

# Southwestern University

## 2025 Annual Security and Fire Safety Report

Includes Policy Statements for the 2024-2025 Academic Year  
and Crime Statistics for Calendar years (CYs) 2022, 2023 & 2024

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In compliance with the Jeanne Clery Campus Safety Act (20 USC § 1092(f), 34 CFR § 668.46)



SOUTHWESTERN  
UNIVERSITY

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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.

Joseph Anthony Barragan, 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 an authorized staff of seven full-time, two part-time, state-certified police officers, approximately ten on-call police officers, one public safety officer, two full-time campus operators, six 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, in security carts, and in 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 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 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; 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 the bottom of the main page of the Southwestern University website or directly by clicking on <https://www.southwestern.edu/titleix/online-reporting-form/>.

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	512-863-1624	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
University Chaplain	512-863-1915	Cullen Academic Building

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

16 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 ~ 512-863-1624
- 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/1jaGsdisdVz49thsAvtA031ZlsScRrRRjvE2UNpkwo7U/>

**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, 09/09/24, 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 Pirate 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 Pirate 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 Pirate 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 Pirate 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 Pirate 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 (1310 Service Road) 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 the following:

<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 512-863-1300 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**

Southwestern University's policies with regard to student use of alcohol and drugs are excerpted from the Student Handbook as follows:

All students who enroll at Southwestern University voluntarily join this community and are considered representatives of the University both on and off campus. As such, students are held to standards of behavior consistent with the University's core values.

The following behaviors, for example, contradict the University community's values and are subject to disciplinary action:

- Illegally possessing, using, distributing, manufacturing, or selling alcohol.
- Using alcohol or making it available to others in ways that encourage high risk use or intoxication.
- Illegally possessing, using, distributing, manufacturing, or selling drugs or drug paraphernalia.
- Violating local, state, or federal law, or University policy not explicitly included in this Code, whether on or off campus.

**Good Samaritan Policy:** Southwestern University's Good Samaritan Policy encourages students to seek medical attention through SUPD or 911 during an alcohol or drug-related emergency by removing the threat of disciplinary action for possession of alcohol and/or drugs or the overuse of drugs and/or alcohol for (1) the intoxicated individual and (2) the person who calls for help. Whenever a student assists an intoxicated person by calling SUPD or 911 for assistance, neither the intoxicated individual nor the individual who assists will be subject to formal university disciplinary actions for (1) being intoxicated or (2) having provided that person alcohol. In order for this protocol to apply, the intoxicated student(s) and the caller and/or student organization must agree to timely completion of recommended alcohol education activities. An assessment, and/or treatment, depending on the level of concern for student health and safety, may also be necessary for the intoxicated student. For further information, about the signs and symptoms of alcohol poisoning, or how to place someone in the alcohol recovery position, please see [www.southwestern.edu/health-center/student-resources/alcohol-and-drug-safety/](http://www.southwestern.edu/health-center/student-resources/alcohol-and-drug-safety/).

The amnesty created by the Good Samaritan Policy extends only to disciplinary actions by Southwestern University and cannot extend to any civil or criminal legal proceeding to which a person or organization may be exposed by the laws of the State of Texas. Similarly, the Good Samaritan Policy does not modify or affect any so-called "Good Samaritan" laws of the State of Texas. Legal issues aside, in a medical emergency, the only consideration should be the health and safety of those at risk.

**Consequences for Alcohol law violations** may result in criminal charges/arrest by SUPD for state law violations. Examples of state alcohol 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 (included 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.

**Consequences for Drug law violations** may result in criminal charges/arrest by SUPD for state law violation. Examples of state drug law violations are listed below.

- **Manufacture or delivery of Controlled Substance (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 Substance (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 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 or 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.

## **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, location-restricted knives, clubs, 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 crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of 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;
2. abuse by a member of a family or household toward a child of the family or household; or
3. 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
2. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

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.

**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.

**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.

**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.

**A 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.

## **Policy Prohibiting Sex Discrimination and Sexual Misconduct**

### **1. Reason for Policy**

#### **a. Institutional Philosophy**

- i. Southwestern University is committed to providing an educational and working environment for students, faculty, and staff that is free of all forms of sex discrimination and sexual misconduct. This commitment also extends to include all applicants, donors, alumni, volunteers, and any other constituent of the University. All students, faculty and staff are expected to be familiar with this standard of conduct set forth herein.

#### **b. Federal and State Law**

- i. This policy is established in compliance with Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106 et seq.), the Violence Against Women Act of 1994 (“VAWA”), the Campus Sexual Violence Elimination Act of 2013 (“Campus SaVE Act”), Title VII of the Civil Rights Act of 1964, Texas Education Code Chapter 51, and all other applicable state and federal laws and regulation.

- c. The University reserves the right to make changes to this Policy in its sole discretion, at any time, and without prior notice. The Policy is subject to continuous review and evaluation by the University. Substantive revisions will be communicated to members of the University community. Nothing in this Policy is designed to create contractual rights – explicit or implied – between the University and any member of the University community.

### **2. Scope**

- a. **What:** This policy defines prohibited conduct including sexual assault, interpersonal violence (including domestic violence and dating violence), stalking, sexual harassment, sexual exploitation, sex discrimination, and other forms of inappropriate sexual conduct. This policy prohibits retaliation against anyone associated with a complaint or grievance process. It also prohibits false complaints or testimony, interference with the University’s grievance process, and failure to report prohibited conduct as a responsible employee.
- b. **Who:** This policy applies to all Southwestern University students, faculty, staff, student organizations, visitors, contractors, University affiliates, applicants for admission or employment, and others conducting business on campus. An individual becomes a Southwestern student and is expected to comply with University policy as soon as they have been registered for at least one course. Student status continues during approved Leaves of Absence and until graduation. A student who withdraws after a semester begins will be held accountable for compliance with University policy through the end of that semester. An 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. For purposes of this policy, individuals who are both students and employees will be treated according to their primary relationship to the University as determined in the sole discretion of the University's Title IX Coordinator. Volunteers, Vendors, Contractors and Third Parties are not considered "employees" for the purposes of this Policy.

