Street) or obtain a copy by calling 512-863-1944.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes are entered onto the Daily Crime Log within two business days of when it is reported to the SUPD.



# **Security of and Access to Campus Facilities**

## **General Provisions**

The Dean, Director, or Department Chair is responsible for determining access to facilities under their control.

It is unlawful for any person to:

- (1) Trespass on the grounds of an institution of higher education or of a private or independent institution of higher education; or
- (2) Damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of an institution of higher education or of a private or independent institution of higher education. (Texas Education Code Section 51.204)

The governing board of an institution of higher education or a private or independent institution of higher education or the governing board's authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may reject any undesirable person from the property on the person's refusal to leave peaceably on request. Identification may be required of any person on the property, and the person must provide that identification upon request. (Texas Education Code Section 51.209)

## **Residence Halls**

Access to residence halls, Brown-Cody, Mabee, Clark, Ruter, Herman Brown, and Moody-Shearn is restricted to residents, their approved guests, and other authorized members of the University community. Residence hall exterior doors operate under a computerized access control and security monitoring system. Identification cards are coded so that only students who are residents in a particular hall have authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. When an exterior door is left ajar, an audible alarm is activated. Student Resident Assistants are responsible for checking and securing doors when needed. When a door is malfunctioning, Facilities Management personnel are summoned for immediate repair. All residence hall exterior doors are equipped with locks and crash bars to ensure a quick emergency exit. Interior residence hall doors are key-locked or computer access controlled.. Residence hall areas are patrolled regularly by SUPD.

## **Resident Apartments**

Access to resident apartments is restricted to residents, their approved guests, and other authorized members of the University community. The Dorothy Lord Center Apartments operate under a computerized access control and security monitoring system. Identification cards are coded so that only students who are residents in a particular apartment have authorized electronic access entry to that apartment; the system denies entry to all unauthorized persons. The Grogan and Betty Lord Apartments and the McCombs Apartments are key-locked with deadbolts and have peepholes. Resident apartment areas are patrolled regularly by SUPD.

## **Academic and Administrative Buildings**

Southwestern University is located within the City of Georgetown, and the public areas of campus are therefore readily accessible. In general, the academic and administrative buildings are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending on the time of year and operational requirements. Access to some buildings, or

portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks, and other means may limit access. SUPD officers generally are not assigned to specific academic or administrative buildings. However, they do patrol these areas regularly.

## **Maintenance of Campus Facilities**

Southwestern University is committed to campus safety and security. Locks, landscaping, and outdoor lighting are designed for safety and security. Parking lots, sidewalks, and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings.

SUPD encourages all community members to promptly report any security concern related to locking mechanisms, lighting, or landscaping to Facilities Management by calling 512-863-1914 or at <https://www.southwestern.edu/facilities-management/work-order-request/>.

In conjunction with officers from the SUPD, Facilities Management continually checks campus lighting, submitting work orders and making repairs as needed.

Facilities Management personnel are responsible for maintaining the buildings, grounds, and custodial services for the Southwestern University campus. The group addresses maintenance, renovation, and repair projects for facilities, custodial, and landscaping. Faculty and staff are encouraged to report maintenance problems to their respective department head or building administrator or contact Facilities Management at 512-863-1914 or at

<https://www.southwestern.edu/facilities-management/work-order-request/>.

Students are encouraged to report residence hall or apartment maintenance problems to their Resident Assistant (RA) or by contacting Residence Life professional staff at 512-863-1624 or by contacting Facilities Management at 512-863-1914 or at

<https://www.southwestern.edu/facilities-management/work-order-request/>.

Emergency or urgent after-hours responses should be directed to the Campus Operator at 512-863-6511 or SUPD at 512-863-1944.

## **Health Risks of Alcohol and Drugs**

### **Alcohol**

Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, impairment of motor skills, reasoning, and rational thinking. These factors result in a higher occurrence of accidents and accidental death for such persons than for nonusers of alcohol.

Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse can cause any or all of the following: bleeding from the intestinal tract, damage to nerves and the brain, impotence, psychotic behavior, loss of memory and coordination, damage to the liver, often resulting in cirrhosis, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Damage to the nerves and organs is usually irreversible. Cancer is the second leading cause of death in alcoholics and is ten times more frequent than non-alcoholics. Sudden withdrawal of alcohol from persons dependent on it will cause serious physical withdrawal symptoms. Drinking during pregnancy can cause fetal alcohol syndrome. Overdoses of alcohol can result in respiratory arrest and death.

## **Drugs**

The use of illicit drugs usually causes the same general physiological and mental changes as alcohol, though frequently, those changes are more severe and more sudden. Death or coma resulting from an overdose of drugs is more frequent than from alcohol.

### **Cocaine**

Cocaine is a stimulant that is most commonly inhaled as a powder. It can be dissolved in water and used intravenously. The cocaine extract ("crack") is smoked. Users can progress from infrequent use to dependence within weeks or months. Psychological and behavioral changes resulting from such use include over-stimulation, hallucinations, irritability, sexual dysfunction, psychotic behavior, social isolation, and memory problems. An overdose produces convulsions and delirium and may result in death from cardiac arrest. Cocaine dependency requires considerable assistance, close supervision, and treatment.

### **Amphetamines**

Patterns of use and associated effects are similar to cocaine. Severe intoxication may produce confusion, rambling or incoherent speech, anxiety, psychotic behavior, ringing in the ears, and hallucinations. Intense fatigue and depression resulting from use can lead to severe depression. Large doses may result in convulsions and death from cardiac or respiratory arrest. MDA and MDMA (XTC, Ecstasy) These amphetamine-based hallucinogens are sold in powder, tablet, or capsule form and can be inhaled, injected, or swallowed. They cause similar but usually milder hallucinogenic effects than LSD. Tolerance can develop quickly because they are amphetamines, and overdosing can occur. Exhaustion and possible liver damage can occur with heavy use. These drugs can cause anxiety, paranoia, and delusions in high doses. While rare, these drugs have been associated with deaths in users with known or previously undiagnosed heart conditions.

### **Rohypnol (Rophies, Roofies, Rope)**

This drug is similar to Valium, a benzodiazepine, but it is more potent than Valium. Initially, it causes a sense of relaxation and a reduction of anxiety. Light-headedness, dizziness, lack of coordination, and slurred speech occur at higher doses. The drug affects memory and, in higher doses or if mixed with other drugs or alcohol, can result in amnesia for the period the user is under the influence. Because of its amnesiac effect, Rohypnol has been given intentionally to others to facilitate sexual assault and other crimes. Combining this drug with other sedating drugs, including alcohol, will increase the intensity of all drug effects and, in sufficient doses, can cause respiratory arrest and death. Dependency can occur.

### **Heroin and Other Opiates**

Addiction and dependence can develop rapidly. Use is characterized by impaired judgment, slurred speech, and drowsiness. Overdose is manifested by coma, shock, and depressed respiration, with the possibility of death from respiratory arrest. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea, vomiting, and muscle and joint pains.

### **Hallucinogens or Psychedelics**

These include LSD, mescaline, peyote, and phencyclidine or PCP. Use impairs and distorts one's perception of surroundings, causes mood changes, and results in visual hallucinations that involve geometric forms, colors, and persons or objects.

## **Solvent Inhalants (e.g., glue, lacquers, plastic cement)**

Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent with chronic use.

## **Marijuana (Cannabis)**

Marijuana is usually ingested by smoking. Smoking marijuana causes disconnected ideas, alteration of depth perception and sense of time, impaired judgment, and impaired coordination. Prolonged use can lead to psychological dependence.

## **Damage from Intravenous Drug Use**

In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV, hepatitis, and tetanus ("lockjaw"), and infections in the heart. Permanent damage or death can result.

## **Alcohol, Other Drugs, and Weapons**

### **Statement of Alcohol Policy**

Consistent with its commitment to the health and well-being of the University community, the University complies with and upholds all federal, state, and local laws and regulations that regulate or prohibit the possession, use, or distribution of alcoholic beverages. The University expects that each individual and group within the Southwestern University community will comply with all applicable laws and regulations about the possession, use, and distribution of alcoholic beverages. Except as permitted or expressly authorized by state law, no person under the age of 21 may possess, use, purchase, or consume alcoholic beverages on University property.

Additionally, the University generally prohibits the possession and consumption of alcoholic beverages on campus, with the exception of the limited circumstances below.

- The private, temperate consumption of alcoholic beverages is permitted for persons of legal drinking age in the individual University residential rooms of persons 21 years of age or older. age in the individual University residential rooms of persons 21 years of age or older.
- Alcoholic beverages may be served and consumed on designated University grounds at student events specifically approved in advance by the Director of Student Activities, subject to all applicable University guidelines and state and local laws and regulations. Such events shall be for limited social and other special campus events.
- Alcoholic beverages may be served and consumed on University grounds at special University events specifically approved in advance by the Chief University Relations Officer, subject to all applicable University guidelines and state and local laws and regulations. Such special events shall be for the purpose of hosting alumni, parents, other visitors to campus, faculty, staff, and students 21 years of age or older at receptions related to special campus or organizational events.

Consequences for policy violations may result in sanctions by the University and/or criminal charges/arrest by SUPD for state law violations. Examples of state law violations are listed below.

- **Public Intoxication.** The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with age and number of offenses.
- **Purchase of Alcohol by a Minor.** The minimum penalty is a fine not to exceed \$500 and attendance of an alcohol awareness class. The maximum penalty varies with age and number of offenses.
- **Consumption or Possession of Alcohol by a Minor.** The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with the number of offenses.
- **Purchasing for or Furnishing of Alcohol to a Minor.** The minimum penalty is a fine not to exceed \$4,000, or confinement in jail for a term not to exceed one year, or both. If convicted, a suspension of driver's license for up to 180 days could be imposed. The maximum penalty is the same.
- **Driving While Intoxicated (includes intoxication from alcohol, drugs, or both).** The minimum penalty is confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000. The maximum penalty is imprisonment for a term of not more than ten years nor less than two years, and a fine not to exceed \$10,000.

## Statement of Drugs Policy

The University reminds students of state and federal laws concerning possession and use of illegal drugs and drug paraphernalia. The University forbids on-campus use or possession of drugs and drug paraphernalia prohibited by federal or Texas narcotics laws. All students involved in the non-prescribed use of amphetamines or barbiturates, or in the use, possession, sale, or transportation of drugs such as hallucinogens, cocaine, narcotics, or marijuana will be subject to University disciplinary actions that may include suspension or expulsion and/or criminal charges/arrest by SUPD for state law violations. Federal law violations may also be referred to federal law enforcement authorities for charges/arrest. The same will apply to drug paraphernalia.

It is recognized, however, that students who have used or are using marijuana or other drugs may need or wish to seek counseling. Students are reminded that the counselors in Counseling Services and private physicians are available for such help. Conferences with these persons are confidential, subject to the standards of privacy established in the medical profession. Others, including the deans and student life staff members, stand ready to confidentially assist students.

Consequences for policy violations may result in sanctions by the University and/or criminal charges/arrest by SUPD for state law violations. Examples of state law violations are listed below:

- **Manufacture or Delivery of Controlled Substances (Drugs).** The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in TDCJ for life or for a term of not more than 99 years nor less than fifteen years, and a fine not to exceed \$250,000.
- **Possession of Controlled Substances (Drugs)** The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in TDCJ for life or for a term of not more than 99 years nor less than fifteen years, and a fine, and a fine not to exceed \$250,000.
- **Delivery of Marijuana** The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is imprisonment for life or for a term of not more than 99 years nor less than ten years, and a fine not to exceed \$100,000.

- **Possession of Marijuana** The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is confinement in TDCJ for life or for a term of not more than 99 nor less than five years, and a fine not to exceed \$50,000.
- **Driving While Intoxicated** (includes intoxication from alcohol, drugs, or both) The minimum penalty is confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000. The maximum penalty is imprisonment for a term of not more than ten years nor less than two years, and a fine not to exceed \$10,000.

## Penalties Under Federal Law

- **Manufacture, Distribution, or Dispensing of Drugs (including marijuana)** The minimum penalty is a term of imprisonment for up to three years and a fine of \$250,000, or both. The maximum penalty is a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$10,000,000 for an individual or \$50,000,000 (if other than an individual).
- **Possession of Drugs** (including marijuana) The minimum penalty is imprisonment for up to one year and a fine of not less than \$1,000, or both. The maximum penalty is imprisonment for not more than twenty years nor less than five years and a fine of not less than \$5,000 plus costs of investigation & prosecution.
- **Distribution of Drugs to a Person Under 21 Years of Age** The minimum penalty is double the federal penalty for distribution of drugs. The maximum penalty is triple the federal penalty for distribution of drugs.

The federal penalties described are based on applicable federal statutes and are subject to change at any time by Congress and the President. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public University. Refer to the applicable federal statute for additional detail.

## University Sanctions for Alcohol and Drug Violations

### Students

Students caught or suspected of possessing, using, and/or distributing drugs prohibited by State, Federal, or local law will be subject to University discipline, including imposition of a written warning, disciplinary probation, suspension, financial responsibility for damage to or misappropriation of University property, educational sanctions including permanent expulsion, and such other sanctions deemed appropriate.

## SU On-Campus Alcohol and Drug Guidelines for Sanctions

INDIVIDUAL BEHAVIORS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Under age 21 possession and/or consumption	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● \$50 Fine</li> <li>● Possible Legal Citation</li> <li>● Alcohol Education</li> </ul>	<ul style="list-style-type: none"> <li>● Extended Contract Probation</li> <li>● \$75 Fine</li> <li>● Legal Citation</li> <li>● Alcohol Assessment</li> <li>● Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Legal Citation</li> <li>● Parental Notification</li> </ul>
Possession and/or consumption in alcohol-free zone	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● \$50 Fine</li> <li>● Possible Legal Citation</li> <li>● Alcohol Education</li> </ul>	<ul style="list-style-type: none"> <li>● Extended Contract Probation</li> <li>● \$75 Fine</li> <li>● Legal Citation</li> <li>● Alcohol Assessment</li> <li>● Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Legal Citation</li> <li>● Parental Notification</li> </ul>
Hosting a party involving the illegal use of alcohol or making alcohol available to minors	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Alcohol Education</li> <li>● \$100 Fine</li> <li>● Parental Notification</li> <li>● Possible Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Alcohol Assessment</li> <li>● \$150 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>
Public Intoxication	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Alcohol Education</li> <li>● \$75 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Alcohol Assessment</li> <li>● \$100 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>
Driving While Intoxicated & DUI	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Alcohol Education</li> <li>● \$100 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Alcohol Assessment</li> <li>● \$200 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>
Property Damage while under the influence of alcohol	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Alcohol Education</li> <li>● \$75 Fine</li> <li>● Full restitution for damages</li> <li>● Parental Notification</li> <li>● Possible Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Alcohol Assessment</li> <li>● \$150 Fine</li> <li>● Full restitution for damages</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Full restitution for damages</li> <li>● Parental Notification</li> </ul>
Endangering self and/or others while under the influence of alcohol	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Alcohol Education</li> <li>● \$200 Fine</li> <li>● Parental Notification</li> <li>● Possible Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Alcohol Assessment</li> <li>● \$300 Fine</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>
Violation of Other University Policies Involving Alcohol	<ul style="list-style-type: none"> <li>● Contract Probation</li> <li>● Minimum \$50 Fine</li> <li>● Alcohol Education</li> <li>● Parental Notification</li> <li>● Possible Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● Minimum \$75 Fine</li> <li>● Alcohol Assessment</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>
Possession and use of illegal drugs and/or drug paraphernalia	<ul style="list-style-type: none"> <li>● Contract or Disciplinary Probation</li> <li>● \$50 Fine</li> <li>● Drug Education</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Disciplinary Probation</li> <li>● \$100 Fine</li> <li>● Drug Assessment</li> <li>● Parental Notification</li> <li>● Legal Citation</li> </ul>	<ul style="list-style-type: none"> <li>● Recommendation of Suspension or Expulsion to University Committee on Discipline</li> <li>● Parental Notification</li> </ul>

## **Drug-Free Workplace Policy**

### **Employees**

In accordance with the Federal Drug-Free Workplace Act of 1988, and other laws and Southwestern University policies, the University undertakes certain actions and adopts various procedures relating to the misuse of controlled and other substances in order to provide a drug/substance free workplace. The University has adopted this policy which is applicable to all University full-time, part-time and seasonal employees, and contractors.

Southwestern University realizes its commitment to provide a healthy environment to the University community in which informed decisions are made and responsible behavior maintained. For this reason, Southwestern University prohibits the manufacture, distribution, dispensation, solicitation for, sale of, possession or use of a controlled substance, narcotics, illegal drugs, prescribed drugs or medication abused or used in a manner which has not been authorized or appropriate, alcohol or inhalants by any and all University business. No employee of Southwestern University or person employed by a contractor shall report to work or perform work in a condition of impairment resulting from the use or taking of any substance that is banned by this policy or that is unlawful. The University retains the right to make decisions or take action in connection with persons who manufacture, distribute, dispense, solicit for, sell, possess or use a controlled substance, narcotics, illegal drugs, prescribed drugs or medications which are abused or used in a manner which has not been authorized or appropriate, alcohol, or inhalants, away from their place of employment. Persons taking legally prescribed medications which might result in a condition of impairment while at work are asked to confidentially notify Human Resources. The University strictly complies with the Americans with Disabilities Act and related laws.

Disciplinary or other action may be taken against any employee for violation of this policy as the University deems appropriate. The University retains the right to ban from University property any person employed by a contractor who violates this policy. Any disciplinary action to an employee of the University will depend on the circumstances, but could include immediate termination of employment or could consist of requiring the employee to successfully complete a drug abuse assistance or rehabilitation program. As required by the law, each employee must, as a condition of employment, abide by the terms of this policy. Co-employees are expected to confidentially report to the Human Resources Department any violation of this policy, by another employee or person covered by this policy.

