

# **TEXAS HEALTH AND SCIENCE UNIVERSITY**



## **Annual Campus Security and Fire Safety Report**

**Students, Faculty, and Staff of THSU**

**Austin and San Antonio**

**October 1, 2023**

Table of Contents	
Title IX and Non-Discrimination Policy .....	2
Scope.....	2
Purpose.....	2
Prohibited Conduct .....	2
Notice of Non-Discrimination .....	2
Title IX Coordinators .....	2
Reporting Policy .....	2
Mandatory Employee Reporting.....	2
Definitions .....	3
Forms of Prohibited Discrimination and Harassment.....	3-6
Other Civil Rights Offenses .....	6
Reporting to the Police.....	7
Supportive Measures.....	8
Investigations .....	12
Drug and Alcohol Abuse Prevention Policy.....	23
Sanctions (Federal, State, and Local Law).....	23
Federal Trafficking Penalties.....	25
Intervention.....	25
Campus Safety Tips.....	27-28
Campus Emergency Response and Evacuation.....	28
Inclement Weather Procedures.....	29
Missing Student Notification Procedures.....	29
Security and Access to Campus Facilities.....	29
Campus Law Enforcement Policy.....	29
City, State, County and Federal Law Enforcement.....	29
Emergency Action Plan.....	29
Annual Campus Security Report .....	43-46

# **Title IX and Non-Discrimination Policy**

## **Scope**

Texas Health and Science University (THSU) adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education. This policy covers nondiscrimination in both employment and access to educational opportunities. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass not accommodating pregnancy and pregnancy-related conditions, sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. Therefore, any member of the University community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the University Title IX and Non-Discrimination Policy. When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied according to the appropriate grievance process described below. The Title IX Hearing Process procedures apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members. Complaints of other protected class harassment or discrimination are resolved through Human Resources.

## **Purpose**

To define, prevent, and respond to Sexual Misconduct and Discrimination

## **Prohibited Conduct**

The University strictly prohibits all forms of sexual misconduct and discrimination. As defined above, this includes all forms of discrimination, sex-based harassment, sexual battery, gender-based harassment, sexual harassment, sexual violence or assault, rape, sexual coercion or exploitation, sexual threats or intimidation, domestic violence, dating violence, stalking, and cyber-stalking. Sexual Misconduct is prohibited whether occurring on or off campus and whether directed against a member of the University community or outside the University.

## **Notice of Non-Discrimination**

THSU prohibits unlawful discrimination, including any form of harassment and/or retaliation, on the basis of age, disability, national origin, race, color, religion, sex, pregnancy, veteran status, or any other classification protected by applicable law, in its employment, admissions policies, educational programs, or activities. This policy also complies with the Title IX requirements related to non-discrimination.

## **Title IX Coordinators**

**Antonio Holloway – Title IX Coordinator (Austin), 512-444-8082, [vpoperation@thsu.edu](mailto:vpoperation@thsu.edu)**  
**Justin Phillips – Title IX Coordinator (San Antonio), 210-509-8080, [j.phillips@thsu.edu](mailto:j.phillips@thsu.edu)**

The Title IX Coordinator oversees implementation of the University's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The Title IX Coordinator manages the Title IX Pool and acts with independence and authority free from bias and conflicts of interest. The members of the Title IX Pool are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. Concerns of bias or a potential conflict of interest by any other Title IX Pool member should be raised with the Title IX Coordinator.

## **Reporting Policy**

The University encourages community members to report incidents of sexual harassment, sexual assault or any other sexual misconduct immediately to the University. A report may be made by the victim of a violation of this Policy or by any other person having knowledge of the violation. Confidentiality concerns are addressed below.

## **Mandatory Employee Reporting**

The University takes the position that all employees not having a legal duty of confidentiality (e.g. a licensed counselor, doctor, or nurse) are "Responsible Employees". A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct. A Responsible Employee who witnesses or has knowledge of sexual misconduct against a

student must immediately contact the Title IX Coordinator for advice and assistance and to ensure the University responds appropriately. A failure by a Responsible Employee to report a violation of this policy perpetrated against a student may warrant disciplinary action.