- c. When/Where: Consistent with federal law, the specific conduct, location of, and affiliation of parties involved with the surrounding circumstances will determine the appropriate resolution track.
  - d. How: The University takes all allegations of violations of this policy seriously. All reported or suspected occurrences of prohibited conduct in this policy will be reviewed for application of the appropriate resolution track by the Title IX Coordinator. The Title IX Coordinator or designee's role is to oversee the University's application of this policy, including state reporting requirements, education for the prevention of sexual harassment, to identify and address patterns of systemic problems revealed by such reports, and offer support measures and ongoing remedies to affected individuals with the purpose of restoring or preserving access to the University's education program and activities.
3. "Title IX Prohibited Sexual Harassment" is conduct satisfying the following conditions:
- a. Conduct occurring on or after August 14, 2020, within the United States, within a Southwestern University education program or activity, and the Complainant was participating or attempting to participate in the University program or activity at the time of the conduct. A formal complaint must be submitted by the Complainant or signed by the Title IX Coordinator describing the following prohibited conduct:
  - b. Conduct on the basis of sex that constitutes one or more of the following:
    - i. 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.
    - ii. Hostile Environment Sexual Harassment: is unwelcome sex-based 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.
    - iii. Sexual Assault as defined below;
    - iv. Dating Violence as defined below;
    - v. Domestic Violence as defined below; or
    - vi. Stalking as defined below.
4. University Prohibited Conduct
- a. Discrimination based on sex or gender identity
    - i. Disparate treatment of an individual on the basis of sex or gender, including, but not limited to, sexual orientation, gender identity, gender expression, and pregnancy status, that adversely affects the terms or conditions of the individual's employment or substantially interferes with the individual's access to education or educational benefits.
  - b. Interpersonal Violence

- i. Domestic/Family Violence: a felony or misdemeanor crime of violence committed, other than a defensive measure to protect oneself, 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, by a member of a family or household against another member of the family or household:
    - a) a current or former spouse or intimate partner of the harmed party;
    - b) a person with whom the harmed party shares a child in common;
    - c) by a person who is cohabitating with, or has cohabitated with the harmed party,
    - d) by a person similarly situated to a spouse of the harmed party under the domestic or family violence laws of the state of Texas.
  - ii. Dating Violence: an act, other than a defensive measures to protect oneself, that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the harmed party in fear of imminent physical harm, bodily injury, assault, or sexual assault, and is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the harmed party;
    - a) The existence of such a relationship will be determined based on:
      - (1) the length of the relationship;
      - (2) the nature of the relationship; and
      - (3) the frequency and type of interaction between the persons involved in the relationship.
    - b) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."
  - iii. Relationship Abuse: abuse committed by a person who is a member of a family or household or has been in a social relationship of a romantic or intimate nature with the harmed party as defined above in Domestic Violence and Dating Violence. For purposes of this form of prohibited conduct, "abuse" is defined as any act, threat, or pattern of behavior, including verbal, physical, psychological, sexual, academic, technological and economic, that one person uses to attempt to gain or maintain power or control over another.
- c. Sexual Assault
- i. Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the harmed party.
  - ii. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without consent of the harmed party.
  - iii. Statutory Rape: Sexual intercourse with a person who is under 17 years of age, the statutory age of consent as defined by Texas Law.
  - iv. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas Law.

d. Sexual Exploitation

- i. Any actual or attempted action that threatens or takes non-consensual sexual advantage of another person for the actor's own benefit, or to benefit anyone other than the affected person. Examples of include, but are not limited to:
  - a) Conduct that meets the definition of indecent assault under Texas law;
  - b) Electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual without their consent;
  - c) Electronically sending or forwarding offensive sexual material to non-consenting recipients;
  - d) Voyeurism, such as watching private sexual activity without the consent of the participants or allowing a third-party to observe sexual acts without all parties' consent; viewing another person's intimate parts in a place where that person would have a reasonable expectation of privacy;
  - e) Threatening to disclose or disclosing a person's sexual activities, sexual orientation, gender identity, or gender expression with the intent to harm the person.

e. Sexual Harassment

- i. Unwelcome, sex-based or gender-based verbal or physical conduct that, determined by a reasonable person, in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or 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 educational programs or activities.
  - a) "Sex-based" is harassment based on an individual's actual or perceived sex.
  - b) "Gender-based" is harassment based on an individual's actual or perceived gender, sexual orientation, gender identity or gender expression.
  - c) "Verbal conduct" is oral, written, symbolic or gestures.
  - d) "Physical conduct" is unwelcome or forced touching of another person's body.
  - e) 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.
  - f) The University will consider the totality of circumstances, including factors such as the demonstrated impact the conduct has had on the Complainant; the nature and severity of the conduct; the frequency and duration of the conduct; the relationship between the Parties (including accounting for whether one individual has authority over the other); the respective ages of the Parties; the context in which the conduct occurred; the number of persons affected; and whether the speech or conduct deserves the protections of academic freedom.

f. Stalking



- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for their safety or the safety of others; or suffer substantial emotional distress.
    - a) Course of Conduct means two or more acts, including, but not limited to, acts in which a party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person, in a manner that a reasonable person would regard as threatening. The perception of threat may be about bodily injury or death of the person or their family members, including someone whom the person is dating, or a threat to the person's property.
    - b) Reasonable Person means a person under similar circumstances and with similar identities to the affected individual.
    - c) Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- g. Inappropriate conduct of a sexual nature
  - i. Behavior that occurs on campus in an education program or activity, and off-campus in an education program or activity, including online conduct that substantially affects the employment or education environment. The inappropriateness of the conduct will be determined by evaluation of the totality of the circumstances, including the frequency and severity of the conduct, the impact on the employment and education environment, whether a reasonable person would construe the conduct as sexual in nature, and whether the conduct deserves the protections of academic freedom. Behavior that could constitute inappropriate conduct of a sexual nature may include, but is not limited to:
    - a) engaging in repeated sexually oriented conversations, comments, horseplay, or the telling of jokes or anecdotes of a sexual nature;
    - b) engaging in a course of conduct that fails to observe the appropriate boundaries of the supervisor/subordinate or faculty member/student relationship;
- h. Prohibition of Retaliation
  - i. Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with their rights or privileges, because that 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 other Prohibited Conduct.
  - ii. Complaints of retaliation should be reported immediately to the 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.
- i. Prohibition on False Complaints and Evidence
  - i. Reports of behavior reasonably believed to be 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, or to tamper with or destroy evidence. Any person who knowingly engages in this prohibited conduct is subject to disciplinary action, up to and including termination or dismissal from the University.

- ii. Good faith reporting is providing information which a party or witness genuinely believes is accurate. If the report or complaint is ultimately dismissed due to insufficient evidence or found to be untrue, it does not constitute false reporting.
- iii. Members of the University community are encouraged to seek assistance even if they are unsure that what they are experiencing is a violation of this policy.