### **Commitment to Alcohol and Drug Education**

The University is concerned that students be fully informed about the consequences of alcohol and drug consumption. An important aspect of policy implementation is that students who sponsor or attend events where alcohol is served participate in programs of alcohol education. These programs will describe the risks involved in alcohol consumption and encourage students to make informed choices about consumption or abstinence. Representatives of sponsoring organizations must attend a program on alcohol education before an event will be approved.

The Residence Life Staff is charged with maintaining an atmosphere conducive to students' successful academic pursuit, and as such, will address both social and individual situations that contribute to the deterioration of the hall environment or to the impairment of an individual's health and welfare. In accordance with this responsibility, the Residence Life Staff shall enforce the restrictions and terms of this policy on possession and consumption of alcoholic beverages.



Students are encouraged to talk with counselors in counseling services or with off-campus professionals if they think that they may have an alcohol problem. Conversations with these professionals are confidential.

Students concerned about their alcohol and/or drug use are encouraged to come to the Counseling Center, located in the Prothro Center, or to call 512-863-1252. Students placed on judicial probation for campus policy violations can fulfill their education requirements as well.

### **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, Southwestern publishes information regarding the University's educational programs related to drug and alcohol abuse prevention, sanctions for violations of state laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Southwestern students and employees. A description of these topics, as provided in the University's annual notification is available online at <https://docs.google.com/document/d/1poQ3dodiBS8ffzGGesrJyhmGitzUPGSSROP2aWI9Pa0>.

### **Assistance Programs Available to Employees**

The University is aware of its commitment to employees with regard to providing a drug-free work environment. Drug counseling and treatment are available on an outpatient and inpatient basis under our medical insurance program subject to specific contractual provisions.

### **Weapons Policy**

The possession of firearms, knives with blades longer than 3.5 inches, other weapons, ammunition, explosives, or fireworks on campus, including in campus housing, is prohibited. This includes, but is not limited to, BB guns and pellet guns, martial art weapons, tasers, bows and arrows, and paintball and laser tag guns. Realistic toy guns and gun replicas are similarly prohibited, because of the potential danger caused by confusion with real weapons. Toy guns, whether water guns or otherwise, shall not resemble a real firearm in any manner. Water guns used for special activities must be brightly colored, and their use must be approved by the Chief of University Police. Violations of this directive can result in criminal and/or administrative charges.

Texas law (Penal Code - 46.03) prohibits the possession and carrying of weapons onto an educational institution (public or private) by those other than people with proper authorization, such as Southwestern University's police officers. Southwestern University will strictly support and enforce this law. An offense under this law is a 3rd degree felony in the state of Texas.

This prohibition of firearms on campus applies to persons carrying handguns under "permitless carry" or holding permits for concealed handguns. Southwestern is a private institution and is not required under Texas law to allow such weapons on campus. Specifically, pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter Southwestern property with a concealed handgun. Southwestern has opted out of "campus carry." NO FIREARMS OF ANY KIND ARE ALLOWED ON THE CAMPUS.

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

**Sexual Assault:** (Texas Penal Code: 22.011) is 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, 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.

**Domestic (Family) Violence:** (Texas Penal Code: 22.01), is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas, [2] 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 Texas.

**Dating Violence:** (Family Code: 71.0021) is violence committed by a person:

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

**Stalking:** (Texas Penal Code: 42.072) is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for their safety or the safety of others; or
- b. Suffer substantial emotional distress. For the purposes of this definition -

**Course of Conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person threats, that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person's property.

**Reasonable Person** means a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.

**Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

### **Consent**

Assent in fact, whether express or apparent. Texas Penal Code 1.07 Definitions

### **Sexual Assault:** (Texas Penal Code:22.011)

Sexual Assault A person commits an offense if the person: i. 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;
- c. or 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
- ii. regardless of whether the person knows the age of the child at the time of the offense 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.

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

- i. the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
- ii. the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
- iii. the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- iv. 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;
- v. the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- vi. 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;

- vii. 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;
  - viii. the actor is a public servant who coerces the other person to submit or participate;
  - ix. 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;
  - x. 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;
  - xi. the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or
  - xii. the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.
- Child means a person younger than 17 years of age. Spouse means a person who is legally married to another. Tex. Penal Code § 22.011 Sexual Assault

**Domestic (Family) Violence/Abuse:** (Texas Fam.Code § 71.004)

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

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

**Dating Violence** (Texas Family.Code 71.0021)

An act, other than a defensive measure to protect oneself, by an actor that:

- 1). is committed against a victim or applicant for a protective order:
  - a. with whom the actor has or has had a dating relationship; or
  - b. because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
- ii. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

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:

- i. the length of the relationship;
- ii. the nature of the relationship; and
- iii. the frequency and type of interaction between the persons involved in the relationship.

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship.

### **Stalking** (Texas Penal Code: 47.072)

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:

- i. constitutes Harassment as defined by Tex. Penal Code § 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;
- ii. 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
- iii. 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.

A trier of fact may find that the different types of conduct described, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

### **Indecent Assault** (Texas Penal Code § 22.012)

A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:

- i. touches the anus, breast, or any part of the genitals of another person;
- ii. touches another person with the anus, breast, or any part of the genitals of any person;
- iii. exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
- iv. causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

### **Other Definitions**

**Sexual Harassment** for purposes of this Policy is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**Quid Pro Quo Sexual Harassment** occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

**Hostile Environment Sexual Harassment** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

**Bystander Intervention** is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could prevent or reduce the harm. At Southwestern, community members are encouraged to be active bystanders by holding themselves and others accountable for their language and actions in order to create a safe, welcoming, and inclusive environment. Bystander intervention can be used to address a wide variety of harmful situations, including high risk drinking, mental health concerns, sexual misconduct, hazing, and harassment. Many of these behaviors can be expressions of racism, sexism, homophobia, ableism, and other forms of systemic oppression. Mosaic provides student-led workshops throughout the academic year to empower students to take an active role in creating a culture of care at Southwestern. We ask that all Southwestern community members learn and practice bystander intervention techniques to decrease harm on our campus.

**CAS:** Center for Academic Success

**Coercion** is the application or threat of physical force, threat of social disparagement to the victim, threat to withhold benefits to which the victim may be entitled, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity. Coercion may include tacit coercion, as may happen when one party holds significant power over another. Such a power differential may make verbal expressions of consent by the less powerful party open to doubt in any disciplinary proceeding.

**Complaint** is a signed document or other report, including verbal reports, alleging a violation of this policy.

**Complainant** is the recipient of the alleged sexual misconduct who is filing a complaint.

**Consent** in University disciplinary proceedings refers to consent to sexual acts requiring affirmative verbal response to specific sexual suggestion. Consent is a voluntary, ongoing, non-impaired, verbal expression of agreement to engage in each instance and stage of sexual activity. The absence of "no" does not mean "yes". Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not itself create consent. Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated. Consent to one act does not imply consent to another; past consent does not imply future consent. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent. Knowledge of consent is the responsibility of each person involved in every instance of sexual activity, and consent may be withdrawn at any time by any party.

An individual is unable to provide consent to engage in sexual activity when the individual:

- Is under age 17 and (1) is not a spouse of the Respondent or (2) is more than three years older than the victim at the time of the offense;
- Has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing consent;
- Is asleep, unconscious, or physically unable to resist; or
- Is incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known, by the Respondent.

**Incapacitation** refers to a state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

A person is incapacitated and cannot consent if that person:

- Lacks control of their motor skills;
- Is unable to understand what is happening or make informed judgements;
- Is intoxicated to the point of a potential black out; or
- Is asleep or unconscious for any reason, including voluntary or involuntary use of alcohol or drugs.

**Interpersonal Violence** is an offense that meets the definition of domestic violence or dating violence.

**Mandatory Reporter** (pursuant to Title IX) is any University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or Deputy; or whom an individual could reasonably believe has this authority or duty.

At Southwestern University, Mandatory Reporters include but are not limited to:

- Administrators
- Academic advisors
- Coaches, athletic staff who interact directly with students
- Faculty members, including professors, adjuncts, assistant instructors, and teaching assistants
- Residence life directors
- Resident assistants
- All supervisory staff

Mandatory Reporters have a duty to promptly report incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to the University Title IX Coordinator or Deputy Title IX Coordinator. Mandatory Reporters are not confidential reporting resources.

**Non-impaired** refers to being mentally and physically capable of exercising judgement concerning one's own behavior, actions and decisions.

**Protective Order** is a court order available to persons who are victims of violence perpetrated by a family or household member or by a person with whom the victim had a dating relationship.

**Respondent** is the person accused of the sexual misconduct by the Complainant.

**Retaliation** is any action taken against another person to seek revenge. This includes physical contact, inappropriate comments through email, text messages, social media, Facebook comments or any other form of communication or any other attempts to ostracize by or on behalf of either person.

**Sexual Exploitation** is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual Misconduct** Southwestern University prohibits sexual harassment, sexual violence including sexual assault and other non-consensual sexual touching (forcible or not), relationship violence (including domestic and dating violence), stalking and other gender-based misconduct. The University defines sexual misconduct as any non-consensual sexual contact between students, including but not limited to unwanted sexual touching and/or sexual intercourse. Sexual touching includes, but is not limited to, any touching of the breasts, buttocks, groin or genitals or the use of any of these parts for touching another. Sexual touching includes forcing one to self-touch on any of these parts. The definition of sexual misconduct includes contact by means of an object.

**Special Periods** When the Honor Code Council Hearing Board, the University Committee on Discipline, and the Sexual Misconduct Hearing Board cannot be assembled to hear a case, or when, in the opinion of the Dean of Students (or designee), unusual and/or extenuating circumstances do not allow for a fair hearing, the Special Periods Committee on Discipline will hear the case and act as the Hearing Board under this policy. These periods include, but are not limited to, the first two weeks of the semester, finals week, vacations, and summer terms.

**Student** is an individual who is considered a Southwestern student and who is expected to comply with all University policy upon submission of their enrollment deposit and the inception of Welcome Week move-in day. This student status remains until one graduates or withdraws from the University. A deposited individual may be subjected to disciplinary action before move-in day if they violate a University policy while on campus or in any interaction with University personnel. Individuals who are both students and employees will be treated as students for the purpose of this policy and procedure, only if their primary relationship to the situation is that of a student. Allegations against individuals who are regular employees (regardless of student status) will be handled under the appropriate personnel policies. Where appropriate, “student” also includes student organizations.

**Student Organization** is any group that has complied with the formal requirements for University recognition or regulation is a student organization.

## University Sexual Misconduct Policy

The University’s Sexual Misconduct Policy is comprised of two component parts. Links are listed below.

- I. [Sexual Harassment Policy](#)
- II. [Student Sexual Misconduct Policy](#)

In cases where one or more involved parties are University employees, the Sexual Harassment Policy will apply.

Each of the component parts of the Policy will be reviewed and updated in accordance with the regular review processes within the University’s governance and administrative processes.

Under certain circumstances and with some conditions, violations of this policy will qualify as “Sexual Harassment” as defined by implementing regulations for Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106 et seq.). Those violations will be addressed under the separate “Title IX Policy.” All other violations will be addressed under this policy.



## **Student Sexual Misconduct Policy**

Southwestern University is a community of trust, dependent upon strict adherence to standards of conduct by its members. Sexual misconduct violates the dignity of individuals and will not be tolerated within our community. It is a form of discrimination based on sex or gender that violates federal Title IX regulations and is prohibited by University policy. In some cases, sexual misconduct can also be a violation of criminal law. Students at Southwestern University are charged with the responsibility of being familiar with and abiding by the standards of conduct set forth herein.

Southwestern University affirms the rights of its students to live, work, and learn in an atmosphere of mutual respect, free from the threat of sexual misconduct. Accordingly, any form of sexual misconduct will not be tolerated. Southwestern University values the rights and dignity of all members of the community.

Sexual misconduct (whether on or off campus) affects the emotional, physical, and psychological well-being of the Complainant (the person alleging they were harmed in violation of policy) and Respondent (the person alleged to have done the harm). The University has an obligation to investigate and resolve cases in which students feel they have been violated and to do so in a timely manner. State and federal law, including Title IX of the Education Amendments of 1972, prohibits sex/gender-based discrimination. Title IX covers all of the University's programs and activities, and Title VII of the 1964 Civil Rights Act, as amended, also prohibits sex discrimination in employment. Consistent with these legal requirements, Southwestern University is committed to providing a campus environment free of discrimination based on sex, race, color, religion, age, disability, national or ethnic origin, sexual orientation, gender identity/transgender status or any other impermissible factor.

Southwestern University prohibits sexual harassment, sexual violence including sexual assault and other non-consensual sexual touching (forcible or not), relationship violence (including domestic and dating violence), stalking and other gender based misconduct. Retaliation against anyone who reports an incident of sexual misconduct is strictly prohibited. All Universities are required by law to name a Title IX coordinator to manage campus sexual misconduct issues. That person's role is to oversee reporting requirements, to ensure procedures and educational resources are in place, and to identify and address any patterns or systemic problems revealed by such reports and complaints. Southwestern University has designated the Associate Vice President for Human Resources as the Title IX Coordinator. In addition, a Deputy Title IX Coordinator has been identified as the Dean of Students.

All employees of the University are required by state law Senate Bill 212 to promptly report allegations of sexual misconduct that they learn about or observe to the Title IX Coordinator or Deputy. The University encourages other members of the University community to report any concerns or complaints of sexual misconduct as well.

The University takes all allegations of sexual misconduct seriously and will respond to all complaints, reports, allegations and information about sexual misconduct, of which it is aware. A student Complainant initiates the investigative process by making a report to any University employee (who must report to the Title IX Coordinator or Deputy), directly to the Dean of Students, or through the online reporting form. A Complainant may also inform the University of an incident of sexual misconduct but request that no action be taken. The Dean of Students will in their discretion weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all members of the community. The University seeks consent from Complainants prior to conducting an investigation. Declining to consent to an investigation will be honored unless the University determines in its discretion that an investigation is required in order to prevent serious future physical harm to the Complainant or community. If the

University determines that an investigation is required, it will notify the Complainant and take appropriate action.

The University is committed to assisting victims/survivors of sexual misconduct through various resources and support services. To receive confidential support before or after making a report, the University encourages assistance from the counseling/health center and/or medical attention. Students are also encouraged to make reports to local law enforcement and/or to SUPD and have evidence collected, if this aligns with their wishes. In addition, the University discipline system can be used concurrently or independent from the legal system.

## **Immediate Response Options**

### **Note on Police Procedure**

**If a crime is reported to police in the State of Texas, they may be obligated to pursue an investigation even without the victim's consent. Therefore, reporting an assault to the police is not a confidential process. Students who choose to file a report are encouraged to bring a trusted friend or family member for support. An SU counselor or an advocate from Williamson County Crisis Center (also known as Hope Alliance) can also be available to accompany students through the reporting process.**

- A student who believes they have had an unwanted sexual experience (even if they are unsure), may contact SU Police 24 hours a day by calling 512-863-1944. The SU Police will help the student get to the appropriate hospital for medical treatment, if necessary. Students may also call 911 if the sexual misconduct happened off campus. The student does not have to press charges; however, the student should understand that, if a crime occurred, police officers in the state of Texas (including SU Police) are obligated to pursue an investigation with or without the student's consent.
- When seeking immediate medical treatment, there are several options. We suggest the first call is to either Brave Alliance (512-738-8817) or SAFE Alliance (512-267-7233). Both agencies have SANE Nurses on-call 24/7, with Brave Alliance being located in Georgetown and SAFE Alliance in Austin, who provide completely free and confidential SANE Nurse services. A SANE Nurse is a specially trained medical provider who can conduct a rape examination to preserve evidence should the student decide to pursue criminal charges either now or in the future. The nurse will walk the student through their options for seeking medical services including pros and cons for each available option. Obtaining medical attention is highly encouraged to ensure the student's injuries are treated and medication provided to treat certain STD's, and to receive information about HIV/AIDS and pregnancy prevention. If the student desires medical treatment only, they may utilize services at the University Health Center located on the second floor of the Prothro Center. The contact number is 512-863-1252.
- A student may talk with an SU counselor by calling 512-863-1252 during business hours. After 5:00 p.m. or on weekends, a student can call the SU Police (512-863-1944) and tell them it is a confidential matter. The Police can then connect the student with a Southwestern counselor. The counselor will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or the police department (either on or off campus) if requested and facilitate arrangements to ensure safety.
- A student may contact the University Health Center at 512-863-1252. After 5:00 pm or on weekends, a student can call the SU Police (512-863-1944) and tell them it is a confidential matter. The Police can then connect the student with the Southwestern nurse practitioner or

nurse. The nurse practitioner or nurse will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.

- A student may choose to contact off campus resources. Williamson County Crisis Center (Hope Alliance) can be reached at (512) 255-1212, Brave Alliance at 512-738-8817, and SAFE Alliance at 512-267- SAFE (7233). Both Hope Alliance and SAFE Alliance (of these resources) offer trained advocates to accompany the student to the hospital and immediate counseling to determine options for medical care as well as deciding whether or not to report to the police.
- SAFE Alliance can accommodate Spanish speakers and deaf persons. Brave Alliance provides SANE Nurses services only.
- If a student chooses to go directly to the hospital, it is recommended that they have someone they trust accompany them for support - the Williamson County Crisis Center (also known as Hope Alliance) will provide a trained volunteer to accompany the student to the hospital, should they desire such assistance. Call 800-460-SAFE (7233) to reach the Williamson County Crisis Center.
- The Southwestern University Yellow Book, “Resources and Reporting Options for Sexual Assault, Domestic Violence, Dating Violence, Stalking, and other Sexual Misconduct” may be obtained online at <https://docs.google.com/document/d/1XrcEMDIdrGkJqSMY94-Tbhf7MgEr0I94zqBKR1mmCc/edit>
- The Yellow Book is also available from the Counseling Center, any RA, SUPD, and the Dean of Students’ Office. For the most up-to-date version, please see the online version of the Yellow Book. The Counseling Center’s website has other resources listed addressing sexual violence which students may find helpful: <https://www.southwestern.edu/counseling-center/>.