5. Evaluation of Consent for purposes of this policy is:

- a. Obtaining consent is required to initiate sexual activity. To be effective, consent must be all of the following:
  - i. Informed (knowing): Securing consent is the responsibility of the person initiating sexual activity. Consent may be withdrawn at any time by any party. Any expression of an unwillingness to engage in any instance of sexual activity (whether through words or clear actions) establishes a presumptive lack of consent.
  - ii. Voluntary (freely given): consent is voluntary and is a clear expression of agreement to engage in each instance and stage of sexual activity. Consent cannot be given or obtained when there is any form of force or coercion.
  - iii. Active (not passive): Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not itself establish consent. Consent to one act does not imply consent to another; past consent does not imply future consent. Lack of protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute Consent.
- b. Texas law specifies that individuals under the age of 17 are incapable of giving consent.
- c. Consent cannot be obtained by force and cannot be gained by taking advantage of or causing the incapacitation of another.
- d. Force includes the use of physical violence, threats, intimidation or coercion.
  - i. Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
  - ii. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
  - iii. Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit). Previous occurrences of threats or physical violence may also constitute intimidation.
  - iv. Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another

person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

- e. Incapacitation is defined as a state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.
  - i. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person. One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady walking or standing, combativeness, emotional volatility, vomiting, incontinence, or unconsciousness. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who is with you?”
  - ii. Having sex with someone whom the Respondent knew, or should have known to be, incapacitated (mentally or physically) is a violation of this policy.
  - iii. In evaluating Consent in cases of incapacitation, the University asks the following two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is “yes,” there was no Consent; and the conduct is likely a violation of this policy.

#### 6. Student Organization Violations

- a. A student organization is defined as any group that has complied with the formal requirements for University recognition or regulation.
- b. A student organization may be held responsible for University prohibited conduct if one or more members permit, encourage, aid, or assist any of its members, alumni/alumnae, or guests in prohibited conduct.

#### 7. Supporting Terminology

- a. Amnesty: To support reporting of behavior potentially prohibited by this Policy, the university will not pursue student conduct proceedings against a student Complainant, Respondent, or witness for personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. The University may however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs. Additional

information about the University's Good Samaritan Policy can be found in the Student Handbook.

- b. Complainant: the individual(s) who is alleged to have been impacted by Prohibited Conduct in this Policy.
- c. Education Programs and Activities: 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 that is used for educational purposes. 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 Prohibited Conduct occurs, including in any building owned or controlled by a student organization that is officially recognized by the University.
- d. Formal Complaint: document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct in this Policy against a Respondent and requesting that the University investigate the allegation in accordance with this Policy. A "document filed by a Complainant" means a document or electronic submission (such as an email or online report form) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- e. Reasonable Person: when used in references about the harmed party or Complainant, "reasonable person" means a person under similar circumstances and with similar identities to the affected individual.
- f. Respondent: means the individual(s) who is alleged to have engaged in prohibited conduct in this Policy.
- g. Reporting Party: anyone who submits information or a referral to the Title IX Office regarding allegations of prohibited conduct in this policy.
- h. Participants: all individuals who provide testimony or evidence during an investigation, alternative resolution, or at the hearing proceedings.
- i. Party or Parties: a Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.
- j. Preponderance of the Evidence Standard: 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 investigation and hearing indicate that the action is more likely to have occurred than not.
- k. President's Staff: Dean of the Faculty; Vice President for Finance and Administration, Vice President for Student Life; Dean of Enrollment Services; Vice President for University Relations; Chief Marketing Officer; Vice President for Information Services and Chief Information Officer; and Director of Administrative Services for the President's Office and the Board of Trustees.
- l. Substantial Emotional Distress: means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- m. Title IX Coordinator/Title IX Office: all references to "Title IX Coordinator" also refer to any designee acting on behalf of the Title IX Coordinator or Title IX Office. For purposes of this policy a Deputy Title IX Coordinator may serve as a designee. The Title IX Coordinator will be responsible for the oversight and implementation of this Policy.
- n. Witness: individuals who, during the investigation or hearing proceedings, provide information directly relevant to the allegations; witnesses are not character witnesses.

Participation as a witness is optional for students and non-affiliated persons, but witness participation is mandatory for employees.

#### 8. Reporting and Medical Treatment

- a. **Receiving Medical Treatment:** it is important for a victim to receive medical treatment and preservation of evidence, if applicable, as soon as practicable after an incident. 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. A student may contact the Health Center at 512.863.1252 during business hours, or Southwestern University Police Department (SUPD) after business hours and on the weekend to be connected with confidential medical services. Victims may also seek medical attention such as a sexual assault forensic exam, from the hospital or Brave Alliance at (512)-738-8817.
- b. **Reporting 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. The University encourages anyone who believes they experienced or witnessed a crime to make a report to Southwestern University Police Department (SUPD), 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 SUPD, officers will advise the reporting party of their right to file a report with the Title IX Office. SUPD shall also notify the Title IX Office of the report, and provide the Title IX Office access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation. 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 may not be a strictly confidential process. Students can request to be connected with a confidential resource like a University counselor or an advocate from Williamson County Crisis Center (also known as Hope Alliance) at 1-800-460-7233, who can also be resources through the reporting process.
- c. **Confidential Resources:** Members of the University community who are officially designated Confidential Employees are: (1) Counselors in the Counseling Center, (2) Medical Practitioners in the Health Center, and (3) the University Chaplain. Students may speak with a Confidential Employee about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking without the conversation triggering a mandatory report of incident details. 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.
  - i. Contact the Counseling Center and Medical Center at 512.863.1252 during business hours. After 5:00 p.m. or on weekends, a student can call the SUPD at 512.863.1944, and tell them it is a confidential matter. The Police can then connect the student with a University counselor.
  - ii. The University Chaplain may be reached by dialing 512.863.1056.

d. Where to Report

- i. Any person may report sex discrimination and sexual misconduct to the University's Title IX Coordinator, Katie Rallojay, and/or to law enforcement. A report to the Title IX Office results in a review under the University's administrative process, while a report to law enforcement results in a criminal process.
  - ii. a) Contact the Title IX Office: 512-863-1111, [TitleIXCoordinator@southwestern.edu](mailto:TitleIXCoordinator@southwestern.edu), or make a report online: <https://www.southwestern.edu/life-at-southwestern/title-ix/help-for-sexual-misconduct-sexual-assault/>
  - iii. b) Contact SUPD: 512-863-1944
  - iv. Responsible Employees: all employees who are not designated as confidential employees, are required by state law (TEC, Section 51.252), to promptly report to the Title IX Office allegations of sexual harassment, sexual assault, dating violence, and stalking, that 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. Failure to make such a report will lead to termination and can result in criminal prosecution under Texas law.
- e. Anonymous reporting: Anyone can make an anonymous report by submitting information on the University's [Title IX website](#) or through a [confidential hotline](#). 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 alleged victim of 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.

9. Assessment of Complaint

a. Preliminary Assessment of Report:

- i. Upon receipt of a report, the Title IX Coordinator will conduct a preliminary assessment to determine whether the reported conduct may constitute a violation of this policy. The Title IX Coordinator will seek more information about the incident, the people involved, potential witnesses and evidence, the date, time, and location, etc.
- ii. If the Title IX Coordinator determines that the conduct as reported does not fall within the scope of this Policy, even if investigated, the Title IX Coordinator 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 may refer the report to other University offices, as appropriate.

b. Contacting the Complainant:

- i. The Title IX Coordinator or their designee will promptly contact the Complainant to provide written information about the individual's rights under this policy and

supportive measures, accommodations, and resources that are available. The Complainant will be asked how they would like the University to respond, and can request from a range of administrative responses including no administrative response, only accessing resources, alternative resolution, or filing a formal complaint. The Complainant will also be given information about their right to seeking medical assistance, and report to law enforcement.

c. Interim or Administrative Removal:

- i. At any time after receiving a report of Prohibited Conduct, the Title IX Coordinator may impose an interim or administrative removal of a student or employee Respondent from the University's education programs and activities if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any University community member arising from the allegations of Prohibited Conduct justifies removal. In the event the Title IX Coordinator imposes an interim removal, the student or employee Respondent has an opportunity to challenge the interim removal within twenty-four hours of notification. For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus at any time, and for any reason.

d. Reasons for Dismissal:

- i. Dismissal After a Formal Complaint: In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it from investigation under this policy if the Title IX Coordinator determines the conduct alleged in the Formal Complaint would not constitute prohibited conduct, even if proved, under this policy.
- ii. 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 determines that any one or more of the following is true:
  - a) The Complainant provides the Title IX Coordinator 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);
  - b) The Respondent is no longer employed by the University; or
  - c) 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).
- iii. Notice of Dismissal: In the event the Title IX Coordinator determines the Formal Complaint must be dismissed, the Title IX Coordinator will provide written notice of dismissal to the Parties and advise them of their right to appeal. The Title IX Coordinator 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 in the written notice of complaint.

e. Referrals

- i. If at the conclusion of the formal complaint process, a referral for other University prohibited conduct is necessary, the Title IX Coordinator will facilitate such a referral to the appropriate university department.

## 10. Supportive Measures and Resources

- a. The Title IX Coordinator will coordinate support measures for individuals affected by or accused of Prohibited Conduct in this policy. 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.
- b. Supportive measures may include but are not limited to: 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 via an administrative No Contact Order. In addition, all Parties are allowed to drop a course in which both Parties are enrolled without any academic penalty.
- c. The University encourages any individual who has questions or concerns to seek support of University-identified resources. The Title IX Coordinator is available to provide information about the University's policy and procedure and to provide assistance. The University will maintain the confidentiality of Supportive Measures provided to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

## 11. Resolution Process Options

- a. Title IX Prohibited Sexual Harassment Formal Proceedings, "Track A":
  - i. Matters that constitute Title IX Prohibited Sexual Harassment in this policy require the submission of a Formal Complaint or for a Formal Complaint to be signed by the Title IX Coordinator.
  - ii. After a Written Notice of Formal Complaint, the University may, in the Title IX Coordinators discretion, facilitate an Alternative Resolution in accordance with the protocol in section XI(D).
  - iii. Track A matters will proceed in accordance with formal complaint procedures in sections XII, XIII, XIV, and XV.
  - iv. There may be instances where the same set of underlying Track A facts gives rise to allegations simultaneously within the scope of Track B or C processes. When this occurs, all allegations will be joined to be resolved under the Track A process.
- b. University Prohibited Conduct for Student Respondents, "Track B":
  - i. Matters that constitute University Prohibited Conduct related to student Respondents in this policy, require either:
    - a) the submission of a Formal Complaint, or a Formal Complaint to be signed by the Title IX Coordinator; or
    - b) a written request from the Complainant to initiate the Alternative Resolution Process.
  - ii. Track B Alternative Resolution will proceed in accordance with section XI(D).
  - iii. Track B Formal Complaints will proceed in accordance with formal complaint procedures in sections XII, XIII, XIV, and XV.



- c. University Prohibited Conduct for Employee Respondents, "Track C":
  - i. Matters that constitute University Prohibited Conduct related to staff or faculty Respondents in this Policy, require either:
    - a) the submission of a Formal Complaint, or a Formal Complaint to be signed by the Title IX Coordinator; or
    - b) a written request from the Complainant to initiate the Alternative Resolution Process.
  - ii. A Track C Alternative Resolution will proceed in accordance with section XI(D).
  - iii. A Track C Formal Complaint:
    - a) Track C Formal Complaints will proceed as follows:
      - (1) Upon receipt of a complaint, the Title IX Coordinator will consult with the appropriate member of the President's Staff to decide whether further investigation or a recommendation for an alternative resolution is warranted. The Title IX Coordinator and member of the President's Staff shall notify the accused employee member as soon as reasonably possible of the complaint and next procedures.
      - (2) Investigations will proceed in the manner outlined in sections XII and XIII, for the investigation proceedings.
      - (3) Upon completion of the investigation, the investigation report will be given to the appropriate member of the President's Staff who will consult with the Title IX Coordinator about a recommendation of finding.
      - (4) Written Decision will proceed in accordance with section XIV(C)(2).
      - (5) Appeal Proceedings will proceed in accordance with section XV.
- d. Alternative Resolution
  - i. The University may, in the Title IX Coordinators discretion, facilitate an alternative resolution in accordance with the protocol outlined below. Alternative Resolution will not be permitted if the Respondent is a non-student employee accused of committing Prohibited Conduct against a student.
  - ii. Generally, alternative resolution involves a structured intervention process between Parties and/or other affected community members that seeks to identify and meet the needs of the Complainant and/or other affected community members while providing an opportunity for the Respondent to repair harm (to the extent possible). Alternative 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 alternative resolutions are facilitated by a trained administrator, which may be the Title IX Coordinator, a designee, or an outside expert.
  - iii. Parties may request commencement of an alternative resolution at any time prior to the final determination of a Formal Complaint. After initiating an alternative resolution, Parties may request to end the resolution process any time before signing the resolution agreement. Ending the alternative resolution process may result in commencing with the formal complaint process. No statements made

during the alternative resolution process may be used for or against either Party (and the hearing officer and appeal officer may not consider any such statement made during alternative resolution) should the Parties resume the formal complaint process.

- iv. 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.

- v. Procedure:

- a) Parties must request in writing, addressed to the Title IX Coordinator, that they voluntarily agree to proceed with Alternative Resolution. The specific manner of any alternative 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:

- (1) Describes the parameters and requirements of the informal resolution process to be utilized;
- (2) Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third party);
- (3) 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
- (4) 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.

- b) If the Parties reach a resolution, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will document the terms of the agreed resolution in writing and present the resolution to the Parties for 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, or discipline by the University, except as otherwise provided in the resolution itself. Failure to comply with an alternative resolution agreement may result in disciplinary action.