**Important note:** The printed 2021-22 version of the Handbook was updated with current Yellow Book information as of May 2021; however, the most recent version of the Yellow Book can always be found online at the following link <https://docs.google.com/document/d/1XrcEMDIdrGkJqSMY94-Tbhf7MgEr0I94zqBKR1mmCc/edit>

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

## Adjudication Options

If a student has had an unwanted sexual experience, there are numerous options, including choosing not to report or one or more of the following.

- Pursue charges based on Texas state laws. This would entail making a police report followed by an investigation and possible criminal proceedings involving the appropriate District Attorney’s office.
- Pursue a case through a civil suit. This option generally seeks monetary remedies and is initiated by contacting an attorney of the student’s choosing and at the student’s expense. Austin Bar Association’s Lawyer Referral Service [www.austinlrs.com](http://www.austinlrs.com) or 512-472-8303, and Texas Advocacy Projects Legal Line 888-296-SAFE (7233), can help with finding an attorney.

- Seek confidential support. The on campus options are to meet with the Counseling Center, the Health Center or the University Chaplain. These options do not require an investigation nor do they prevent a student from pursuing other options.
- Pursue a formal, on-campus University disciplinary action by informing the Dean of Students of their desire to register a formal complaint. Any member of the University community can make a report.

The University reserves the right to act as the Complainant via Residence Life staff, the Dean of Students, or SU Police. Any outcome from a University disciplinary process will not necessarily have any jurisdictional authority beyond the physical campus, its students, and affiliated programs.

Once the University is notified of allegations of sexual misconduct, an inquiry (but not necessarily an investigation) must be initiated. If the inquiry identifies the Complainants, and the Complainant desires to proceed with a formal disciplinary complaint against the Respondent, a prompt, fair, and impartial investigation by the University will follow.

### **Right of a Student To Have An Advisor**

When a student appears before the Sexual Misconduct Hearing Board as a Complainant or Respondent, they are entitled to be accompanied by one advisor of their choosing. The Dean of Students (or designee) should be informed of the identity of the advisor not less than 10 days before the hearing. The advisor may be anyone, including a friend, a member of the faculty or staff, a parent, or an attorney.

The only persons disqualified from being your advisor are witnesses, administrators over the disciplinary process, and any person who supervises a participant in the disciplinary process as an employee. If the advisor is an attorney, the Dean of Students (or designee) will still communicate directly with the Complainant and/or the Respondent regarding the procedures and other matters relating to the hearing; however, the attorney may communicate only with the University's attorney and not with the Dean of Students (or designee). Whoever is the advisor, the advisor is not allowed to speak during the hearing, to speak for the party, to argue for the party, to address the Hearing Board, or to address/question any witness during the hearing. The advisor's role is limited to advising the Complainant or the Respondent privately, in a non-disruptive manner. It is the responsibility of the Complainant/Respondent to assure that the advisor is aware of their role.

### **Rights of Complainant**

- To have assistance from a CASAR (Center for Academic Success and Registrar) Advisor that can help assess academic situations and what your options might be. Every case is different, but these options could include (but are not limited to) transferring classes and/or withdrawing from one or more of your classes. Alternative meal hours or housing can be arranged if necessary by talking to the Dean of Students (or designee). Assistance can also be received in regards to any concerns about financial aid and scholarships.
- To be informed in writing of time and date of the sexual misconduct hearing and the charge against the Respondent
- To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing
- To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing
- To know the name(s) of the Respondent's witness(es)

- To have an advisor
- To supply the Dean of Students (or designee) with a written statement and any evidence in support of the complainant
- To appear as a witness at the hearing
- To attend the entire hearing exclusive of closed sessions
- To request alternative hearing procedures in which the Complainant does not have to be physically present at the hearing site
- To supply the Dean of Students (or designee) with a list of witnesses in support of the accusations(s)
- To receive notice and explanation of the processes involving allegations of sexual misconduct
- To provide questions of witness(es) to the hearing chair for consideration
- To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal
- To appeal the decision
- To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)
- To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.) simultaneously with the Respondent.

### **Rights of Respondent**

- To have assistance from a CASAR (Center for Academic Success and Registrar) Advisor that can help assess your academic situation and what your options might be. Every case is different, but these options could include (but are not limited to) transferring classes and/or withdrawing from one or more of your classes. Alternative meal hours or housing can be arranged if necessary by talking to the Dean of Students (or designee). Assistance can also be received in regard to any concerns about financial aid and scholarships.
- To be informed in writing of time and date of the sexual misconduct hearing and of the charges(s).
- To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing
- To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing
- To know the name(s) of their Complainant and witness(es)
- To have an advisor
- To supply the Dean of Students (or designee) with any evidence in support of their defense
- To appear as a witness at the hearing
- To attend the entire hearing exclusive of closed sessions
- To not appear at the hearing
- To supply the Dean of Students (or designee) with a list of witnesses in defense of the accusation(s)
- To receive notice and explanation of the processes involving allegations of sexual misconduct
- To provide questions of witness(es) to the hearing chair for consideration
- To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal
- To appeal the decision
- To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)

- To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.) simultaneously with the Complainant.

Each of the component parts of the Policy will be reviewed and updated in accordance with the regular review processes within the University's governance and administrative processes. All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result.

### **Sexual Misconduct Hearing Board**

Disciplinary complaints involving sexual misconduct are heard by the Sexual Misconduct Hearing Board ("Hearing Board"). The Hearing Board is composed of faculty and staff, and its members receive formal training prior to serving as a Board member. This training includes, among other topics, referral sources for assistance, presentations on how Southwestern adjudicates sexual misconduct disciplinary cases, dynamics of acquaintance rape scenarios, variable survivor reactions, myths and facts about sexual misconduct that apply to both men and women, sensitivity to sexual orientation factors and appropriate standard of proof.

The Hearing Board is the only board that can hear cases involving alleged student or student organization sexual misconduct, except during Special Periods, when the Special Periods Committee on Discipline shall act as the Hearing Board.

The Hearing Board shall consist of three Hearing Board Members. Every attempt will be made to have gender diversity within the Hearing Board. The Dean of Students (or designee) will choose the chair of the Hearing Board. The Hearing Board shall be provided with the charge(s), the Complainant's written complaint, the written reply of the Respondent (if any), attachments or list of witnesses, and any other documents or materials submitted by the parties or obtained during the investigation.

The Complainant and the Respondent will be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing. The Complainant and the Respondent can request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing. The decision to grant a dismissal shall be made at the sole discretion of the Dean of Students (or designee).

### **The Sexual Misconduct Hearing**

The Dean of Students or their designee (if the Dean is the Complainant) is responsible for presenting charges to the Hearing Board. At this point, the Respondent may enter a plea of responsible or not responsible. In the absence of a plea, or in the case of a plea of not responsible, the hearing continues.

In the event the Respondent pleads responsible, the Hearing Board will consider statements from the Respondent and the Complainant. The Dean of Students (or designee) and Hearing Board members may ask questions at that time.

The Complainant and the Respondent have the right to attend the full hearing, excluding the deliberations of the Hearing Board, if they so choose. If the Respondent has been formally notified of the hearing but fails to attend, the Hearing Board will hear the case in their absence.

All witnesses at the hearing must testify live and in real time before the Hearing Board, either in person or via videoconference. Under no circumstance will written statements be permitted as testimony of a witness.

If the Respondent pleads not responsible or makes no plea, the Dean of Students (or designee) will present witnesses in support of the charge(s), including any witnesses provided by the Complainant. The Hearing Board members may ask questions, for clarification purposes only, during the witness's direct testimony.

Upon completion of the testimony by the Complainant or a witness, the Hearing Board can conduct more complete questioning. Should the Respondent or the Complainant have a question of a witness, or of each other, that question must be provided at the conclusion of the witness's statement and must be presented in writing to the chair, who will determine whether to ask the question of the witness, based on relevance or other factors at the chair's discretion.

The Deans of Students (or designee) will then present a witness on behalf of the Respondent. It is the choice of the Respondent whether or not to testify. Once again, the Hearing Board members may ask questions, for clarification purposes only, during the direct testimony of the witness.

Upon completion of the testimony by the Respondent or a witness, the Hearing Board may conduct more complete questioning. Should the Respondent or the Complainant have a question of a witness, that question must be provided at the conclusion of the witness's statement, and must be presented in writing to the chair, who will determine whether to ask the question of the witness, based on relevance or other factors at the chair's discretion.

The Hearing Board may, during a hearing, request additional information or witnesses and may take a recess of sufficient time to acquire the information. The Hearing Board chair or Dean of Students (or designee) may also declare a recess, if they believe that either the Complainant or the Respondent is emotionally unfit to continue or that there is fatigue of any party in the proceedings.

Upon completion of the witnesses' statements and questioning, the Complainant and the Respondent will have the opportunity to make a brief statement to the Hearing Board concerning the evidence or the issues for the Hearing Board to consider. No new evidence will be permitted in such statements and the chair of the Hearing Board will have the right to place reasonable restrictions on the length of such statements. Upon completion of the closing statements by the Complainant and the Respondent, the Hearing Board will commence deliberation of responsible or not responsible in closed session during deliberation. A preponderance of the evidence standard will determine the violation, meaning that is more likely than not that the Respondent committed the violation.

If the Respondent is found responsible, or pleads responsible, both the Respondent and Complainant may make personal statements, followed by questions from the Hearing Board. Character witnesses for the Respondent may then be offered. A character witness is a person who may speak to their experiences with the Respondent and the Respondent's good qualities, character and morality. Character witnesses may not address the issue of guilt or the facts relating to the policy violation(s). Such witnesses are limited to two, and a total time of fifteen minutes is allotted.

The Dean of Students (or designee) will offer any history of discipline problems. The Dean of Students (or designee) may also recommend appropriate sanctions. Those recommendations will be given in the presence of the Respondent. These are recommendations only and are not binding. This is followed by

deliberation on the sanction by the Hearing Board in closed session. The Respondent is then informed of the sanction and reminded of the right to appeal. The Complainant is notified of the outcome of the hearing and the right to appeal. If the Respondent is a student organization, the organization shall be represented at the hearing by its president (or designee appointed from within the student membership of the organization).

The only persons entitled to be present during the hearing are the Dean of Students (or designee), the Complainant, the Complainant's advisor, the Respondent, the Respondent's advisor, witnesses (during their testimony only), and the Hearing Board members. In addition, an officer of the SUPD and/or a Residence Life staff member may attend, if determined necessary by the Dean of Students (or designee). Finally, the University may choose to have its attorney attend the hearing to consult with the University, the Dean of Students (or designee) and/or the Hearing Board on legal and procedural issues. If during the hearing, the Hearing Board becomes aware of any other violation(s) of University policy which may have occurred in connection with the circumstances surrounding the alleged misconduct, the Hearing Board may in its discretion at the conclusion of the hearing make a confidential referral of such other potential violation(s) to the Dean of Students (or designee) for possible future or other disciplinary proceedings.

Southwestern University seeks to complete the investigation of all reports of sexual misconduct within sixty (60) days. That time frame is meant to be a guideline rather than a rigid requirement. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include school breaks or holidays, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, or other unforeseen circumstances.

## **Records**

Accurate records of hearings and other actions by administrators shall be kept in the student's and/or organization's files in the Office of Student Life. These records will be made available to the Vice President for Student Life (or designee) and the Appellate Board upon appeal. Hearing records usually include information provided by several students. Therefore, they are not considered to be a part of any one student's record, and are not made available to anyone outside the hearing or the campus appeal process, except under proper subpoena and in accordance with law. Student disciplinary hearing files will be maintained for seven years following graduation, at which time they may be destroyed.

## **Alternative Procedure**

If the Dean of Students (or designee) concludes in their discretion that implementation of the usual sexual misconduct hearing procedure would result in significant trauma for the Complainant or alleged victim, the Complainant will have an additional option. The Complainant and their advisor would be connected to the process via telephone or video conferencing technology instead of being physically present at the site of the hearing. This option does not require the consent of the Respondent. All other aspects of the hearing remain the same.

## **Appeals**

Appeals may be made by both the Respondent and the Complainant. Appeals must be submitted in writing to the Office of the Vice President for Student Life within three business days from the date of written notification of the hearing results, with a copy of such appeal being delivered to the Dean of Students/Designee. The Dean of Students/Designee will then provide a copy of the written appeal to the



non-appealing party at which time the non-appealing party may provide a written response within three business days. Appeals must be in writing and signed by the Complainant or Respondent and not by the advisor. An appeal must concisely set forth the grounds for appeal as well as provide any supporting material.

The grounds for appeal are limited to the following:

- The hearing was conducted in a manner materially and unfairly inconsistent with the established Hearing Board procedure
- Information is available that was unavailable at the time of the hearing, and the new information is relevant to the Hearing Board's determination
- Sanction(s) is(are) inappropriate for the violations(s)

A decision on the appeal by the Appellate Board, composed of three members of the Hearing Board pool who were not involved in the original hearing or intake process, will be based upon the written appeal and such other information as the Appellate Board deems at its discretion to be relevant. There is no live hearing or other oral presentation by the parties in connection with the appeal. The decision on the appeal rendered by the Appellate Board is final, meaning that there is no appeal beyond the Appellate Board, and will be mailed, within thirteen business days of receipt of the appeal, to both the Complainant and the Respondent.

The Appellate Board may take the following measures on appeal.

- Uphold the original decision(s) and sanction(s)
- Uphold the original decision(s) and alter sanction(s)
- Refer the case back to the Hearing Board for rehearing - Both the Respondent and Complainant will have the opportunity to participate in a rehearing
- Refer the case back to the Hearing Board for review - Both the Respondent and Complainant will be informed of the outcome of the review

The outcome of the appeal process is final. Departures from these procedures and errors in their application shall not be grounds to withhold disciplinary action unless, in the sole judgment of the Appellate Board, the departures or errors were such as to have prevented a fair and just hearing.

## **Interim Sanctions**

In certain instances, it may be necessary for the University to impose interim sanctions, including suspension, pending a hearing. This action may be necessary when in the sole opinion of the Dean of Students (or designee), the continued presence of the Respondent student may constitute a threat or disruption to the normal academic process of the University, or where the student is considered a danger to other students or to him/herself. In such cases, a hearing will be scheduled as soon as appropriate after interim sanction commences.

## **Typical Sanctions**

If the Respondent (student or student organization) is found in violation of the University's Student Sexual Misconduct Policy, the notification will also include notice of any sanctions which may be imposed by the Hearing Board. More than one sanction may be imposed for any single violation. A history of inappropriate behavior by the student or student organization and the nature or severity of an incident are considered in determining appropriate sanctions. If a student chooses to withdraw from Southwestern University prior to a Sexual Misconduct Hearing, a Criminal Trespass may be issued through SUPD.

The Hearing Board has wide discretion to impose the sanctions it deems appropriate for the violation it found of the Sexual Misconduct Policy. In considering the appropriate sanction, the Hearing Board will consider, among other things, the nature of the specific acts, the interests of the Complainant, the character and interests of the individual found responsible, the testimony, if any, at the sanctioning phase of the hearing, and the interests of the University in a safe environment.

The range of potential sanctions includes:

- **Contract Probation** is a warning that future violations may be handled more strictly and with additional sanctions imposed by the Dean of Students (or designee). Contract probation expires after a specified amount of time but remains in the internal SU record until graduation (or in the case the student leaves the University, for four years after the violation).
- **Disciplinary Probation** is an official sanction by the University that becomes a part of the student's record. Future misconduct will result in a hearing by the University Committee on Discipline, with sanctions up to and including University suspension or expulsion. Students placed on disciplinary probation may not graduate, re-enroll, or confirm registration until the terms of the probation are met. Additional loss of privileges may include, but are not limited to, leadership in student organizations and representing a student organization off campus, participating in athletics, University activities and events, access to facilities, and parking and vehicle registration and use privileges.
- **Expulsion** is the permanent dismissal of a student or organization. Expelled students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Expelled organizations must cease to exist within twenty four hours, unless the Hearing Board directs otherwise.
- **Loss of Privileges** is the denial of specified privileges for a designated period of time.
- **Mandated Counseling** is the requirement that a student take part in a counseling program conducted by an off campus licensed professional as determined by the Hearing Board by a specified date. This includes signing a "Request and Authorization to Exchange Information" form provided by the Dean of Students (or designee). Unless otherwise stated by the Hearing Board, the student is required to follow all recommendations made by the treating professional.
- **Mandated Counseling Assessment** is the assessment and/or session with an off campus licensed professional as determined by the Hearing Board by a specified date. This includes signing a "Request and Authorization to Exchange Information" form provided by the Dean of Students (or designee). Unless otherwise stated by the Hearing Board, the student is required to follow all recommendations made by the treating professional.
- **Mandatory Housing Relocation and Class Scheduling** is to facilitate the Respondent and Complainant avoiding all contact unless the Complainant agrees otherwise.
- **Physical Restrictions** is a directive that forbids a student(s) to be in specified locations on University premises.
- **Suspension** is the forced withdrawal of a student or an organization for a specifically stated period of time. Suspended students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Suspended organizations must suspend all operations within twenty-four hours, unless the Hearing Board directs otherwise.

## **Student Organization Sanctions**

In addition to the other sanctions identified here, as appropriate, student organizations found responsible for a violation of the Sexual Misconduct Policy may also face the following sanctions.

- Alcohol Ban - Alcohol may be banned from all functions and/or from specific premises, even if all students are of legal age.
- Expulsion - In addition to the expulsion sanctions identified above, the removal of all organizational identification, removal or covering of any permanent signage, social areas being restricted to residents only, the loss of all University privileges, and residential occupancy determined by the Dean of Students (or designee).
- Mandated Educational Programs - approved by the Dean of Students (or designee).
- National Organization Contact - informing any relevant national organization of the violation.
- Prohibition of recruiting, adding and/or inducting new members.
- Social Probation - Prohibiting a student organization from having any social activities (including parties) on or off campus for a specified period of time.
- Suspension - In addition to the suspension sanctions identified above, the removal of all non-permanent signage during the time of suspension, and residential occupancy determined by the Dean of Students (or designee).