## 12. Written Notice of Formal Complaint

- a. Within a reasonable amount of time after receipt of the Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:
  - i. A physical copy of or hyperlink to this Policy;
  - ii. Sufficient details known at the time so that the Party(ies) may prepare for an initial interview with the investigator, to include the identities of the Party(ies) involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
  - iii. 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;
  - iv. Information about the Party(ies) right to be accompanied by an advisor of their choice;
  - v. Notifying the Complainant and Respondent of their right to inspect and review evidence;
  - vi. Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
  - vii. Information about resources that are available on campus and in the community.
  - viii. 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.
- b. Consolidation of Formal Complaints: The University may consolidate formal complaints by the same Complainant(s), against the same Respondent(s), or between the parties where the allegations arise out of the same set of facts or circumstances.

## 13. Investigation Proceedings:

- a. Overview
  - i. 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 lies with the University and not with the Parties. The investigation will culminate in a written investigation report that will be submitted to the hearing officer prior to the hearing proceedings. 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
  - i. During the investigation, the Investigator will provide an equal opportunity for the Parties to be interviewed and to present witnesses and evidence. 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 evidence and/or identify 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, or excusable neglect.

c. Sexual History

- i. During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior is 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.

d. Witnesses and Evidence

- i. The Investigator will make reasonable attempts to contact and interview individuals who are identified as witnesses with information relevant to the allegations of Prohibited Conduct. The Investigator retains discretion to limit the number of witness interviews 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 make reasonable attempts to obtain other relevant evidence available from the Parties, witnesses, or other University departments.

e. Investigation Report

- i. At the conclusion of the evidence-gathering phase of the investigation the Investigator will transmit to each Party and their advisor an electronic copy of the preliminary investigation report including 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 report outlines each allegation that potentially constitutes a violation of this policy, outlines the procedural steps of the investigation, summarizes the relevant evidence collected, summarizes participant statements, and lists material facts on which the Parties agree and disagree. The Parties will have ten business days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.
- ii. 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.
- iii. After the period for the Parties to provide a written response has expired, the Investigator will provide the completed investigation report to each Party and their advisor. Parties will be given the completed investigation report no later than ten business days before the scheduled hearing.

14. Adjudication Proceedings

a. Hearing Officers

- i. Hearing Officers: The Title IX Coordinator will appoint one or more hearing officers 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. In most cases, hearing officers are convened from a pool of trained Hearing Board members to create a panel of three members to collectively serve as the “hearing officer.”

- ii. The pool of potential hearing officers is composed of faculty and staff, and its members receive formal training prior to serving as a hearing officer or Hearing Panel member. The hearing officer(s) will be provided access to the completed investigation report and all relevant evidence prior to the scheduled hearing.
- iii. The Complainant and the Respondent will be informed of the name(s) of the potential hearing officer(s) at least seven days prior to the hearing, and can request dismissal, with cause, of any potential hearing officer up to 72 hours prior to the scheduled hearing. The decision to grant a dismissal shall be made in the sole discretion of the Title IX Coordinator.

b. Coordination of the Hearing

- i. The Title IX Coordinator will promptly communicate a Hearing Notice with Parties about setting a date and time for the hearing and providing a copy of the University’s Hearing Procedures. The hearing may not be held any earlier than ten business days from the date of transmittal of the written notice.
- ii. The Title IX Coordinator will appoint a Hearing Coordinator (usually a Deputy Title IX Coordinator) to convene and conduct a hearing pursuant to the Hearing Procedures outlined in this Policy.
- iii. A Party’s will be asked to provide a written response to the hearing notice which should include:
  - a) A list of any witnesses that the Party requests to attend the hearing pursuant to an attendance notice issued by the hearing officer;
  - b) Any objection that the Party has to the University’s Hearing Procedures;
  - c) Any request that the Parties be separated physically during the hearing;
  - d) The name and contact information of the advisor who will accompany the Party at the hearing;
  - e) 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.
- iv. Issuance of Notices of Attendance: The Title IX Coordinator will transmit notices of attendance to any University employee (including administrator, faculty, or staff) whose attendance is required at the hearing, as well as any student or non-affiliated person 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 Title IX Coordinator immediately if there is a material and unavoidable conflict. The employee or student 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. If requested in writing to the Title IX Coordinator, a letter requesting accommodations with academic, athletic, or work obligations may be issued. 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.

- v. The hearing will be recorded. The audio or video recording will be made available to the Parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.
- vi. The hearing will be conducted live, with simultaneous and contemporaneous participation by the Parties and their advisors. The hearing may also be conducted virtually, using video conference technology, with all participants in different physical locations.
- vii. While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:
  - a) Opportunity for each Party to address the hearing officer directly and to respond to questions posed by the hearing officer;
  - b) For Track A matters only, an 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;
  - c) For Track B and C matters only, an opportunity for each Party 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;
  - d) 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;
  - e) Opportunity for each Party to submit evidence that the Party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
  - f) Opportunity for each Party to make a brief closing statement.
- viii. 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 Hearing Coordinator, and other necessary University personnel. Witnesses will be sequestered until such time as their testimony is complete.
- ix. While a Party has the right to attend and participate in the hearing with an advisor, a Party and/or advisor who 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, by the discretion of the hearing officer.
- x. 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 to exclude evidence or questions. 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.
- xi. The hearing is not a formal legal 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.

- xii. Parties and witnesses are subject to questioning during the hearing. If a Party or witness refuses to attend the hearing or attends but refuses to submit to questioning by the Parties' or Parties' advisors, the hearing officer may determine if previous statements of that Party or witness will be considered in reaching a determination of responsibility. Participating Parties may also choose to allow the testimony of a Party or witness who does not submit to questioning, or in the case where the attendance of the witness at the hearing was not requested. The hearing officer will take into consideration the totality of witness statements and evidence to ensure that equal opportunity has been given for Parties to respond to the investigation report and evidence. 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/Determination

- i. 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 hearing, or investigation. 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.
- ii. Written Decision:
  - a) After reaching a determination and consulting with an appropriate member of the President's Staff (or other University Official) and Title IX Coordinator, the hearing officer will prepare a written decision that will include:
    - (1) Identification of the allegations potentially constituting Prohibited Conduct made in the Formal Complaint;
    - (2) 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;
    - (3) Articulation of findings of fact, made under a preponderance of the evidence standard, that support the determination;
    - (4) 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;

- (5) The discipline determined by the appropriate member of the President's Staff (or other University Official);
    - (6) Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
    - (7) A description of the University's process and grounds for appeal.
  - b) The hearing officer's written determination will be transmitted to the Parties which concludes the hearing process, subject to any right of appeal.
  - c) 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.
- d. Sanctions and Remedies
  - i. 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.
  - ii. Student Respondents
    - a) The range of sanctions for student Respondents will likely be as follows:
      - (1) For Rape, Incest, Statutory Rape: suspension or expulsion
      - (2) For Fondling, Domestic Violence, Dating Violence, and Stalking: disciplinary probation, disciplinary probation with suspension of privileges, suspension, or expulsion.
      - (3) For Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Exploitation, Sex Discrimination, Inappropriate Conduct of a Sexual Nature, Retaliation, and False Complaints and Evidence: contract probation, disciplinary probation, disciplinary probation with suspension of privileges, suspension, or expulsion.
    - b) Additional remedies may be imposed by the hearing officer that is meant to bring restoration where harm was caused.
    - c) If a student is found responsible for Prohibited Conduct in this Policy 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).
    - d) 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.
  - iii. Faculty and Staff Respondents:
    - a) If a faculty or staff member is found responsible for Prohibited Conduct in this Policy, the hearing officer will confer with the Title IX Coordinator to review the case findings. The Title IX Coordinator will



confer with the appropriate Presidents 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.

b) The range of sanctions for faculty and staff respondents will likely be as follows:

(1) Written warning, final warning, dismissal/termination.

c) Faculty: If procedures for dismissal with cause are instituted, 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.)

d) Staff and administrators: If found responsible for prohibited Conduct in this policy, procedures for a warning to immediate dismissal as described within the Performance Management Guidelines section of the Staff Handbook, will be followed.

## 15. Appeal Proceedings

a. 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. A Party must file an appeal within five business days of the date they receive notice of dismissal or determination, or within three business 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, 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.

b. Appellate Officer:

i. The Title IX Coordinator will appoint one or more appellate officers who will oversee the appeal process and render a final determination. The appellate officer will not be the Title IX Coordinator, or any individuals involved in the related hearing or review proceedings. Appellate officers may be a member of the President's Staff, or may be convened from a pool of trained Hearing Board members, to create a panel of three members who collectively serve as the "appellate officer."

c. Grounds for Appeal:

i. 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;

d) The determination was arbitrary and capricious.

d. Resolution of Appeal:

- i. Promptly upon receipt of an appeal, the appellate 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 does not meet the outlined criteria, 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 statement in response. 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. After the time period for submission of statements has passed, the appeal officer will promptly transmit a written decision to the Parties that explains the outcome of the appeal and the rationale.
- ii. 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.

16. Ongoing Training

- a. The University is committed to preventing and raising awareness of the harm resulting from the Prohibited Conduct in this policy. Prevention includes offering ongoing education to both employees and students publishing this policy on the University's website, and including information about this policy in orientation materials for new students, faculty and staff. Training sessions will include information on how and where to report incidents and resources available, as well as safe and positive options for intervention that may be carried out by individuals to prevent harm in situations of misconduct. In addition, the University Title IX Coordinator, Deputy Title IX Coordinators, and appointed investigators and hearing board representatives receive training each academic year about prevention efforts, investigatory procedures, due process requirements, conducting a hearing, state and federal laws, and University policies related to or described in this policy.

17. Advisor of Choice

- a. 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. The only persons disqualified from being an advisor are witnesses, administrators over the adjudication process, and anyone who supervises a participant in the process as an employee. Except for the questioning of witnesses during a Title IX Prohibited Sexual Harassment hearing, 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. For hearings of Title IX Prohibited Sexual Harassment, the University will have sole discretion to select the advisor it provides if the Party.

#### 18. Confidential Employees

- a. The University designates the following roles as “Confidential Employees”:
  - i. Medical staff (Nurses and Doctors) in the medical center.
  - ii. Counselors in the Counseling Center.
  - iii. University Chaplain.
- b. If a Confidential Employee, in the course and scope of their role, learns from a student about an incident of sexual harassment, sexual assault, dating violence, and stalking, they must make a report to the Title IX Office stating only the type of incident reported and may not include any information that would violate a student’s expectation of privacy. This does not affect the employee’s duty to report an incident under any other law.

#### 19. Responsible Employee - Mandatory Reporting Requirements

- a. All employees who are not designated as confidential are considered Responsible Employees.
- b. As required by state law (TEC, Section 51.252), a Responsible Employee who in the course and scope of their employment learns about an incident of sexual harassment, sexual assault, dating violence, and stalking, that 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 Title IX Office.
- c. The University also requires Responsible Employees to report incidents of all other prohibited conduct in this policy.
- d. Such reports must include all information related to the incident known to the employee, including the names of individuals involved, what is alleged to have occurred, and if the person who experienced harm has expressed a desire for confidentiality in reporting the incident.
- e. A Responsible Employee has no obligation to report prohibited conduct that the employee themselves was a harmed party of. This requirement does not apply to students, although the University may require certain student-workers, such as Resident Assistants, to report incidents of prohibited conduct. Responsible Employees who learn about reportable incidents at a “public awareness event” sponsored by the University or by a student organization affiliated with the University are not required to report those incidents (e.g., “Take Back the Night”).
- f. All Responsible Employees who fail to make such a report are subject to termination, and criminal prosecution as required by state law (TEC, Section 51.255(a)). Student-workers would not be subject to criminal prosecution.

#### 20. Conflicts of Interest, Bias and Procedural Complaints

- a. The Title IX Coordinator, Deputy Title IX Coordinator, hearing coordinator, investigator, hearing officer, appeals officer, and alternative 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.

21. Treatment Records and Other Privileged Information

- a. During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:
  - i. 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's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party; or 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.
  - ii. Notwithstanding the foregoing, the investigator and/or adjudicator may consider any such records or information if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

22. Academic Freedom Statement: This policy is not intended to limit legitimate claims of academic freedom (see Faculty Handbook). 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.

23. Discretion in Application of Policy

- a. 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.
- b. 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.

24. Outside Appointments, Dual Appointments, and Delegations

- a. 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, hearing coordinator, 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, hearing coordinator, alternative resolution officer, and/or appeals officer.
- b. 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, hearing coordinator, alternative 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.

## 25. Vendors, Contractors and Third Parties

- a. 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.

## 26. Recordings

- a. 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.

## **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.

<b>Incident Being Reported</b>	<b>Procedures University Will Follow</b>
<b>Sexual Assault</b>	<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>
<b>Stalking</b>	<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>
<b>Dating Violence</b>	<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> </ul>

	<ul style="list-style-type: none"> <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/">https://www.southwestern.edu/health-center/</a>
Hope Alliance (24/7) The Williamson County Crisis Center	800-460-7233	<a href="http://www.hopealliancetx.org/">http://www.hopealliancetx.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 - Resources and Reporting Options	512-863-1252	<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 Center 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 Advising</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>
<b>Texas Association Against Sexual Assault (TAASA)</b>	512-474-7190	<a href="http://taasa.org/">http://taasa.org/</a>
<b>US Customs and Immigration Services</b>	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.