The University appreciates all participants' cooperation during the investigation process.

## **Sexual Harassment Policy**

### **Policy and Definition**

Southwestern University prohibits sexual harassment, sexual violence including sexual assault and other non-consensual sexual touching (forcible or not), relationship violence (including domestic and dating violence), stalking and other gender based misconduct. Sexual harassment in any manner or form, including sexual harassment based on sexual orientation, is expressly prohibited. It is the policy of Southwestern University (the University) to maintain both an academic and a working environment free from all forms of sexual harassment of any employee or applicant for employment, student, donor, former student, volunteer, or any other constituent of the University. Two reasons for this policy are to reaffirm the University's commitment of respect for the person and to enhance the University community's level of consciousness regarding gender issues. Sexual harassment violates University policy, Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, the Texas Commission on Human Rights Act, Texas Senate Bill 212/Texas Education Code 51.253, Clery Act, Title IX of the Education Amendments of 1972, and other federal, state, and local sex-related regulations.

All reported or suspected occurrences of sexual harassment will be promptly and thoroughly investigated. All investigations will be conducted in a professional manner and to the fullest extent possible. The University intends that these investigations will be kept confidential within the limits of the law. Where sexual harassment has occurred, the University will take appropriate and timely disciplinary or other appropriate remedial action.

As used in this policy, the term "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or education; or

2. Submission to or rejection of such conduct by a person is used or threatened as the basis for academic or employment decisions, or evaluations affecting that person; or
3. Such conduct has the purpose or effect of a) unreasonably interfering with a person's academic or professional performance or b) of creating an intimidating, hostile, or offensive employment, educational, or campus environment for any person or group of persons.

Other sex-related behaviors, that may or may not be definable as sexual harassment, will hereinafter be referred to as "sexual misconduct".

### **Examples of Sexual Harassment and Retaliation**

The examples of sexual harassment given below are intended to illustrate appropriate behavior, but are not all-inclusive. Courts in this country have recognized two types of sexual harassment: The first type is quid pro quo ("something for something") harassment, where sexual activity is demanded or offered in exchange for an actual, tangible job or benefit; the second type is hostile environment harassment, where there is not necessarily a loss or gain of a tangible job or benefit. This policy includes quid pro quo harassment and hostile environment harassment.

Examples of unacceptable verbal or physical conduct which may constitute sexual harassment include, but are not limited to:

1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
2. Intimidating conduct which exerts pressure for sexual activity;
3. A pattern of conduct in class or in the workplace (not reasonably or legitimately related to the subject matter of the course or job) which would discomfort or humiliate a reasonable person at whom the conduct was directed, through comments of a sexual nature, such as sexually explicit statements, questions, jokes, anecdotes, or references to sexual orientation.
4. A pattern of conduct that would discomfort or humiliate a reasonable person at who the conduct was directed, through one or more of the following: a) inappropriate touching, patting, hugging, or brushing against a person's body, b) repeated or unwanted staring, c) remarks of a sexual nature about a person's clothing or body, or d) remarks about a person's sexual orientation, sexual activity, or speculations about previous sexual experience;
5. A pattern of conduct which a reasonable person would identify as one or more of the following: a) inappropriate remarks or humor based on gender stereotypes or sexual orientation, b) inequities in references to males and females (e.g., "men and girls"), c) the assignment according to gender stereotype of tasks that are not gender specific.

This policy is not intended to limit legitimate claims of academic freedom. In particular, the policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in some class members. An example of unacceptable conduct which may constitute retaliation, includes:

1. A person covered by this policy reasonably believes they have been the subject of prohibited harassment and makes a complaint regarding the same. Retaliation occurs when that person suffers a material adverse action (e.g., employment termination or discipline) because they complained about conduct reasonably believed to violate the sexual harassment policy.

## **University Administration of Policy**

Persons in positions of authority have specific responsibility in the areas covered by this policy. Particular sensitivity should be addressed to such questions as whether consent is as free as it seems, and to the inherent conflicts of interest in personal relationships where professional and educational relationships are also involved.

Important Note: Effective September 1, 2019, all faculty and staff members of the campus community are considered Mandatory Reporters under Texas law. This means that all employees must promptly report incidents of Sexual Misconduct. An employee has no obligation to report sexual misconduct that the employee themselves was a victim of. More information can be found on the University's Title IX website for Senate Bill 212/Texas Education Code 51.253.

When a University member suspects they have been a victim of sexual harassment or sexual misconduct of any kind, or retaliation which involves a University employee, they should immediately take action by contacting the Title IX Coordinator (DTIXC), or the Sexual Harassment Officer (SHO) to discuss the situation and determine a course of action.

A SHO, appointed by the President of the University, is available to assist the University community in dealing with all complaints of sexual harassment, sexual misconduct, and retaliation (even if the sexual misconduct is not processed through the Sexual Harassment Policy). The SHO works in close coordination with the TIXC, DTIXC, and other appropriate University officials.

The duties and responsibilities of the SHO include, but are not limited to:

1. Receiving notification from University officials and/or members of the University community of all allegations of sexual misconduct including, but not limited to, "sexual harassment" or "retaliation";
2. Serving as a member of the University's Title IX Compliance Committee (an administrative working group) and also as an ex-officio member of the University's Sexual Assault Risk Reduction Committee;
3. Together with the University's TIXC and through the Title IX Compliance Committee, ensure all reported incidents are properly compiled and reported to the University community;
4. Reporting the initiation of any formal complaint to the appropriate member of the University's President's Staff, the TIXC, and to the Associate Vice President for Human Resources (AVPHR);
5. Initiating the information and/or formal complaint processes as appropriate; being involved in resolutions of the incidents as appropriate.

## **General Procedures for Handling Complaints**

Members of the Southwestern University community who believe that they have been sexually harassed or retaliated against (or those who have been accused of sexual harassment) may turn for assistance to the TIXC, DTIXC, SHO, the AVPHR, the appropriate supervisor, the appropriate member of the President's Staff, or the Associate Vice President for Academic Affairs (AVPAA), and should not feel compelled to seek assistance from any person or persons who may be the perpetrator of the alleged wrongful conduct. The President and members of the President's Staff may appoint a designee to serve on their behalf. The Complainant has the option of taking an informal or formal action according to the procedures outlined below.

Any person who believes that they have been sexually harassed or retaliated against is encouraged to consult the TIXC, DTIXC, SHO, the AVPHR, or the AVPAA. These individuals are administrators whose

job responsibilities include handling such complaints and will be available to aid a member of the University community in the following ways:

1. Provide immediate support by listening to and discussing the allegation;
2. Discuss the definition of sexual harassment or retaliation to reach a reasonable decision as to whether sexual harassment or retaliation as defined in this policy has occurred;
3. Outline possible courses of action, including the Informal and Formal Complaint Procedures described in this policy and including who should be notified should the individual wish to make a formal complaint.

The University will comply with all obligations under the law in connection with the handling and investigation of complaints. These individuals will maintain confidentiality within the limits of the law, including Title IX, Title VII, applicable state law and related regulations. Unless a complainant gives the TIXC, DTIXC, SHO, AVPHR, or AVPAA permission to disclose specific information concerning the alleged act of harassment, these individuals may, but are not required to, limit their assistance to the items described in 1 through 3 above and will not discuss with or report the alleged act of harassment to any person other than the SHO (unless required by law, including Title IX, Title VII, applicable state law, and related regulations). The Complainant should realize, however, that these individuals and the University may be impaired in taking any actions to attempt to resolve the alleged problem if the Complainant desires to keep the allegation and the circumstances surrounding such allegation anonymous. An exception to non-disclosure of anonymous complaints may be made in cases where the SHO reasonably believes that the safety of a member of the University community or general public will be at risk or where the SHO reasonably believes a violation of the law may have occurred; this includes the risk of other individuals being subjected to sexual harassment or retaliation.

Contact with the TIXC, DTIXC, SHO, AVPHR, or AVPAA in no way obligates the individual to pursue an official complaint. The Title IX Coordinator, Deputy Title IX Coordinator, SHO, AVPHR, or AVPAA, however, may be required to independently report the incident to appropriate University officials who may initiate an investigation under the law, including Title IX, Title VII, state law and related regulations. The Complainant has the option of choosing, upon reflection, not to pursue the matter and not to make contact with the accused, or to pursue the Informal or Formal Complaint Procedure. For the sake of clarity, a Complainant is not required to first pursue the Informal Complaint Procedure, and may at any time initiate the Formal Complaint Procedure.

### **Informal Complaint Procedure**

A common method of utilizing the informal approach is through a letter written by the Complainant to the accused person. Other options may include, but are not limited to, the use of a mediator or a facilitated face-to-face meeting between the parties.

If the Complainant elects a mediated or face-to-face meeting, they will coordinate such action through the TIXC, DTIXC, SHO, AVPHR, or the AVPAA.

If the Complainant elects to write a letter it generally should address three matters:

1. The facts of what has occurred, told without evaluation. These facts should be as detailed and precise as possible, with dates, places, and a description of the incident(s)
2. How the Complainant feels about the events

3. How the Complainant wants the matter resolved and within what timeframe. This part should include a statement that, if the matter is not resolved satisfactorily within a specified amount of time, the Complainant may take formal action.

The Complainant has the option of preparing such a letter with the assistance of the TIXC, DTIXC, SHO, AVPHR, or AVPAA. If the writer declines that option, the writer is encouraged to have the TIXC, DTIXC, SHO, AVPHR, or AVPAA review the communication prior to it being sent. In all cases, the SHO conducts the final review of the letter. The letter may be delivered in person, by registered or certified mail, or by the TIXC, DTIXC, or SHO. The accused person may reply to a writer who wishes to remain anonymous through the SHO. The writer should keep a copy of the letter, but not send copies to others. If the letter does not achieve its purpose, it can be used to support a formal complaint. Although it is the personal decision of the Complainant as to whether they wish to remain anonymous, choosing to remain anonymous may hinder resolution of the matter in circumstances where the accused is unsure or does not clearly recall the incident leading to the complaint.

### **Formal Complaint Procedure**

In a formal complaint action, the Complainant must notify in writing an appropriate University official, with or without the help of the TIXC, DTIXC, SHO, AVPHR, or AVPAA. If the complaint involves a student, the Vice President for Student Life will be notified; if it involves a faculty member, the Dean of the Faculty; if it involves staff/administration, the Vice President for Finance and Administration; in all of the above cases, the University's TIXC and SHO will be notified. Should either the Vice President for Student Life, the Dean of the Faculty, or the Vice President for Finance and Administration be notified of a complaint involving sexual harassment, such party shall inform the TIXC and SHO in a timely manner of any such allegations and actions regarding sexual harassment or retaliation. In any situation where the TIXC or SHO is notified of the complaint because the accused is the party set forth above the whom complaints should be given, then the TIXC or SHO will make the determinations described in 1, 2, and 3 below and report directly to the President of the University.

Once the SHO is notified of allegations concerning sexual harassment and the Complainant's desire to proceed with a formal complaint against the accused, a prompt and thorough investigation by the University will follow. The SHO will collaborate with the TIXC and other University officials as appropriate. The University is committed to investigate formal complaints which it receives to deal appropriately with any person found to have violated the policy, and to otherwise take appropriate remedial measures under the circumstances. Proceedings under the Formal Complaint Procedure shall generally take place in accordance with the following guidelines:

1. Faculty: Upon receipt of a formal, written complaint in which the accused party is a faculty member, the Dean of the Faculty shall determine, with the assistance of the SHO, and with or without the assistance of the appropriate associate dean and/or department chair, depending on whether or not the Dean of the Faculty elects to notify such associate dean or department chair, whether further investigation or recommendation for sanctions is warranted. The Dean of the Faculty shall notify the accused faculty member as soon as reasonably possible of the complaint and the Dean's finding as to whether further investigation or recommendation for sanctions is warranted.
2. Staff: Upon receipt of a formal, written complaint in which the accused party is a staff member/administrator, the Vice President for Finance and Administration shall determine, with the assistance of the SHO, and with or without the assistance of the appropriate administrator/department head, whether further investigation or recommendation for sanctions is

warranted. The Vice President for Finance and Administration shall notify the accused staff member/administrator as soon as reasonably possible of the complaint and the finding as to whether further investigation or recommendation for sanctions is warranted.

3. Students: Upon receipt of a formal, written complaint in which the accused party is a student, the Vice President for Student Life shall determine, with the assistance of the SHO, whether further investigation or recommendation for sanctions is warranted. The Vice President for Student Life shall notify the accused student as soon as reasonably possible of the complaint and the finding as to whether further investigation or recommendation for sanctions is warranted.

With respect to any formal written complaint filed involving faculty, staff, or students, as described in 1, 2, or 3 above, if the circumstances warrant it, the Dean of the Faculty, the Vice President for Finance and Administration, or the Vice President for Student Life, as the case may be, may convene an ad hoc committee to investigate, review, and summarize the facts surrounding the case and make recommendations for resolution of the complaint. If appropriate, the SHO may recommend an ad hoc committee to the respective President's Staff member. No member of the committee shall have been the complainant or the accused. The ad hoc committee will conduct its own inquiry to gather information it deems necessary to assist it in reaching a determination as to the merits of the allegation(s). The ad hoc committee will summarize the information gathered from the inquiry for the party who convened the committee. The SHO, as chair of the ad hoc committee, will consult with the party who convened the committee to discuss the recommendations regarding resolution of the complaint(s).

Once the President's Staff member has received the report of the ad hoc committee convened (if they have not served on the committee or have otherwise reached a basis for making a decision) and have consulted with the SHO, then they shall submit their recommendation(s) in writing to the President. The President shall review the recommendation(s) and, if in agreement, the President shall notify the accused faculty, staff, or student, as well as the complainant, of the decision. If the President does not agree with the decision, the President shall refer it back to the appropriate President's Staff member.

If either side chooses to appeal the decision for any reason, including but not limited to alleged procedural errors or alleged new evidence, such appeals shall be made to the President. Requests for appeals should be made in writing, state with specificity the grounds and basis for the appeal, and addressed to the President within 30 days after notification of the original decision.

### **University Disciplinary Actions and Penalties**

Students found responsible for sexual harassment may receive a warning, specific penalties, disciplinary probation, suspension, or expulsion, as explained in the Student Handbook under Personal Conduct Policies (including Student Sexual Misconduct Policy).

Faculty members found responsible for sexual harassment or retaliation may receive penalties ranging from a warning to dismissal with cause. If procedures for dismissal with cause are instituted on the basis of sexual harassment or related retaliation, those procedures must conform to the policy and procedures adopted at the January 27, 1978, meeting of the Board of Trustees and as may be subsequently amended. (See Dismissal with Cause, Section IV of the Faculty Handbook.)

Staff and administrators found responsible for sexual harassment or retaliation may receive penalties ranging from a warning to immediate dismissal as described within the Performance Management Guidelines section of the Staff Handbook.



The University will take timely and appropriate corrective action to end sexual harassment and/or retaliation when it is known to have occurred.

## **Other Considerations**

### **Retaliation**

Except in regard to false accusations as detailed below, no retaliation by any member of the Southwestern community may be taken against any person because they make a complaint concerning sexual harassment or against any member of the University community who serves as an advocate for a party in any such complaint. All reasonable action will be taken to assure that the Complainant and those testifying or participating in other ways in the complaint resolution process will suffer no retaliation as a result of their participation.

### **False Accusations**

While the University is committed to preventing and punishing unlawful discrimination, harassment, and retaliation, it also recognizes that false accusations of sexual harassment or retaliation may harm an innocent party who has been falsely accused. Accordingly, any person, who, after an investigation, is found to have knowingly and intentionally made a false accusation of sexual harassment or retaliation will be subject to appropriate disciplinary action. However, if a person makes a report of what they in good faith believe to be sexual harassment or retaliation, the person will not be subject to disciplinary action even if the person turns out to be mistaken or there has been a finding of no sexual harassment or retaliation.

## **Southwestern University Title IX Policy**

In May 2020, the Department of Education issued over 2,000 pages of regulations governing Title IX of the Education Amendments of 1972 ("Title IX"), and its application to incidents of sexual misconduct.

The regulations include:

- "Sexual Harassment" is the umbrella term the DOE now uses to cover quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic and dating violence, and stalking.
- In order to be governed by Title IX, alleged Sexual Harassment must have taken place under very specific conditions (including location, identity of parties involved, nature of allegation, and more).
- Behavior that does not take place under those conditions, or does not fall under the regulations' definition of sexual harassment, must be dismissed under Title IX. It can still be adjudicated under our other policies (as outlined in the student, employee, and faculty handbooks).
- Behavior that meets the Title IX conditions must be investigated and resolved according to a very specific and regimented process.
- The Title IX regulations apply equally to students and employees.

In response to these federal regulations, the University has created a standalone "Title IX Policy" to address violations covered under the regulations according to a process prescribed by the regulations. Prohibited conduct that is not covered under Title IX but that does constitute a violation of University policies will be addressed under said policies as appropriate. To avoid conflict with the Title IX policy,

some changes were required to the University Sexual Misconduct Policy, the Student Sexual Misconduct Policy, and the Sexual Harassment Policy.

## **Policy Statement**

Consistent with the University's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 et seq.), the University prohibits Sexual Harassment that occurs within its education programs and activities. As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Administrators, faculty members, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of University discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from University property; cancellation of contracts; and any combination of the same.

The University will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's education programs and activities.

## **Scope**

This policy applies to Sexual Harassment that occurs within the University's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community. This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the University's Education Programs and Activities; such Sexual Misconduct may be prohibited by the Student Sexual Misconduct Policy if committed by a student, the Faculty Handbook, Staff Handbook, or other University policies, procedures or practices if committed by a faculty or staff member.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University's Education Programs and Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Sexual Misconduct Policy if committed by a student, the Faculty Handbook, Staff Handbook, or other University policies, procedures or practices if committed by a faculty or staff member.