## 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 materials 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 University 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 every three years through Vector Solutions. Athletics assigns the same course annually due to NCAA requirements. The module was through United Educators titled "Prevent Sexual Violence Together," (Fall 2022, 2023 and 2024).
- Ongoing voluntary training modules are available for any faculty or staff member through our Vector Solutions 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, Title IX 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 Vector Solutions platform (Fall 2022, 2023, and 2024).
- In Fall 2022, 2023 and 2024, all first-year and transfer students attended Sexual Health and Healthy Relationships sessions 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 occurred with Greek Life in Fall 2022, 2023 and 2024.
- 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 2022, 2023 and 2024).
- As required by the National Collegiate Athletic Association's ("NCAA") Board of Governors Policy on Campus Sexual Violence, all of Southwestern's student-athletes and athletic personnel completed mandatory training prior to the University submitting its annual attestation form. The NCAA requires an **annual** attestation from participating institutions regarding compliance with the policy (Spring 2022, Fall 2023).
- 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 2024).
- 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 2023-24 academic year.
- Student Sexual Assault Campus Climate Survey administered by the Higher Education Data Sharing Consortium (HEDS), was conducted in Spring 2022 with results shared in Fall 2023 with the Southwestern Community. The Results have been utilized to inform ongoing prevention efforts and training.

## Communications

- The poster, “Sexual Misconduct Resources and Reporting” was posted in all classrooms and residence halls for the 2022-2024 academic year. The development of the poster 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 (2022 - 2024)
- 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 (2022, 2023 and 2024)
- Annual Notice of Nondiscrimination is shared with the entire SU community via email, and a variation of the notice is posted online here (2022, 2023 and 2024).
- The Title IX Office has distributed a wallet-size resource guide to students, staff and faculty beginning in Fall 2023. This resource contains information about immediate support and reporting options, policies, employee obligations, resolution options, and support measures.

## Hazing Policy

Southwestern University defines hazing as any activity expected of or done to someone affiliating with, joining, or participating as a regular member of a group that humiliates, degrades, abuses, or endangers, regardless of the person’s willingness to participate.

1. It is important to note that hazing can be committed by one person alone or by a group and that a formal organization need not exist for hazing to take place.
2. Any activity intended to or that could cause physical harm, emotional distress, interfere with daily or academic life, or cause intimidation or embarrassment is prohibited.

- A. If you are aware of or are subject to an act that could be considered hazing, you should immediately report all information to SUPD, the Vice President for Student Life, or the Dean of Students.
- B. The trustees, faculty, administration, and staff of Southwestern University will not tolerate any form of hazing and support the 1987 Hazing Law of the Texas State Legislature. This is a matter of current law, and all students should familiarize themselves with the contents of this legislation.
- C. Alleged violations will be treated as campus disciplinary matters. Local authorities will be notified for possible prosecution.

The Texas Hazing Law is as follows: Texas Education Code, Chapter 51: Subchapter Z. Miscellaneous Provisions

1. **Sec. 51.936. HAZING.** (a) Subchapter F, Chapter 37, applies to a postsecondary educational institution under this section in the same manner as that subchapter applies to a public or private high school. (b) For purposes of this section, "postsecondary educational institution means: (1) an institution of higher education as defined by Section 61.001; (2) a private or independent institution of higher education as defined by Section 61.003; or (3) a private postsecondary educational institution as defined by Section 61.302. (c) Each postsecondary educational institution shall distribute to each student during the first three weeks of each semester: (1) a summary of the provisions of Subchapter F, Chapter 37; and (2) a list of organizations that have been disciplined for hazing or convicted for hazing on or off campus of the institution during the preceding three years. (d) If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Subchapter F, Chapter 37, in each edition of the publication. (e) Section 1.001(a) does not limit the application of this section to postsecondary educational institutions supported in whole or in part by state tax funds.
2. **SUBCHAPTER F. HAZING Sec. 37.151. DEFINITIONS.** In this subchapter: (1) "Educational institution" includes a public or private high school. (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization. (3) "Pledging" means any action or activity related to becoming a member of an organization. (4) "Student" means any person who: A. is registered in or in attendance at an educational institution where the hazing incident occurs; or B. has been accepted for admission at the educational institution where the hazing incident occurs; or C. intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation. (5) "Organization" means any fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students. (6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes: A. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity; B. any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; C. any activity

involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; D. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and E. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

3. **Sec. 37.152. PERSONAL HAZING OFFENSE.**

1. A person commits an offense if the person: (1) engages in hazing; (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; (3) recklessly permits hazing to occur; or (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.
2. The offense of failing to report is a Class B misdemeanor.
3. Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
4. Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
5. Any other offense under this section that causes the death of another is a state jail felony. Text of subsection effective until January 01, 2017
6. Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

4. **Sec. 37.153. ORGANIZATION HAZING OFFENSE.**

1. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
2. An offense under this section is a misdemeanor punishable by: (1) a fine of not less than \$5,000 nor more than \$10,000; or (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage or loss.

5. **Sec. 37.154. CONSENT NOT A DEFENSE.** It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

6. **Sec. 37.155. IMMUNITY FROM PROSECUTION AVAILABLE.** In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a



student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

7. **Sec. 37.156. OFFENSES IN ADDITION TO OTHER PENAL PROVISIONS.** This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.
8. **Sec. 37.157. REPORTING BY MEDICAL AUTHORITIES.** A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities: (1) may report the suspected hazing activities to police or other law enforcement officials; and (2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

**Hazing incidents are in violation of policy and sometimes the law. If you have experienced or observed incidents, please report them. Submissions are received by the Office of the Dean of Students.**

<https://www.southwestern.edu/reporting-options/>

**No hazing violations have been adjudicated within the past three years.**

## **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:

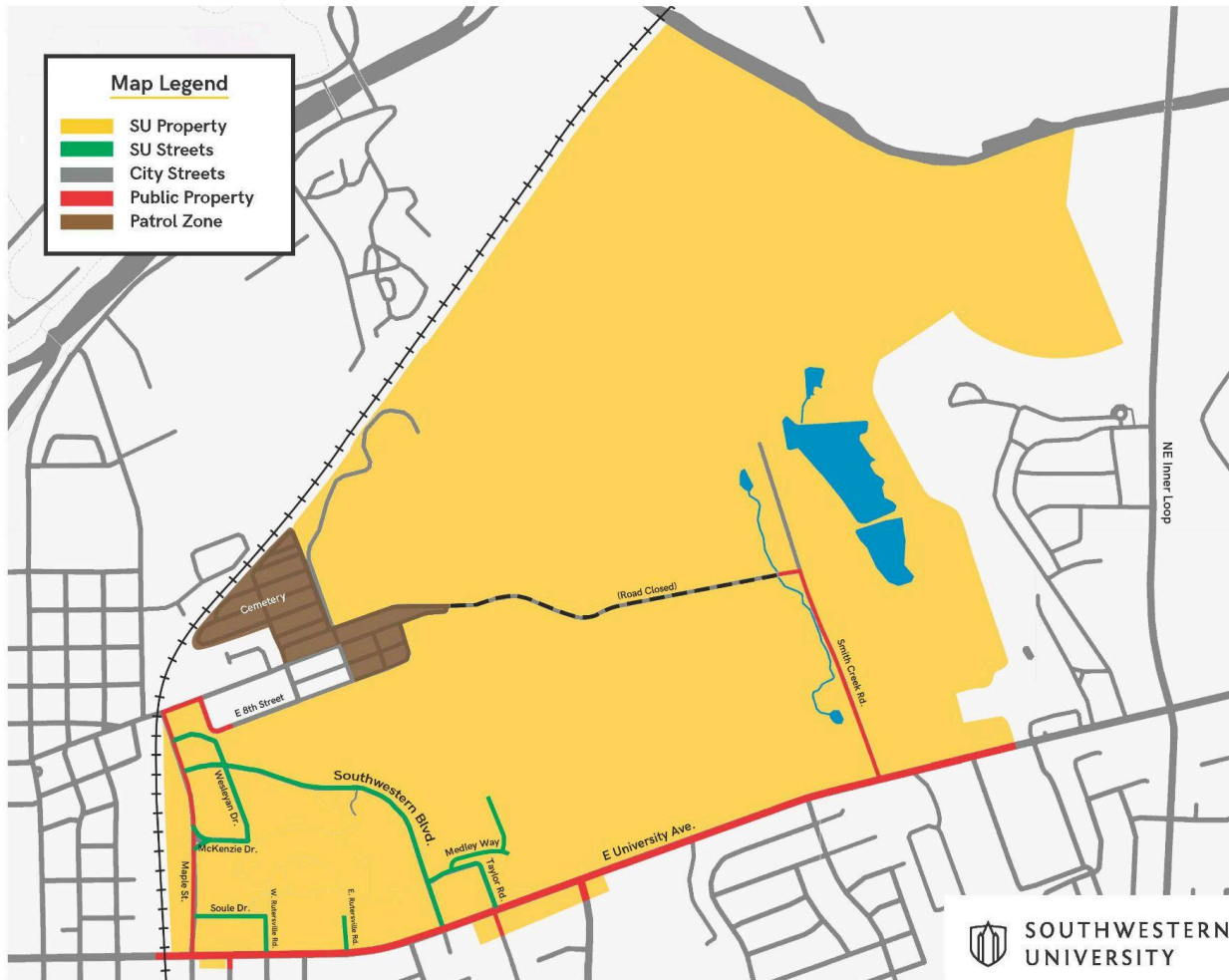
- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those 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), 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 1310 Service Road, 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	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Manslaughter By Negligence	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Sex Offenses, Rape	2022	2	2	0	0	0
	2023	0	0	0	0	0
	2024	3	3	0	0	0
Sex Offenses, Fondling	2022	1	1	0	0	0
	2023	3	3	0	0	0
	2024	3	1	0	0	0
Sex Offenses, Incest	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Sex Offenses, Statutory Rape	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Burglary of Structure	2022	1	0	0	0	0
	2023	6	5	0	0	0
	2024	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	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 **	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	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	2022	0	0	0	0	0
	2023	1	0	0	1	0
	2024	0	0	0	0	0
Dating Violence	2022	3	3	0	0	0
	2023	4	4	0	0	0
	2024	0	0	0	0	0
Stalking	2022	2	2	0	0	0
	2023	0	0	0	0	0
	2024	9	2	1	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.	2022	0	0	0	0	0
	2023	0	0	0	0	0
	2024	0	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2022	0	0	0	0	0
	2023	1	1	0	0	0
	2024	0	0	0	0	0

Arrests:	2022	0	0	0	0	0
Drug Abuse	2023	0	0	0	0	0
Violation	2024	0	0	0	0	0
Disciplinary	2022	9	9	0	0	0
Referrals:	2023	2	1	0	0	0
Drug Abuse	2024	13	9	0	0	0
Violations						
Arrests:	2022	0	0	0	0	0
Liquor Law	2023	0	0	0	0	0
Violations	2024	0	0	0	0	0
Disciplinary	2022	5	5	0	0	0
Referrals:	2023	9	5	0	0	0
Liquor Law	2024	18	16	0	2	0
Violations***						

**\*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 2022, 2023 or 2024.

**\*\*Hate Crimes** There were no hate crimes reported in 2022, 2023, or 2024. The calendar year 2022, 2023, and 2024 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 (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.
- **Civilian Response to Active Shooter Events (CRASE)** course- This course is designed and built on the Avoid, Deny Defend (ADD) strategy, providing strategies, guidance and a proven plan for surviving an active shooter event. The importance of this prevention program is designed to provide all students, staff, and faculty with knowledge to empower and instill confidence to survive an active shooter attack. 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).
- **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>
University Police	512-863-1944
VP Student Life	512-863-1582
Dean of Students/Residence Life	512-863-1624
Counseling and Health	512-863-1252
University Relations	512-863-1211
Dean of the Faculty	512-863-1567
University Safety & Risk Management Office	512-863-1677
Human Resources	512-863-1435
Facilities Management	512-863-1914
Campus 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 (1310 Service Road) 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
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	
Brown-Cody Hall 1010 Southwestern Blvd.	0	0	0	0	0	0	0	0	0	0	0	0	
Clark Hall 1100 Southwestern Blvd.	1	1	0	0	0	0	0	0	0	0	0	0	2022 -Trash can in the hallway. 2023 - Hand sanitizer batteries exploded and caught on fire.
Dorothy Lord Center Apts. 1105 E. 8 <sup>th</sup> Street	0	0	1	0	0	0	0	0	0	0	0	0	2024 - Firework caught grass area on fire - no structure damage
Herman Brown 904 Wesleyan	0	0	0	0	0	0	0	0	0	0	0	0	
Kappa Alpha House 1000 McKenzie Drive	0	0	0	0	0	0	0	0	0	0	0	0	
Kappa Sigma House 1003 McKenzie Drive	0	0	1	0	0	0	0	0	0	0	0	0	2024 - Jar with gunpowder caught fire
Grogan and Betty Lord Apts. 701 Maple Street	0	0	0	0	0	0	0	0	0	0	0	0	
Mabee Hall 1103 East Ruttersville	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 Drive	0	0	0	0	0	0	0	0	0	0	0	0	
Pi Kappa Alpha 1001 McKenzie Drive	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 by Campus Operator	Smoke Detectors	Pull Stations	Sprinkler System	Fire Extinguishers	Evacuation Plans and Placards	Drills Per Each Calendar Year 2022/2023/2024
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.

In 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.