**Consent** is a voluntary, ongoing, non-impaired, verbal expression of agreement to engage in each instance and stage of sexual activity. Consent to sexual acts requires affirmative verbal response to specific sexual suggestion. The absence of "no" does not mean "yes." Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not itself create consent. Knowledge of consent is the responsibility of each person involved in every instance of sexual activity, and consent may be withdrawn at any time by any party.

The following list provides examples of when consent has not been obtained or is not effective:

Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated.

Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.

Consent to one act does not imply consent to another; past consent does not imply future consent.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: the use of physical force, a threat of physical force, Coercion, Incapacitation, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship or manner of dress does not, by itself, constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.

An individual is unable to provide Consent to engage in sexual activity when the individual:

1. Is under age 17 and (1) is not a spouse of the Respondent or (2) is more than three years older than the victim at the time of the offense;
2. Has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing Consent;
3. Is unconscious or physically unable to resist; or
4. Is Incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known, by the Respondent.

**Incapacitated** refers to a state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

Incapacitation is a state where an individual cannot make an informed and rational decision to Consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction), is physically or mentally helpless, or is otherwise unaware that the sexual act is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was Incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's Incapacitation.

Incapacitation is beyond mere drunkenness or intoxication, and consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish Incapacitation. The impact of alcohol or drugs varies from person to person, and evaluating Incapacitation requires an assessment of how consumption

of alcohol and/or drugs impacts an individual's: decision-making ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature or circumstances of the act.

No single factor is determinative of Incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

**Coercion** is the use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amounts to coercion if they wrongfully limit the other's ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person's ability to give consent.

**Retaliation** is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Retaliation is prohibited and is considered a stand-alone policy violation without regard to any finding of responsibility for violation of this policy.

**Complainant** means the individual(s) who is alleged to have been impacted by a violation of this Policy.

**Respondent** means the individual(s) who is alleged to have violated this Policy.

**Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education programs and activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's Education Programs and Activities without unreasonably burdening another Party, including measures designed to protect the safety of all parties implicated by a report or the University's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

**Education Programs and Activities** refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the

University exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University.

**Preponderance of the Evidence** is the standard for determining allegations of prohibited conduct under this policy. Preponderance of the evidence means the greater weight of the credible evidence. This standard is satisfied if the evidence and information gathered in the matter indicate that the action is more likely to have occurred than not.

**Employee** means an individual who receives compensation for work or services for which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service. Volunteers and independent contractors are not considered “employees” for the purposes of this Policy.

## **Guiding Principles**

### **Understanding Hostile Environment Sexual Harassment**

In determining whether a Hostile Environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The University encourages members of the University Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Sexual Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature. Further, making employment or educational decisions based on sexual favoritism or on the basis of gender is strictly prohibited.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- Unwelcome kissing, hugging, or massaging;
- Sexual innuendos, jokes, or humor;
- Displaying sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- E-mail and Internet use that violates this policy;
- Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person’s dress in a sexual manner;

- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

## Reporting Sexual Harassment

The University recognizes the right of a victim of Sex Discrimination to report the incident to appropriate authorities and to receive a prompt and equitable resolution of the report. The University strongly encourages community members who feel that they are victims of Sex Discrimination to report alleged incidents of Sex Discrimination following the reporting protocol below.

**A. Title IX Coordinators** The Title IX Coordinator and the Deputy Title IX Coordinators will be responsible for the oversight and implementation of this Policy. Reports may be made in person, by regular mail, telephone, electronic mail, online at:

<https://www.southwestern.edu/life-at-southwestern/title-ix/help-for-sexual-misconduct-sexual-assault/>

or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours, to the following individual: University Title IX Coordinator Katie Rallojy, [rallojayk@southwestern.edu](mailto:rallojayk@southwestern.edu) , 512-863-1442; Mailing address: 1001 E. Univ. Ave., Georgetown TX 78626; Deputy Title IX Coordinator Shelley Story, [storys@southwestern.edu](mailto:storys@southwestern.edu), 512-863-1582, 1001 E. Univ. Ave., Georgetown TX 78626, or the Title IX HOTLINE, at 512-863-1111. .

**B. Medical Treatment and Preservation of Evidence** In cases of sexual assault, and for one's safety and well-being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases, and pregnancy. Being examined as soon as possible, ideally within 72 hours, is important for evidence collection, which may be used to support prosecution should the Complainant decide to pursue criminal charges. Specific information about medical resources can be found in resources and reporting options documents for both students and employees, linked from these two sources:

<https://www.southwestern.edu/life-at-southwestern/safety-security/help-for-sexual-misconduct-sexual-assault/immediate-safety-and-medical-issues/>

<https://www.southwestern.edu/live/files/9038-faculty-and-staff-resource-book-wtocpdf>

**C. Mandatory Reporting Requirement for Employees** Under Texas law, all University employees, with the exception of Confidential Employees, who:

- a. in the course and scope of their employment
- b. witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, which
- c. is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident must promptly report the incident to the University's Title IX Coordinator or a Deputy Title IX Coordinator.

**Writing required** Reporting by email to the Title IX Coordinator is the preferred method of communicating incidents promptly, so that a record is made of the time and all factual details disclosed in the initial report. A written memo is also acceptable if it can be delivered to a Coordinator promptly after the employee's duty to report arises. If the urgency of the situation or other circumstances necessitate an initial oral report

(whether in person or by phone), at the conclusion of the oral report the employee must immediately submit a written report as described in this paragraph.

**Report Contents** The employee's report must include all information concerning the incident known to the employee which is relevant to an investigation under this Policy, including whether the subject of the report has expressed a desire for an institutional response to the incident or made a request for confidentiality in reporting the incident.

**Confidentiality** Unless waived in writing by the affected individual, the identity of an alleged victim of an incident reported pursuant to this mandatory reporting requirement may be disclosed only to (a) employees of the University who are necessary to conduct an investigation of the report or any related hearings and (b) a law enforcement officer.

**Exceptions** The mandatory reporting requirement does not apply to: Employees who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking;

Instances when an employee receives information about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking at a public awareness event sponsored by the University; or Students enrolled at the institution.

**Consequences of Non-Compliance** An employee who fails to make a required report will be terminated following an investigation and any required process under the applicable personnel policy.

**Immunity** An employee who, in good faith reports or assists in the investigation of a report under this Policy, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident, will not be subject to disciplinary action for violations of the University's administrative policies that are reasonably related to the incident. This immunity does not apply to a person who perpetrates or assists in the perpetration of the incident reported under this policy or who commits a criminal offense pursuant to Texas Education Code § 51.255(a).

**D. Confidential Employees** The University believes it is critical to provide community members who may be experiencing Sexual Harassment information about available institutional resources to empower those individuals to make informed decisions about their rights and options. Members of the University community may speak to officially designated Confidential Employees [8] about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking without the conversation triggering a mandatory report of incident details.

The University has designated the following Confidential Employees:

- Counselors in the Counseling Center
- Medical staff (nurses and doctors) in the Health Center

**A Confidential Employee is not required to report any information that would violate an individual's expectation of privacy, such as the name or other identifying information of an individual who has experienced or allegedly engaged in Sexual Harassment.** This provision does not affect any employee's duty to report incidents of sexual misconduct as required by other law.

**E. Reports to Law Enforcement** The University recognizes and supports the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. In addition, it is important for a victim of sexual harassment, sexual assault, dating violence, or stalking to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after an incident. The University encourages anyone who believes they experienced or witnessed a crime to make a report to University Police, if the assault occurred on campus, or to local law enforcement, if the assault occurred off campus.

If a report of a policy violation is made to Southwestern University Police Department (SUPD), officers will advise the complainant or reporting party of their right to file a report under this policy. To the extent allowed by law and university policy, SUPD shall also notify the Title IX Coordinator of the report, and provide the Title IX Coordinator, or the individual investigating the reported policy violation, access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

**F. Anonymous Reporting** Anyone can make an anonymous report by submitting information on the University's Title IX website: <https://www.southwestern.edu/titleix/online-reporting-form/>

**G. Requests for Anonymity** Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity remain private (request for anonymity), that no investigation occur, or that no disciplinary action be taken. However, the University must determine whether or not it is required to investigate an alleged incident, even against such a request, in order to protect the health and safety of the University community. As necessary, the University reserves the right to initiate a Formal Complaint without the active participation by the victim of alleged misconduct.

If the Title IX Coordinator elects to file a Formal Complaint, the University will inform the alleged victim of the incident of that decision. Even if the University determines not to investigate the alleged incident, the University may take additional steps it deems necessary to protect the health and safety of the University's community in relation to the alleged incident.

**H. Prohibition on False Complaints** Reports of a violation of this policy must be made in good faith. The University will not tolerate intentional false reporting of incidents. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. However, filing a complaint or providing information which a party or witness genuinely believes is accurate (i.e., in "good faith"), but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute intentional false reporting. Members of the University community are encouraged to seek assistance even if they are unsure that what they are experiencing is sexual or other unlawful harassment. Any person who knowingly files a false complaint is subject to disciplinary action, up to and including termination or dismissal from the University.

**I. Retaliation** No member of the University community may retaliate against another member for filing a complaint pursuant to this Policy or for cooperating in an investigation of a violation of this Policy. Complaints of retaliation should be reported immediately to the University's Title IX Coordinator. Any person who knowingly and intentionally retaliates against an individual is subject to disciplinary action, up to and including termination or dismissal from the University.



## **Preliminary Assessment of Report**

Upon receipt of a report, the Title IX Coordinator or Deputy Title IX Coordinator (“Deputy”) will conduct a preliminary assessment to determine whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator/Deputy determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator/Deputy will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator/Deputy may refer the report to other University offices, as appropriate.

If the Title IX Coordinator/Deputy determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator/Deputy will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator/Deputy may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

**A. Contacting the Complainant** If a report is not closed as a result of the preliminary assessment and the Complainant’s identity is known, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the following:

- a. the availability of Supportive Measures with or without filing a Formal Complaint;
- b. the Complainant’s wishes with respect to such Supportive Measures;
- c. the process for filing and pursuing a Formal Complaint;
- d. the importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
- e. the right to report the incident to the institution and to receive a prompt and equitable resolution of the report;
- f. the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and
- g. information about resources that are available on campus and in the community.

**B. Supportive Measures** The Title IX Coordinator, Deputy, or their designee will coordinate all services for individuals impacted by Sexual Harassment. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support of University-identified resources. In addition, all Parties are allowed to drop a course in which both Parties are enrolled without any academic penalty. The Title IX Coordinator/Deputy is available to provide information about the University’s policy and procedure and to provide assistance. A list of University identified resources is located at the following link:

<https://www.southwestern.edu/life-at-southwestern/title-ix/help-for-sexual-misconduct-sexual-assault/>

**Complainant** The Title IX Coordinator/Deputy or their designee will offer and make available Supportive Measures to the Complainant upon receipt of a report of Sexual Harassment regardless of whether the Complainant elects to file a Formal Complaint.

**Respondent** The Title IX Coordinator/Deputy will notify the Respondent of the availability of Supportive Measures contemporaneously with the Respondent being notified of a Formal Complaint. Once a Formal Complaint has been initiated, the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

**Confidentiality** The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

## **Formal Complaint**

**A. Filing a Formal Complaint** A Complainant may file a Formal Complaint with the Title IX Coordinator/Deputy requesting that the University investigate and adjudicate a report of Sexual Harassment in accordance with this Policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University's Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator/Deputy in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to):

- a. the seriousness of the alleged incident, including (a) whether a weapon was involved in the incident, (b) whether multiple assailants were involved in the incident, and (c) whether the incident poses a risk of recurrence;
- b. whether the institution has received other reports of Sexual Harassment committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to others; and
- d. any other factors the University determines relevant.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. If the University elects to proceed as a Complainant, the University will inform the alleged victim of the incident of that decision. In all cases where a Formal Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

**B. Consolidation of Formal Complaints** The University may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

**C. Dismissal Prior to Commencement of Investigation** In a case where the Complainant files a Formal Complaint, the Title IX Coordinator/Deputy will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator/Deputy determines:

- a. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- b. The conduct alleged in the Formal Complaint falls outside the scope of this Policy (i.e., because the alleged conduct did not occur in the University's Education Programs and Activities).

In the event the Title IX Coordinator/Deputy determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator/Deputy will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator/Deputy may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator/Deputy in the written notice of dismissal.

**D. Notice of Formal Complaint** Within five days of the Title IX Coordinator/Deputy receiving a Formal Complaint, the Title IX Coordinator/Deputy will transmit a written notice to the Complainant and Respondent that includes:

- a. A physical copy of or hyperlink to this Policy;
- b. Sufficient details known at the time so that the Parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- c. A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- d. Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- e. Notifying the Complainant and Respondent of their right to inspect and review evidence;
- f. Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
- g. Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.

**E. Presumption of Non-Responsibility** From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

**F. Interim Removal** At any time after receiving a report of Sexual Harassment, the Title IX Coordinator/Deputy may remove a student Respondent from the University's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator/Deputy imposes an interim removal, the Title IX Coordinator/Deputy must offer to promptly meet with the Respondent to provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## **Investigation**

**A. Commencement and Timing** After the written notice of Formal Complaint is transmitted to the Parties, the Title IX Coordinator, Deputy, or their designee (the “investigator”) will undertake an investigation to gather evidence relevant to the alleged misconduct. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the Parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within 60 days of the transmittal of the written notice of Formal Complaint.

**B. Equal Opportunity** During the investigation, the investigator will provide an equal opportunity for the Parties to be interviewed and to present witnesses and evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a Party’s opportunity to present testimonial and other evidence that the Party believes is relevant to resolution of the allegations in the Formal Complaint. A Party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

**C. Witnesses and Evidence** The Investigator will make reasonable attempts to contact and interview individuals who are identified as witnesses with information relevant to the allegations of misconduct. The Investigator may elect not to interview witnesses whose sole purpose is to provide character information or who are otherwise unlikely to have relevant information as determined in the sole discretion of the Investigator. The Investigator will make reasonable attempts to obtain other relevant evidence available from the parties, witnesses, or other University departments.

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each Party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a Party or some other source. The parties will have ten days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report. The parties and their advisors are

permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

**D. Investigation Report** After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on investigation report to each Party and their advisor.

## **Adjudication**

After the parties receive the investigation report, the Title IX Coordinator will send each Party a notice advising the Party of the Hearing and Administrative Adjudication processes specified below. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication or informal resolution.

**A. Hearing Process** The University will utilize the following procedures to administer a hearing under this section.

a. **Hearing Officer** The Title IX Coordinator will promptly appoint one or more hearing officers [9] who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

b. **Hearing Notice and Response to the Investigation Report** The hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten days from the date of transmittal of the written notice.

A Party's written response to the investigation report must include:

- i. To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- ii. Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- iii. A list of any witnesses that the Party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- iv. A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- v. Any objection that the Party has to the University's Hearing Procedures;
- vi. Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- vii. Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- viii. The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing;

- ix. If the Party does not have an advisor who will accompany the Party at the hearing, a request that the University provide an advisor for purposes of conducting questioning. A Party's written response to the investigation report may also include:
  - x. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
  - xi. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

c. **Pre-Hearing Conference** Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

d. **Issuance of Notices of Attendance** After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

e. **Hearing** After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the Hearing Procedures outlined in this Policy. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into

different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. The hearing may, in the hearing officer's discretion, be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- i. Opportunity for each Party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- ii. Opportunity for each Party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other Party and any witnesses, including questions that support or challenge credibility;
- iii. Opportunity for each Party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- iv. Opportunity for each Party to submit evidence that the Party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- v. Opportunity for each Party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary University personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them.

While a Party has the right to attend and participate in the hearing with an advisor, a Party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings. The hearing officer retains discretion to limit the number of witnesses present at the hearing if the hearing officer finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified above are met.

**B. Subjection to Questioning** In the event that any Party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the Parties' advisors, the statements of that Party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any Party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither Party requested attendance of the witness at the hearing.

In applying this Section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a Party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

**C. Deliberation and Determination** After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, together with testimony and evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or otherwise. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

**D. Written Decision** After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required above, the hearing officer will prepare a written decision that will include:

- a. Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- b. A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- c. Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- d. A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- e. The discipline determined by the appropriate University official;
- f. Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- g. A description of the University's process and grounds for appeal.



The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing officer's written determination within 15 days of the conclusion of the hearing.

**E. Administrative Adjudication** In lieu of the hearing process, the Parties may consent to have a Formal Complaint resolved by administrative adjudication. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a Party has the right to withdraw from administrative adjudication and request a live hearing.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

The administrative officer will promptly send written notice to the Parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A Party's written response to the investigation report must include:

- a. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- b. Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- c. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- d. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the Parties' written responses, the administrative officer will meet separately with each party to provide the Party with an opportunity to make any oral argument or commentary the Party wishes to make and for the administrative officer to ask questions concerning the Party's written response, the investigative report, and/or the evidence collected during the investigation. After meeting with each Party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the Parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are

supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any University official and the Title IX Coordinator and will prepare and transmit a written decision which shall serve as a resolution for purposes of administrative adjudication.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within 30 days of the transmittal of the initiating written notice.

**F. Discipline and Remedies** In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will also determine any discipline to be imposed. Regardless of the finding, the Title IX Coordinator will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

If a student is found responsible for Sexual Harassment and the sanction imposed makes the student ineligible to reenroll in the University (i.e., suspension or expulsion), the University will include a notation on the student's transcript (see Student Handbook, VIII. University Policies, Personal Conduct Policies, Disciplinary Status and Eligibility).

If the University receives an appropriate request by another postsecondary educational institution, the University will provide to the requesting institution information relating to the University's determination that the student violated this Policy.

The sanctions that may be imposed for students found responsible of violating this policy are enumerated in the Student Handbook, XIII. Section 14, "Typical Sanctions." If a faculty or staff member is found responsible for Sexual Harassment, the hearing officer will confer with the Title IX Coordinator to review the case findings. The Title IX Coordinator will confer with the Sexual Harassment Officer, the Associate Vice President for Human Resources, and the appropriate Senior Staff member to determine the sanction(s). The Title IX Coordinator will then share that information with the hearing officer for them to complete the process.

### **Dismissal During Investigation or Adjudication**

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator/Deputy determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator/Deputy written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator/Deputy determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator/Deputy will provide written notice of dismissal to the

parties and advise them of their right to appeal. The Title IX Coordinator/Deputy may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator/Deputy in the written notice of dismissal.

## **Appeal**

**A. Grounds for Appeal** Either Party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- a. A procedural irregularity affected the outcome;
- b. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- c. The Title IX Coordinator, investigator, hearing officer, or administrative officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation and evidence available at the time of the Investigation, and pertinent documentation regarding the grounds for appeal.

**B. Deadline to File Appeal** A Party must file an appeal within seven days of the date they receive notice of dismissal or determination appealed from or, if the other Party appeals, within three days of the other Party appealing, whichever is later. The appeal must be submitted in writing to the Title IX Coordinator, who will assign an appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing Party believes the appeal should be granted, and articulate what specific relief the appealing Party seeks.

**C. Resolution of Appeal** Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other Party that an appeal has been filed and that the other Party may submit a written opposition to the appeal within seven days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the Parties that explains the outcome of the appeal and the rationale. The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no Party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within 21 days of an appeal being filed.

## **Informal Resolution**

The University may, in the Title IX Coordinators discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

**A. Guiding Principles** Generally, informal resolution involves a structured, supervised interaction between the Parties and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent and/or other affected community members to accept responsibility and repair harm (to the extent possible). Informal resolution may not include an investigation, hearing, or disciplinary action against a Respondent (including transcript notations), but may include imposing appropriate and reasonable remedies as agreed to by the Parties. All informal resolutions are facilitated by a trained administrator or outside expert.

**B. Availability of Informal Resolution** Informal resolution is available in matters in which the Title IX Coordinator, in the Title IX Coordinators discretion, determines it is appropriate. Factors the University will consider when determining whether a report of Prohibited Conduct is suitable for Alternative Resolution include, but are not limited to:

- a. the nature and severity of the conduct, including whether the use of force or a weapon was involved;
- b. the Respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to other individuals or the community;
- d. the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties' relationship;
- e. whether multiple parties are affected or involved;
- f. any admissions of responsibility by the Respondent; and
- g. any other factor deemed relevant by the Title IX Coordinator or their designee in the interest of overall campus safety or safety of the parties involved.

Informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

**C. Informal Resolution Process** At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinators approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the Parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the Parties that:

- a. Describes the parameters and requirements of the informal resolution process to be utilized;
- b. Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);
- c. Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a Party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and

d. Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each Party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence. The University will not pressure or compel any individual to engage in mediation, to directly confront the other, or to participate in any particular form of informal resolution. Individuals may be accompanied by an adviser or support person at any meetings related to the informal resolution process.

If the Parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, appeal, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a Party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either Party or to the University.

Any final resolution pursuant to the informal resolution process will be documented and kept for at least seven years as required by law. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process and may not be used for or against either party (and the hearing officer and appeal officer may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

**D. Termination of Informal Resolution** A Party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

**E. Deadlines for Informal Resolution** The University will strive to complete an informal resolution process within 30 days, which may be extended for good cause by the Title IX Coordinator, Deputy, or designee. If an informal resolution process is terminated, the Title IX Coordinator/Deputy may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution. During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

### **Other Investigation and Adjudication Considerations**

**A. Advisor of Choice** From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified above, the advisor will play a passive role and is not permitted to communicate on behalf of a Party, insist that communication flow through the advisor, or communicate with the University about the matter without the Party being included in the

communication. In the event a Party's advisor of choice engages in material violation of this Policy, the University may preclude the advisor from further participation, in which case the Party may select a new advisor of their choice.

In the event a Party is not able to secure an advisor to attend the hearing, and requests the University to provide an advisor, the University will provide the Party an advisor, without fee or charge, who will conduct questioning on behalf of the Party at the hearing. The University will have sole discretion to select the advisor it provides.

**B. Conflicts of Interest, Bias, and Procedural Complaints** The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any Party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate. The failure of a Party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal. Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

**C. Treatment Records and Other Privileged Information** During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- a. a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party; or
- b. information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege unless the University has obtained the Party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator may consider any such records or information otherwise covered by this Section XIX if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

**D. Sexual History** During the investigation and adjudication processes, questioning regarding a 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, 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. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

**E. Student Withdrawal or Graduation Pending Disciplinary Charges** If a student withdraws or graduates from the University pending an investigation of a complaint of Sexual Harassment under this Policy, the University will expedite the disciplinary process as necessary to accommodate both the Complainant's and the Respondent's interest in a speedy resolution and continue the investigation with or without the participation of the Respondent.

**F. Academic Freedom** The University will construe and apply this Policy consistent with the principles of academic freedom. In no case will a Respondent be found to have committed Sexual Harassment based on expressive speech or conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

**G. Relationship With Criminal Process** This policy sets forth the University's processes for responding to reports and Formal Complaints of Sexual Harassment. The University's processes are separate, distinct, and independent of any criminal processes. While the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

### **Discretion in Application**

**A. Interpretation** The University retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the Parties.

The provisions of this Policy and the Hearing Procedures are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The University may apply Policy revisions to an active case provided that doing so is not clearly unreasonable.

**B. Other Sex-Based Misconduct** This policy only applies to Sexual Harassment as defined in this Policy. The University may refer and resolve complaints of other forms of sex discrimination consistent with other institutional policies, including the University's Sexual Misconduct Policy.

**C. Outside Appointments, Dual Appointments, and Delegations** The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer. The University also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the University's discretion, be delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

**D. Vendors, Contractors and Third Parties** The University does business with various vendors, contractors, and other third-parties who are not students or employees of the University. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the University retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the University retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

**E. Recordings** Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a Party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the University is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any Party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

*Approved and Effective: August 14, 2020*

[1] The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

[2] Family Violence is defined by the Texas Family Code Section 71.004 as:

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

[3] A Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.

[4] "Course and Scope of Employment" means an employee performing duties in the furtherance of the institution's interests.

[5] For the purposes of Texas's mandatory reporting requirement only, "Sexual Harassment" means: unwelcome, sex-based verbal or physical conduct that (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities.

[6] This exception applies to traditional "student-workers" working part-time at the University, and not full-time employees taking courses at the institution. The exception does not apply to students employed as Resident Assistants.

[7] Employees who fail to make a mandatory report under this provision may also be subject to criminal prosecution pursuant to Texas Education Code section 51.255(a).

[8] Under Texas law, a "Confidential Employee" is an employee (1) designated by the University as a person with whom students may speak confidentially concerning Sexual Harassment, Sexual Assault, Dating Violence, or Stalking or (2) receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law.



[9] In most cases, a panel of three hearing officers will oversee the hearing and participate in deliberation and determination; references in this policy to the singular “hearing officer” include the plural, as applicable.

## **Legal Rights, Accommodations, and Interim Protective Measures**

Whether or not a student or employee reports to law enforcement and/or pursues any formal action, if they report an incident of sexual assault, domestic violence, dating violence or stalking, Southwestern University will provide a written list of the range of reasonable accommodations, interim protective measures, including no contact orders, and remedies for a victim’s academic, living, transportation, and/or working situation. All protective measures would be taken to minimize any further burden on the victim.

To request accommodations, students may contact the office of the Dean of Students, 3rd floor McCombs Campus Center, 1010 McKenzie, 512-863-1624. Employees may contact the Southwestern University Office of Human Resources located at the Cullen building, 1001 E University Avenue, 512-863-1435. For incidents of sexual violence, students and staff may contact the Title IX Coordinator at 512-863-1435 or the Title IX Hotline at 512-863-1111. If the victim so chooses, campus authorities may assist in notifying law enforcement authorities. The victim may also choose to decline such notification.

Following any report of an incident of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on or off campus, Southwestern University will provide that student or employee with a written explanation of the student’s or employee’s rights and options. Students receive a copy of the SU Yellow Book, *Resources and Reporting Options for Sexual Misconduct or Sexual Assault* and employees receive a copy of the *Faculty and Staff Resources and Reporting Options book*.

Southwestern University provides written annual communications regarding existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available from Title IX Coordinator to faculty and staff and from the Dean of Students to the students. All of these resources are posted on the University’s website. Information about specialized resources such as visa and immigration assistance is also available on the website.

If a victim reports an incident to SUPD or other proper law enforcement, they may assist them in obtaining a protective order, a “no contact” order, or a restraining order from a criminal, civil or tribal court, or by the institution. Southwestern University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. SUPD provides written victim assistance information from the Williamson County Attorney’s Office. A protective order, restraining order, or no contact order may be obtained through the Williamson County Attorney’s Office by contacting them at 512-943-1111. Protective orders can contain several provisions to protect victims from any further harm, including no-contact provisions. In Texas, a violation of a protective order is a criminal offense and the violator may be immediately arrested without having to procure an arrest warrant. This protective order does not require a conviction or even a pending criminal proceeding, and no fees or lawyers are required. For legal questions, you may contact the District Attorney at 512-943-1234 or the County Attorney’s office at 512-943-1111.

Once the University is notified of allegations of sexual misconduct, an inquiry (but not necessarily an investigation) must be started. If the Complainant desires to proceed with a formal disciplinary complaint against the Respondent, a prompt, fair, and impartial investigation by the University will follow. While these definitions are clear, victims often have difficulty reporting violent crimes for numerous reasons, such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents in order to get help.

If a person would like to press criminal charges for an alleged violation of any of the above criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply.

## **Confidentiality**

Information is considered private but not confidential when shared with University personnel and officials who do not possess a legal confidentiality exemption. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible. The official contacts are responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Prior to disclosure, the official contact will inform the individual of the information that will be shared, with whom it will be shared, and why. Southwestern University is required to complete publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual report and daily crime log, without inclusion of personally identifying information about the victim. The University will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Section 51.971, and other confidentiality laws as they apply to Title IX investigations.

Southwestern University maintains 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 accommodations or protective measures.

## **Physical Evidence**

To preserve as much evidence as possible, you are encouraged not to shower, bath, douche, urinate, defecate, or brush your teeth. If possible, stay in the clothes you are wearing and bring a change of clothes with you. If you have already changed, bring clothes, sheets, and anything that was in contact with you or the other person during the assault in a paper (not plastic) bag or wrapped in a clean sheet. Preserving evidence may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protection order.

If you have already changed clothes or cleaned up, it's okay.

If you think you may have been drugged, call someone (friend, family member, SAFE Alliance, Hope Alliance) to help get you to the hospital. If you have to go to the bathroom, collect urine in a clean jar or cup, seal it, and take it with you to the hospital. Drugs can break down in your system quickly, and collecting urine is a way of preserving evidence.

## How To Be An Effective Bystander

Bystanders play a critical role in the prevention of sexual assaults, domestic violence, dating violence, and stalking. For example, bystanders may have the power to stop assaults, get help for people who have been victimized, and/or alert the appropriate authorities.

Being an active bystander is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could prevent or reduce the harm. At Southwestern, community members are encouraged to be active bystanders by holding themselves and others accountable for their language and actions in order to create a safe, welcoming, and inclusive environment. Bystander intervention can be used to address a wide variety of harmful situations, including high-risk drinking, mental health concerns, sexual misconduct, hazing, and harassment. Many of these behaviors can be expressions of racism, sexism, homophobia, ableism, and other forms of systemic oppression. Mosaic Ambassadors provide student-led workshops throughout the academic year to empower students to take an active role in creating a culture of care at Southwestern. We ask that all Southwestern community members learn and practice bystander intervention techniques to decrease harm on our campus. Consider the following strategies to intervene safely and effectively.

### **Distract**

Use or create a distraction to redirect the focus somewhere else.

### **Delegate**

Recruit the help of friends of both people to step in as a group. Divert the attention of one person away from the other person. Have someone standing by to redirect the other person's focus.

### **Direct**

Step in and separate two people. Let them know your concerns and reasons for intervening. Let them know you are acting in their best interest. Make sure each person makes it home safely.

**The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate. \*Please remember that any situation that threatens physical harm to yourself or another student should be assessed carefully. Contact SUPD at 512-863-1944 if needed to assist in defusing the situation.**

## Risk Reduction

The following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- Be aware of your surroundings. Knowing where you are and who is around you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- 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.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- 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.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation isn't your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - 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.
  - 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.
  - 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.
  - 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?
  - 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.

Southwestern University wants to state VERY clearly, if you are the victim of a crime, it is not your fault and these strategies are not meant to imply otherwise. No matter what you do or how you act, NO ONE has the right to cause you harm. There are always ways to decrease your risk but you can never 100% prevent a crime from occurring to you because that crime is a choice that someone else makes.

### **Guidelines University Will Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

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

Incident Being Reported	Procedures University Will Follow
Sexual Assault	<ul style="list-style-type: none"> <li>• Depending on when reported (immediate vs. delayed report), University will ensure victim has access to medical care</li> <li>• Will assess immediate safety needs of victim</li> <li>• Will, if requested, assist victim with contacting law enforcement</li> <li>• Will provide victim with referrals to on and off campus mental health providers</li> <li>• Will assess need to implement interim or long-term protective measures, if appropriate</li> <li>• Will provide the victim with a written explanation of the victim's rights and options</li> <li>• Will provide a "Criminal Trespass Warning" (CTW) directive to accused party if deemed appropriate</li> <li>• Will provide written instructions on how to apply for Protective Order</li> <li>• Will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigations, and resolution</li> <li>• Will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is</li> <li>• Will enforce the retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination, sexual assault, stalking, dating violence, or for assisting in the investigation</li> </ul>
Stalking	<ul style="list-style-type: none"> <li>• Will assess immediate safety needs of victim</li> <li>• Will, if requested, assist victim with contacting law enforcement</li> <li>• Will provide written instructions on how to apply for Protective Order</li> <li>• Will provide written information to victim on how to preserve evidence</li> <li>• Will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>• Will provide the victim with a written explanation of the victim's rights and options</li> <li>• Will provide a "Criminal Trespass Warning" (CTW) directive to accused party if deemed appropriate</li> </ul>
Dating Violence	<ul style="list-style-type: none"> <li>• Will assess immediate safety needs of victim</li> <li>• Will, if requested, assist victim with contacting law enforcement</li> <li>• Will provide written instructions on how to apply for Protective Order</li> <li>• Will provide written information to victim on how to preserve evidence</li> <li>• Will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>• Will provide the victim with a written explanation of the victim's rights and options</li> <li>• Will provide a "Criminal Trespass Warning" (CTW) directive to accused party if deemed appropriate</li> </ul>
Domestic Violence	<ul style="list-style-type: none"> <li>• Will assess immediate safety needs of victim</li> <li>• Will, if requested, assist victim with contacting law enforcement</li> <li>• Will provide written instructions on how to apply for Protective Order</li> <li>• Will provide written information to victim on how to preserve evidence</li> <li>• Will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>• Will provide the victim with a written explanation of the victim's rights and options</li> <li>• Will provide a "Criminal Trespass Warning" (CTW) directive to accused party if deemed appropriate</li> </ul>

## Student and Employee Resources

Resource	Phone Number	Associated Website
Brave Alliance	512-738-8817	<a href="https://bravectx.com/">https://bravectx.com/</a>
Emergency Contraception Information	512-863-1252	<b>SU Health Center</b> - <a href="https://www.southwestern.edu/health-center/student-resources/">https://www.southwestern.edu/health-center/student-resources/</a>
Hope Alliance (24/7) The Williamson County Crisis Center	800-460-7233	<a href="http://www.hopealliancetxt.org/">http://www.hopealliancetxt.org/</a>
Lawyer Referral Service of Central Texas	512-472-8303	<a href="http://austinlrs.com">http://austinlrs.com</a>
*National Domestic Violence Hotline	800-799-7233	<a href="http://www.thehotline.org/">http://www.thehotline.org/</a>
RAINN Rape, Abuse and Incest National Network	800-656-4673	<a href="https://rainn.org/">https://rainn.org/</a>
Safe Alliance (24/7) Austin	512-267-7233	<a href="http://www.safeaustin.org">www.safeaustin.org</a>
Safe Place of Austin	512-267-7233	<a href="http://safeplace.org/">http://safeplace.org/</a>
Tx Advocacy Hotline	800-374-4673 (HOPE)	<a href="https://www.texasadvocacyproject.org/">https://www.texasadvocacyproject.org/</a>
Southwestern University Yellow Book	512-863-1308	<a href="http://www.southwestern.edu/titleix/SUYellowBook.pdf">http://www.southwestern.edu/titleix/SUYellowBook.pdf</a>
St. David's Medical Center Georgetown	512-943-3000 (Main) 512-942-4104 (ER)	<a href="https://stdavids.com/locations/st-davids-georgetown-hospital">https://stdavids.com/locations/st-davids-georgetown-hospital</a>
*Stalking Resource Center: National Ct. for Victims of Crime	202-467-8700	<a href="http://www.victimsofcrime.org/home">http://www.victimsofcrime.org/home</a>
<b>SU Center for Academic Success and Records (CASAR)</b>	512-863-1286	<a href="https://www.southwestern.edu/offices/success/">https://www.southwestern.edu/offices/success/</a>
<b>SU Counseling Services</b>	512-863-1252	<a href="https://www.southwestern.edu/counseling-center/">https://www.southwestern.edu/counseling-center/</a>
<b>SU Dean of Students</b>	512-863-1582	<a href="https://www.southwestern.edu/life-at-southwestern/dean-of-students/">https://www.southwestern.edu/life-at-southwestern/dean-of-students/</a>
<b>SU Financial Aid Office</b>	512-863-1200	<a href="https://www.southwestern.edu/scholarships-financial-aid/">https://www.southwestern.edu/scholarships-financial-aid/</a>
<b>SU Health Services</b>	512-863-1252	<a href="https://www.southwestern.edu/health-center/">https://www.southwestern.edu/health-center/</a>
<b>SU Police Department (24/7)</b>	512-863-1944	<a href="https://www.southwestern.edu/life-at-southwestern/safety-security/">https://www.southwestern.edu/life-at-southwestern/safety-security/</a>
Texas Association Against Sexual Assault (TAASA)	512-474-7190	<a href="http://taasa.org/">http://taasa.org/</a>

US Customs and Immigration Services	800-375-5283	<a href="https://www.uscis.gov/about-us/contact-us">https://www.uscis.gov/about-us/contact-us</a>
<b>Texas Legal Service Center</b>	888-343-4414	<a href="http://www.tlsc.org">www.tlsc.org</a>

**On campus resources are in bold.** These resources are provided for students; the SU Police Department is also a resource for employees.

\*These community resources were previously listed in the 2020 ASR. Please note that they are not currently included in the Yellow Book.

## Sex Offender Registration

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a State concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

This information is provided for your information and may be disseminated as needed. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Information regarding registered sex offenders as set forth by the Violent Control and Law Enforcement Act of 1994 is available by accessing the Texas Department of Public Safety Sex Offender website at <https://www.dps.texas.gov/section/crime-records-service/texas-sex-offender-registration-program>

You may also consult Megan's Law Website at: <https://www.meganslaw.com/>

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

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

- A. 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
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Southwestern University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee sexual misconduct policies;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means a safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- G. Provide information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs;
  - How the institution will protect the confidentiality of victims and other necessary parties;
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community; and
  - Options for, available assistance in, and how to request changes in academic, living, transportation, and working situations or protective measures;
  - Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

## **Primary Prevention and Awareness Programs**

Southwestern University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and material's during new students and employee orientations, providing programs by request at staff meetings or academic programs, and requiring first-year students to take online courses related to sexual assault and high risk drinking and awareness and education. These trainings include:

- Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.
- Definition of consent.
- A description of safe and positive options for bystander intervention.
- Information on risk reduction strategies.



## Ongoing Prevention and Awareness Campaigns

- The Annual Security Report is published annually and posted to the Southwestern Police Department's website.
- Faculty and staff have a mandatory sexual misconduct training module that is assigned to all new hires and to all faculty and staff (except Athletics staff) every three years. Athletics assigns the same course annually due to NCAA requirements. The module is through United Educators and it is named "Prevent Sexual Violence Together."
- Ongoing voluntary training modules are available for any faculty or staff member through our SafeColleges platform. Topics available are: Sexual Harassment: Policy and Prevention, Sexual Harassment: Staff to Staff, Sexual Violence Awareness for Employees (Campus SaVE Act), Title IX and Sexual Harassment, TitleIX and Sexual Harassment Prevention for Employees.
- All new students (first year and transfer) are required to complete online courses on Sexual Violence Prevention and Alcohol and Other Drugs, administered through the SafeColleges platform (Fall 2020, 2021, and 2022).
- All students were required to complete an online safety course that included content about bystander intervention and the Good Samaritan Policy (Fall 2021).
- "Speaking of Sex" performance was held during Welcome Week for first year students (Fall 2019) to spark conversation about topics like consent, healthy/unhealthy relationships, and sexual misconduct. In Fall 2020, "Speaking of Sex" was replaced by a virtual program led by orientation leaders with a new medium but similar topics. Building on the program curriculum of fall 2020, in fall 2021 and fall 2022, all first-year and transfer students attended Sexual Health and Healthy Relationships session during Welcome Week. Peer educators, along with the support of the Counseling and Health Center, facilitated small group discussion-based workshops to help students understand what it means to promote a sex-positive environment and safer sex practices. The goal of this session is to educate students on how clear communication, gender identity and sexual orientation acceptance, and safer sex practices can prepare students for what it means to be a mature, sexually healthy adult.
- Training Intervention Procedures ("TIPS") training continues on an annual basis.
- Student Life staff conducted a Safety Talk program to new students during Welcome Week which included the University's policies, procedures and resources about sexual misconduct (Fall 2021, Fall 2022).
- As required by the National Collegiate Athletic Association's ("NCAA") Board of Governors Policy on Campus Sexual Violence adopted in August of 2017, all of Southwestern's student-athletes and athletic personnel completed the new mandatory training module prior to the University submitting its 2021-2022 attestation form by the May 15, 2022 deadline. The NCAA requires an **annual** attestation from participating institutions regarding compliance with the policy.
- AlcoholEdu training programs and SafeColleges alcohol training programs (Fall 2020-present) continued to be used as part of the student alcohol education and abuse prevention initiatives.
- The University-developed a Bystander Intervention training program, led by Mosaic, continued to be used to conduct student training sessions. All first-year and transfer students attended an active bystander training during Welcome Week (fall 2022) and small group workshops were provided in each of the residence halls throughout the academic year (ongoing, fall 2019-present).
- Mosaic also co-hosted Healthy Relationships workshops in the first-year residence halls in collaboration with Health Education as a way to continue conversations about consent and sex education with students throughout the year.

## Communications

- TIXCC and Student Life supported the student-led We Are Women week during the Spring 2019 semester.
- The poster, “Sexual Misconduct Resources and Reporting” was posted in all classrooms and residence halls during 2019-2020 and will continue to be used for the 2021-2022 academic year. The development of the poster in 2017-2018 was a joint effort by the Sexual Assault Risk Reduction Committee (SARR) and the Division of Student Life.
- The publication “Resources and Reporting Options for Sexual Misconduct or Sexual Assault,” also referred to as “The Yellow Book” prioritizes providing the information most urgently needed to respond to acts of sexual violence, so that it is most useful and usable at the time it is most needed. The publication is available online at <https://docs.google.com/document/d/1XrcEMDldrGkJqSMY94-Tbhf7MgEr0I94zqBKR1mmCc/edit>, and hard copies are available in the Counseling and Health Center, and the Office of Student Life and SUPD.
- The publication “Faculty and Staff Resources and Reporting Options for Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual Misconduct, and other sex-related inappropriate behavior” was created and made available beginning August of 2020. This publication prioritizes providing the information most urgently needed to respond to acts of sexual violence, so that it is most useful and usable at the time it is most needed. This publication is available online at <https://www.southwestern.edu/life-at-southwestern/title-ix/help-for-sexual-misconduct-sexual-assault/>, and hard copies are available at Human Resources and SUPD.

## Crime Definitions

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program.

- The definitions of murder/non-manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc. law violations, drug abuse violations, and liquor law violations are from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program.
- The definitions of fondling, incest, and statutory rape are excerpted from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR Program.
- The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program.

### **Crime definitions from the summary Reporting System (SRS) User Manual from the FBI’s UCR Program**

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

### **Criminal Homicide**

- a) **Murder/Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

- b) **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

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

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

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

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

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

**Weapons: Carrying, Possessing, Etc.**, The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

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

**Liquor Law Violations** are defined as the violation of the state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and intoxication.

#### **Crime definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program Sex Offenses**

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

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

- B. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. **Statutory Rape** is sexual intercourse with a person under the statutory age of consent.

### **Crime definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program**

**Hate Crimes** are any of the above offenses, and any other crime involving bodily injury reported to local police agencies or campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14th, 2008, the Clery Act was amended to include larceny/simple assault/ intimidation/ and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

**Hate Crime Definitions** To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

**Bias** is a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

**Bias Crime** is a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin, also known as Hate Crime.

**Note:** Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a biased crime because the offender was motivated by bias against the group.

**Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession of another or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

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

**Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through threatening words or other conduct without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the owner's consent or the person having custody or control over it.

**Unfounded Crime Reports** According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense

occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded cases within the UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either; False or Baseless.

#### Domestic Violence, Dating Violence, and Stalking additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language

The Federal definition (from VAWA) of **Domestic Violence** is a felony or misdemeanor crime of violence committed by a person:

- 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.

The Federal definition (from VAWA) of **Dating Violence** means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- \*The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of: the length of the relationship; the type of the relationship; the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of **Stalking** is 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 which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property
- **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim
- **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

**Sexual Assault (Sex Offenses)** is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

- b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without consent from the victim, including incidents where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c) **Incest** is sexual intercourse between persons related to each other within degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is sexual intercourse with a person under the statutory age of consent.

### **Hierarchy Rule**

Reporting and Counting Criminal Offenses include applying the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident, you should only count the most serious offense. With few exceptions, this rule is applied when reporting Criminal Offenses. This rule only applies to the counting of criminal offenses. It does not apply to reporting hate crimes, VAWA offenses, or Arrests or Disciplinary Referrals for Clery reportable law violations.

### **Arrests and Disciplinary Referrals**

Arrests and disciplinary referral statistics include the number of persons arrested or referred for disciplinary action for drug, alcohol, and weapons violations.

## **Definitions of Clery Act Locations**

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

**On-Campus Student Housing Facilities** is a subset of the "On-campus" category. Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

The **Non-Campus Geography** definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

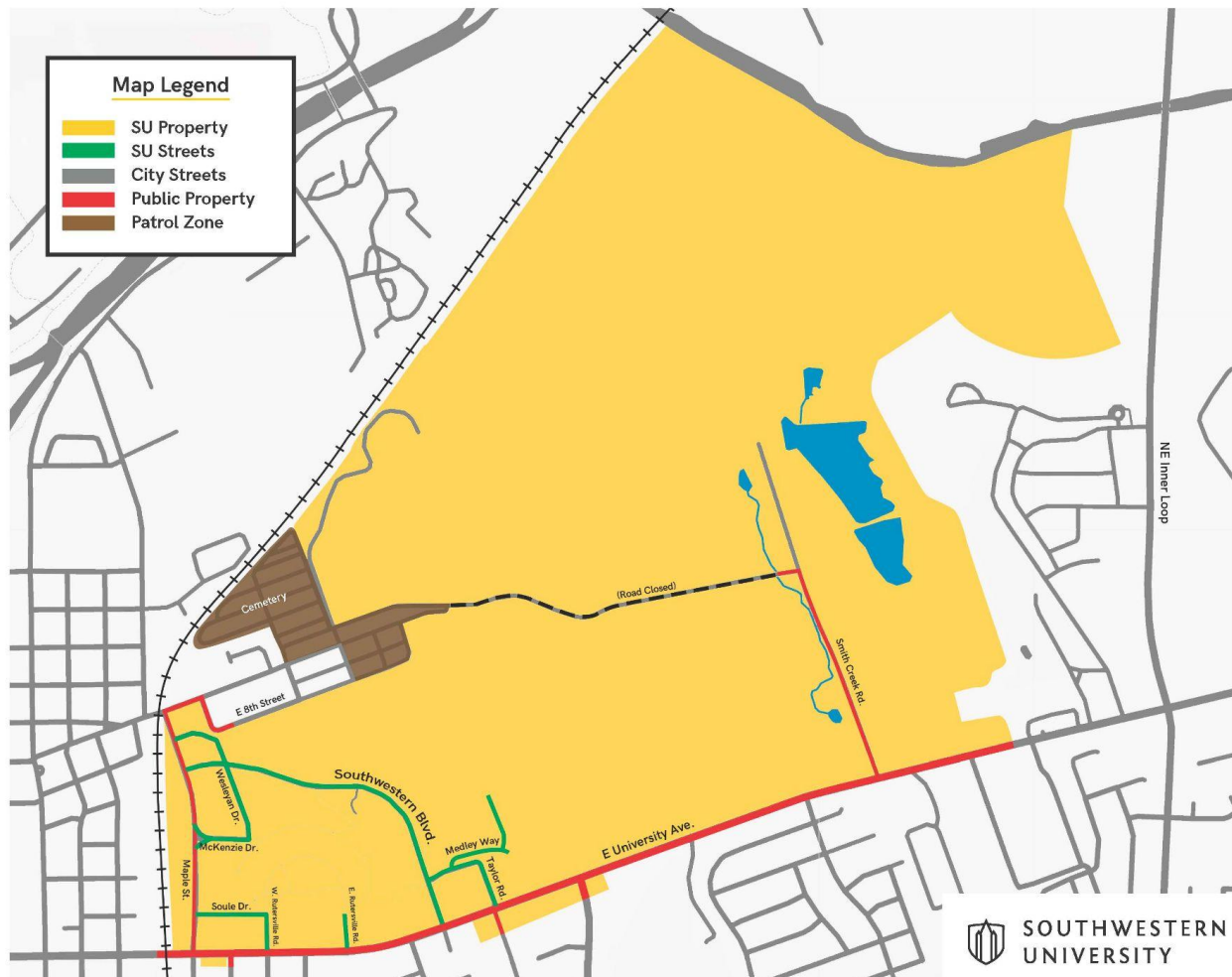
- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms, including the lobby, elevator, and staircases.

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

**Reasonably Contiguous** refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the “campus.”

## Clery Map

2021 Southwestern University Clery Map



## Preparation of Annual Disclosure of Crime Statistics & Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The University Police Department is primarily responsible for preparing the Annual Security and Fire Safety Report. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the Southwestern University community obtained from the following sources: the Southwestern University Police Department (SUPD), the Georgetown Police Department (GPD), the

Williamson County Sheriff's Office (WILCO), the Texas Department of Public Safety (TXDPS), the Texas Parks and Wildlife Department (TPWD), law enforcement agencies with jurisdiction for international and domestic non-campus property locations, and non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs. The Office of the Dean of Students and Human Resources Department are key offices from which drug, alcohol, and weapon offense referral data are obtained.

Final report preparation is coordinated by the Chief of University police with the Vice President for Student Life, Dean of Students, Director of Counseling and Health Services, Associate Vice President for Human Resources, and the Title IX coordinator. The Dean of Students also serves as the Deputy Title IX coordinator.

A written request for statistical information is made at least annually to all identified Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and through training to report crimes to SUPD in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- 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 with authority and the duty to take action or respond to particular issues on behalf of the institution.

Statistical information is not from, nor is it provided by, licensed counselors, nurses, or physicians of the Counseling and Health Center. They are performing that function and role during their employment with the University. Licensed counselors and pastoral counselors are not required to provide statistics for this compliance document. Counseling and pastoral professionals, as defined by Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes to compile these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to SUPD for inclusion in the annual statistics.

The Clery Act is designed to assist the campus community in making decisions that affect personal safety by requiring higher education institutions to provide certain campus security information to current students, prospective students, and employees annually.

The Annual Security Report is published every year by October 1st. The Clery Act contains selected campus crime statistics and certain campus security policy statements for three years.



## Annual Security Report Notifications

Each year, an email notification is sent to all current students, faculty, and staff providing online access to this report. Additionally, all prospective students and employees are entitled to request a copy of the Southwestern University Annual Security and Fire Safety Report. Printed copies of the report may also be obtained at SUPD, located at 1005 Maple Street, or by calling 512-863-1944 or emailing SUPD at [supd@southwestern.edu](mailto:supd@southwestern.edu).

The full text of the annual report is found on the following web page:

<https://www.southwestern.edu/life-at-southwestern/safety-security/annual-security-reports/>

SUPD submits the annual crime statistics published in this document to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department of Education website.

## Southwestern University - Reportable Crimes

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are two victims, this would be counted as two aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if four students are walking across campus together and robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor laws, Drug laws, and illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to the Dean of Students or Human Resources for possible disciplinary action for violations of those specific laws.

The statistics in this brochure are published per the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable Texas State law.

Hate crimes are reported in the chart and narrative form and are separated by the category of prejudice. A hate crime is not a separate, distinct crime but is the commission of a criminal offense motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the case facts indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest, and statutory rape). Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of property.

Campus SaVE was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

## Criminal Offenses

Offenses	Year	On Campus (Including Residential)	On Campus (Residential Only)	Non-Campus Property	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Sex Offenses, Rape	2020	4	2	0	0	0
	2021	2	2	0	0	0
	2022	1	1	0	0	0
Sex Offenses, Fondling	2020	0	0	0	0	0
	2021	1	1	0	0	0
	2022	1	1	0	0	0
Sex Offenses, Incest	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Sex Offenses, Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022					
Aggravated Assault	2020	1	0	0	0	0
	2021	1	0	0	0	0
	2022	0	0	0	0	0
Burglary of Structure	2020	2	2	0	0	0
	2021	2	1	0	0	0
	2022	1	0	0	0	0
Motor Vehicle Theft	2020	1	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

### Hate Crimes

Offense	Year	On Campus (Including Residential)	On Campus (Residential Only)	Non-Campus Property	Public Property	Unfounded Crimes
Hate Crimes **	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

### Violence Against Women Reauthorization Act (VAWA) Offenses

Offense	Year	On Campus (Including Residential)	On Campus (Residential Only)	Non-Campus Property	Public Property	Unfounded Crimes
Domestic Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2019	1	1	0	1	0
	2020	2	2	0	0	0
	2021	1	1	0	0	0
	2022	2	2	0	0	0
Stalking	2020	0	0	0	0	0
	2021	1	1	0	0	0
	2022	2	2	0	0	0

## Arrests and Disciplinary Referrals

Offense	Year	On Campus (Including Residential)	On Campus (Residential Only)	Non-Campus Property	Public Property	Unfounded Crimes
Arrests: Weapons Carrying, Possessing, Etc.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Arrests: Drug Abuse Violation	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	17	13	0	0	0
	2021	4	4	0	0	0
	2022	9	9	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations***	2020	8	6	0	0	0
	2021	7	7	0	0	0
	2022	5	5	0	0	0

**\*Unfounded crimes** (Those that a commissioned peace officer has investigated and found to be false or baseless and are subsequently withheld from the crime statistics) are required to be disclosed beginning in calendar year 2015. There were no unfounded crimes reported for 2019, 2020 or 2021.

**\*\*Hate Crimes** There were no hate crimes reported in 2019, 2020, or 2021. The calendar year 2019, 2020, and 2021 crime statistics in this report were determined per the Clery federal register (34 C.F.R.668.46) and guidance in the Clery Act Appendix to the Federal Student Aid Handbook and the 2016 Handbook for Campus Safety and Security Reporting (rescinded 2020)

**\*\*\*Liquor Law and Drug Abuse Violations** COVID-19 restrictions continued to impact activity on campus in 2021 as they did in 2020. Student housing was only 68% occupied in Spring 2021 and 83% occupied in Fall 2021. Housing was closed in Summer 2021 and available only by exception to a very limited number of students. Student organizations were restricted from holding in-person events for most of the year. All of these factors contributed to liquor law and drug abuse violations in numbers similar to those in 2020.

## Crime Prevention and Safety Awareness Programming

In addition to the many programs offered by SUPD and other University offices, the University has established many policies and procedures to promote a reasonably safe campus community.

SUPD places a high priority on crime prevention. While it is impossible to prevent all crimes, the Department believes that people can be aware of ways to reduce their chances of becoming victims. The department provides a wide range of services and educational programs designed to promote campus security and aid in anticipating and minimizing potential dangers to the community and property of the University.

SUPD offers a wide variety of primary and ongoing prevention and awareness programming and services to our community members. The programs are designed to encourage students and employees to be responsible for their own safety and security and the safety and security of others.

- **Sexual Harassment and Rape Prevention (SHARP)** - This training emphasizes a commitment to eliminate incidents of sexual harassment and sexual assault through awareness and prevention, victim advocacy, reporting, and accountability. Scheduled upon request all semesters. **Note:** Not available in 2020 or 2021 due to COVID-19 safety protocols.
- **Classroom Safety (Active Shooter)** - This dynamic training program is designed to instill the survival mindset and teaches persons realistic strategies for dealing with an Active Shooter situation on campus. Scheduled upon request all semesters.
- **Violence Prevention** - This training program deals with the fundamentals of threat assessment and how threat assessment can be used to help prevent violence. Scheduled upon request all semesters.
- **Protest Safety** - Educational emphasis on state laws and University policy related to protests and tips on how to stay safe if a protest manifests into a riot/civil disturbance situation. Scheduled upon request all semesters.
- **Bicycle or Personal Property Engraving** - This service is provided to document and record personal property through existing serial numbers, other markings, or personalized engraving. Available all semesters.
- **Alcohol and Drug Awareness** - DUI simulator is made available for students to experience the adverse effects of operating a motor vehicle under intoxicating substances. Offered during the fall and spring semesters (dependent on availability). **Note:** Not available in 2020 or 2021 due to COVID-19 safety protocols.
- **Identity Theft and Burglary Prevention** - Educational emphasis on how to prevent being a victim of burglary or identity theft. Scheduled upon request all semesters.
- **Safety Talks** - Educational emphasis on personal safety tips, alcohol and drug awareness and prevention, sexual misconduct, resources related to safety and wellness, what to do if you witness or experience sexual misconduct, and active shooter. Presented to all new and transfer students at the beginning of the fall semester by the Chief of Police, the Vice President for Student Life, and the Dean of Students. Also available upon request.
- **Domestic/Dating Violence/Stalking Awareness and Prevention** - Educational emphasis on state laws surrounding domestic/dating violence and stalking. Includes informational brochures related to reporting options, resources available to victims, victim rights, Protective Orders, and any questions concerning criminal prosecution.
- **Hate Crimes** - Educational emphasis on state and federal laws related to Hate Crime. Includes definitions of crimes, penalties, categories of bias, and scenarios. Scheduled upon request all semesters.

- **Identifying and Reporting Suspicious Person(s) and Activity** - Educational emphasis on how to identify and report safely. Includes important person and vehicle description training. Scheduled upon request all semesters.
- **Emergency Action Representative (EAR) Training** - Annual training on emergency procedures found in the University's Emergency Action Plan. This training is presented to our staff and faculty members who have volunteered to take a lead response role within their academic or administrative buildings. Topics include fire safety, evacuation procedures, hazardous materials, active shooter, severe weather, emergency notifications, emergency communications, acts of terrorism, workplace violence, missing person, civil disturbance/riot, power failure, suspicious person(s) activity, and AED training.
- **RA Training** - Education and training presented to our resident assistants at the beginning of each fall semester related to state laws and University policy surrounding drugs and alcohol, personal safety tips, fire, and other emergency evacuation procedures, emergency notifications, timely warnings, burglary and theft prevention, and public safety escort services. As identified under the Clery Act as Campus Security Authorities, all RAs receive additional training related to their role in reporting Clery Act crimes reported to them.

Crime prevention programs stress campus community awareness and interaction by disseminating materials and presentations geared toward familiarizing students, faculty, and staff members with their responsibility to help reduce criminal opportunity.

These and other programs are scheduled through Student Life, available upon request, and presented throughout the year to groups on campus. In addition, crime prevention posters and handouts are utilized to make all campus community members aware of the potential for crime. Anyone desiring information on crime prevention programs or related literature may contact SUPD at 512-863-1944.

## Important Telephone Numbers

DEPARTMENT	CONTACT NUMBER
<b>Emergencies – Police/Fire/Medical</b>	<b>911 for on or off campus</b>
VP Student Life/Dean of Students	512-863-1582
Residence Life	512-863-1624
University Police	512-863-1944
Counseling and Health	512-863-1252
University Relations	512-863-1211
Dean of the Faculty	512-863-1567
University Safety Office	512-863-1677
Human Resources	512-863-1435
Facilities Management	512-863-1914
Switchboard Operator	512-863-6511
Georgetown Police Department (non-emergency)	512-930-3510
Georgetown Fire Department (non-emergency)	512-930-3473
Williamson County Emergency Medical Services (non-emergency)	512-943-1264
Williamson County Sheriff's Department (non-emergency)	512-943-1300
Texas Department of Public Safety (non-emergency)	512-863-5816

# Annual Fire Safety Report

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains University policies, procedures, and statistical information for students, parents, and employees. This report complies with federal law, including the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## Annual Fire Safety Report - HEOA Directive,

The Annual Fire Report, contains per the Directive:

- Fire statistics listed for each on-campus student housing facility separately
- Description of the fire safety system for each on-campus student housing facility
- The number of fire drills held the previous calendar year
- Institutional policies or rules on portable electrical appliances, smoking and open flames in student housing facilities
- Procedures for student housing evacuation
- Policies for fire safety education and training programs for students, staff, faculty
- A list of the titles of each person or organization to which individuals should report that a fire has occurred
- Plans for future improvements in fire safety, if determined necessary by the institution

## Definitions

THE FOLLOWING TERMS ARE USED WITHIN THIS REPORT. DEFINITIONS HAVE BEEN OBTAINED FROM THE HIGHER EDUCATION OPPORTUNITY ACT.

**On-Campus Student Housing** - A student housing facility owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or uncontrolled.

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

## Fire Log - HEOA Directive

A Fire Log will be maintained by the institution. This Fire Log should be easily understood, and fires should be recorded on the date reported. For each report of a fire, the following information should be included in the Fire Log:

- The nature of the fire
- The date the fire occurred
- The time of day the fire occurred
- The general location of the fire



The Fire Log may be in hard copy or in an electronic format. The Fire Log must be accessible on-site. For the most recent sixty (60) day period, the Fire Log reports must be open to public inspection upon request during normal business hours. Any portion of the log older than sixty (60) days must be made available within two (2) business days of a request for public inspection. The Fire Log must be kept for three (3) years following the last annual report to which it applies (in effect, seven years). Anyone may view a printed copy of the Fire Log during normal business hours at SUPD (1005 Maple Street) or obtain a copy by calling 512-863-1944.

### **Fire Statistics - HEOA Directive**

Fire statistics must be collected and reported in the annual fire safety report and the U.S. Department of Education's web-based data collection system. Fire statistics for each on-campus student housing facility must be reported.

a) The number of fires and the cause of each fire. Categories to be used are

I. Unintentional Fire

- A. Cooking
- B. Smoking materials
- C. Open flames
- D. Electrical
- E. Heating equipment
- F. Hazardous products
- G. Machinery/Industrial
- H. Natural
- I. Other

II. Intentional Fire

III. Undetermined Fire

b) Number of deaths related to a fire.

The number of inquiries related to the fire resulted in treatment at a medical facility.

c) The value of property damage related to the fire.

## Fire Statistics

Location	Number of Fires			Number of Injuries			Number of Deaths			Property Loss			Fire Cause
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Brown-Cody Hall 1010 Southwestern Blvd.	0	0	0	0	0	0	0	0	0	0	0	0	
Clark Hall 1100 Southwestern Blvd.	0	0	1	0	0	0	0	0	0	0	0	0	Trash can in hallway
Dorothy Lord Center Apts. 1105 E. 8 <sup>th</sup> Street	0	0	0	0	0	0	0	0	0	0	0	0	
Herman Brown 904 Wesleyan	0	0	0	0	0	0	0	0	0	0	0	0	
Kappa Alpha House 1000 McKenzie	0	0	0	0	0	0	0	0	0	0	0	0	
Kappa Sigma House 1003 McKenzie	0	0	0	0	0	0	0	0	0	0	0	0	
Grogan and Betty Lord Apts. 701 Maple Street	0	0	0	0	0	0	0	0	0	0	0	0	
Mabee Hall 1103 East Ruterville	0	0	0	0	0	0	0	0	0	0	0	0	
McCombs Residential 900 Southwestern Blvd.	0	0	0	0	0	0	0	0	0	0	0	0	
Moody Shearn 902 Wesleyan	0	0	0	0	0	0	0	0	0	0	0	0	
Phi Delta Theta 1002 McKenzie	0	0	0	0	0	0	0	0	0	0	0	0	
Pi Kappa Alpha 1001 McKenzie	0	0	0	0	0	0	0	0	0	0	0	0	
Ruter Hall 911 Wesleyan	0	0	0	0	0	0	0	0	0	0	0	0	

## Student Housing Fire Safety Systems

Facility/Residential	24 Hour Fire Alarm Monitoring to Campus Operator	Smoke Detectors	Pull Stations	Sprinkler System	Fire Extinguishers	Evacuation Plans and Placards	Drills Per Each Calendar Year 2019/2020/2021
Brown-Cody Hall 1010 Southwestern Blvd.	Yes	Yes	Yes	Yes	Yes	Yes	2
Clark Hall 1100 Southwestern Blvd.	Yes	Yes	Yes	Yes	Yes	Yes	2
Dorothy Lord Center Apts. 1105 E. 8 <sup>th</sup> Street	Yes	Yes	Yes	Yes	Yes	No	2
Herman Brown 904 Wesleyan	Yes	Yes	Yes	Yes	Yes	Yes	2
Kappa Alpha House 1000 McKenzie	Yes	Yes	Yes	Yes	Yes	Yes	2
Kappa Sigma House 1003 McKenzie	Yes	Yes	Yes	Yes	Yes	Yes	2
Grogan & Betty Lord Center Apts. 701 Maple Street	Yes	Yes	Yes	Yes	Yes	No	2
Mabee Hall 1103 E. Ruttersville	Yes	Yes	Yes	Yes	Yes	Yes	2
McCombs Residential 900 Southwestern Blvd.	Yes	Yes	Yes	Yes	Yes	No	2
Moody Shearn 902 Wesleyan	Yes	Yes	Yes	Yes	Yes	Yes	2
Phi Delta Theta House 1002 McKenzie	Yes	Yes	Yes	Yes	Yes	Yes	2

Pi Kappa Alpha House 1001 McKenzie	Yes	Yes	Yes	Yes	Yes	Yes	2
Ruter Hall 911 Wesleyan	Yes	Yes	Yes	Yes	Yes	Yes	2

All residence halls and individual apartments located on campus have a **full** fire suppression (sprinkler) system which covers all interior living spaces.

## Student Housing Policies

### Smoking

Smoking tobacco and vaping is prohibited in all buildings and within 25' of building entrances, operable windows, or air intakes. This includes all residence halls and apartments, including the balconies and patios in the apartment complexes.

### Open Flame

Open flame or fire is not permitted on University property and is governed by the [Southwestern University Fire Safety Policy](#).

### Grills and Outdoor Cooking

The use of Bar-B-Que pits and grills (including small electric grills) on patios, balconies, or landings is prohibited and must be at least 10 feet away from any physical structure when lit. Once cool to the touch, grills (without a propane tank) may be stored on apartment patios or under outdoor stairwells. The University provides charcoal grills in the vicinity of each residential complex.

### Banned Objects and Electrical Appliances

In accordance with Southwestern University's residence policies, as reviewed and approved by the Safety Office, the following objects, appliances, and electrical devices cannot be used in a University residence hall room or apartment.

- Ammunition
- Explosives
- Fireworks
- Halogen Lamp
- Gasoline
- Kerosene
- Propane
- Hot Plate
- Small Oven
- Burning Candle
- Burning Incense
- Hoverboard
- Space Heater

- Crock Pot
- Toaster
- Portable Grill
- Anything With An Open Burner

## Fire and Life Safety Violations

It is a violation of University policy and state law for students or others to set any type of fire or tamper with building or outdoor safety systems (alarms, fire extinguishers, hoses, etc.). The minimum fines associated with these violations are \$50 to \$100 for unnecessarily discharging a fire extinguisher, \$100 for tampering with, including covering, a fire detection system, and \$200 for the unwarranted pulling/activating of a fire alarm system. Failure to respond to a fire alarm or participate in a fire drill can be a matter for disciplinary action.

## Student Housing Evacuation Procedures

### Quick Reference

- Pull fire alarm box
- Call **911** - describe emergency
- Evacuate the building quickly using the closest exit - **Do not use elevators**
- Go to designated safe area - gather at least 100 feet from exit (stay off sidewalks/streets) - check for missing persons; notify emergency responders of someone who may still be inside the building
- **Do not** return until an official representative clears the building

### Additional Instructions

- The Emergency Notification System will send instructions via phone, text, or email.
- All persons are to immediately evacuate the building upon the sounding of the fire alarm system. If there is smoke, keep low or crawl as quickly as possible to the nearest exit.
- Doors should be pulled closed (but not locked) by the last person leaving the room.
- If you are inside a room - feel the door first - if it is hot, stay inside, cover the gap under the door, and place a white/bright piece of clothing out the window to aid emergency response personnel in locating and assisting you. Call 911 to inform them of your location and situation.
- Use the evacuation routes established by the emergency evacuation floor plans for your building. Know two different routes of escape from your building. Exits are marked red on the floor plans.
- Individuals with disabilities should request assistance to the nearest stairwell out of imminent danger and then provide information on how others can safely assist you down the stairwell. Accommodations may require waiting for the assistance of emergency response personnel - notify someone to inform emergency response personnel of your location and disability. **Do not use elevators.** Students with disabilities requiring assistance in an emergency situation should register their residence hall room number and accommodations with Residence Life (512-863-1624) or SUPD at (512-863-1944).
- Quickly exit the building to a safe, designated location at least 100 feet from exits - **Do not congregate on sidewalks or streets.** Meet and stay with your unit/class/department to account for each other. Notify emergency response personnel of anyone who may be missing or is physically impaired and still inside the building.

## **Fire Safety Training and Education**

Fire safety training is required for all Resident Assistants. Training is provided by Residence Life staff, Safety Office, and the University police. This training involves:

- Overview of fire safety policy
- Overview of fire safety systems (sprinklers/fire alarm)
- Fire extinguisher use and locations
- Building evacuation procedures/assembly areas
- Closing doors when the fire alarm activates
- Keeping exits/stairwells clear
- Alarm pull stations
- Fire safety reporting process

Resident Assistants present fire safety training in all student housing facilities at the beginning of each semester.

Basic fire safety instructions, located within the University's Emergency Action Plan, are offered to all new and existing employees through Human Resources and Department supervisors. Additional training is provided periodically to select departments by the Safety Office.

Each academic and administrative building on campus is assigned a minimum of one Emergency Action Representative (EAR). These individuals have volunteered to assist building occupants with evacuation in the event of a fire or other emergency situation.

## **Fire Safety Inspections**

Fire safety inspections of all residence halls and individual rooms are conducted by the Georgetown Fire Department once a year and routinely by Residence Life staff, University police during fire drills, and resident assistants assigned to each building. Specific areas to be inspected are

- Exit stairwells (check for obstructions)
- Exit corridors (check for obstructions)
- Exit signs (check for function and visibility)
- Building exit/entry doors (check for function and security)
- Common areas (lounges, study rooms, entertainment areas)
- Fire extinguishers

Resident Assistant training for inspections is provided by the Safety Office, Residence Life staff, and University police.

## **Fire Reporting**

Reports of any type of fire on the campus of Southwestern University are investigated and documented by SUPD. Fires involving an injury, death, significant property damage or suspicious fire incidents must be reported to the city of Georgetown Fire Marshall and the Southwestern University Chief of Police on a 24/7 basis.

If a member of the Southwestern community finds evidence of a fire that has been extinguished, and the person is not sure whether SUPD has responded, the community member should immediately notify SUPD via their non-emergency number at 512-863-1944 to investigate and document the incident for disclosure in the University's annual fire statistics.

## **Future Fire Safety Improvements**

Southwestern University intends to provide an environment that addresses the issues of fire and life safety for students, faculty, and staff.

During the calendar year, 2021 and into the present year, 2022, the following upgrades in fire suppression systems have been made.

### **Residential Housing: SILENT KNIGHT**

Dorothy Lord Apts, Bldg #2,  
Herman Brown Residential Hall  
Moody Shearn Residential Hall

### **Academic Bldgs.: SILENT KNIGHT**

Athletic Field House  
Olin

**Each of the above listed buildings received a complete update of fire suppression equipment including:**

New fire panel  
Smoke detectors  
Heat detectors  
Sprinkler heads  
Alarm pull stations  
Water flow detectors  
and complete system wiring.

In addition, the Turner-Fleming House had new smoke detectors, GEM-9600, installed.

All other campus buildings retained current fire suppression systems after building inspections were completed and passed.

The University continues to monitor the operational effectiveness of all fire systems on campus to minimize risk.

Southwestern has determined that any plans for future improvements in fire safety are not needed. Improvements or potential changes in fire safety are continuously reviewed, and any required changes are implemented on a timely basis.