**Responsible Employees**, include, but are not limited to:

- administrators
- registrar
- dean
- financial aid
- faculty members (including adjuncts)
- vice presidents

In an effort to promote a safe and secure campus environment and prevent acts of sexual misconduct from occurring, the University engages in ongoing prevention and awareness education programs. All incoming students and employees are made aware of these programs. **Responsible employees** are not confidential reporting resources.

## Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Day** means a business day when the University is in normal operation.
- **Education program or activity** means locations, events, or circumstances where THSU exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs.
- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Resolution** means the result of an informal or Formal Grievance Process.
- **Sanction** means a consequence imposed by the University on a Respondent who is found to have violated this policy.
- **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. •
- **Title IX Coordinator** is the official designated by THSU to ensure compliance with Title IX and the University's Title IX program.
- **Title IX Pool** refers to the Title IX Coordinator, investigators, and the hearing board.

## Forms of Prohibited Discrimination and Harassment

The sections below describe specific forms harassment that are prohibited under this policy. All offense definitions encompass actual and/or attempted offenses. Disability Discrimination and Accommodation at THSU fully complies with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Any participants, beneficiaries, applicants, or employees, including students, staff, faculty, and visitors who believes they have been subjected to discrimination on the basis of disability (or is unsatisfied with accommodations provided by the University) may file a grievance. The University has mechanisms in place to resolve concerns about disability discrimination, denial of access to services, accommodations required by law, or an auxiliary aid they believe they should have received ("disability-related issues"), such as:

- Disagreements regarding a requested service, accommodation, modification of a University practice or requirement, or denial of a request.
- Inaccessibility of a program or activity.
- Violation of privacy in the context of a disability at THSU encourages students and campus visitors with concerns about a disability-related issue to first discuss the matter with the Student Disability Services (SDS) Office, who will attempt to facilitate a resolution. The SDS Office can be reached at [admissions2@thsu.edu](mailto:admissions2@thsu.edu) or 210-509-8080. In order to receive accommodations, students must complete the Steps to Accommodations, as outlined in the THSU Student Handbook. Employees and applicants for employment should first contact HR Service regarding

disability-related issues at [vpoperation@thsu.edu](mailto:vpoperation@thsu.edu) or 512-444-8082, ext. 107. In order to receive accommodations, an employee must complete the process outlined in the Employee Handbook.

### **Discriminatory Harassment**

- **Discriminatory harassment** is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. When discriminatory harassment rises to the level of creating a **hostile environment**, complaints will be addressed using the Informal Resolution Process or the Discriminatory Harassment Administrative Resolution Process.
- A **hostile environment** is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive. If harassment creates a hostile environment, THSU will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Discriminatory harassment, based on a protected class, creates a hostile environment when the behavior is sufficiently serious to deny or limit one's ability to participate in or benefit from the recipient's education programs and activities or interferes with an employee's ability to perform their job.

- Racial and national origin is a specific form of discriminatory harassment which can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially-motivated physical threats, attacks, or other hateful conduct.

The university reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status, by referring the complaint to an alternatively appropriate process.

**Sexual Harassment** is a specific form of discriminatory harassment and an unlawful discriminatory practice. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex of those involved.

**Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

- Conduct on the basis of sex that satisfies one or more of the following: 1) **Quid Pro Quo**: An employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
- **Unwelcome conduct**, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the University's education program or activity. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances.
- 3) **Sexual assault**, defined as:
  - A: **Forcible**. Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
  - B: **Forcible Rape**: 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 Complainant.
  - C: **Forcible Sodomy**. Oral or anal sexual intercourse with another person that is forcibly committed, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - D: **Sexual Assault with an Object**. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - E: **Forcible Fondling**. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - F: **Sex Offenses, Non-forcible**.

1. **Incest.** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Texas law.
2. **Statutory Rape.** Non-forcible sexual intercourse, with a person who is under the statutory age of consent of Arizona.
3. **Dating Violence.** Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
4. **Domestic Violence.** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Texas, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Texas. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
5. **Stalking.** Engaging in a course of conduct, on the basis of sex, directed at a specific person, and would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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 Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
6. **Consensual Relationships.** Consensual sexual conduct between THSU employees and students or prospective students is strictly prohibited due to the unequal power inherent in their interactions. Certain exceptions to this prohibition apply to unique situations, including employees and students who are spouses; employees and students who may have already been involved in a sexual relationship prior to the time they were hired or became a student. The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **Force, Coercion, Consent, and Incapacitation**

As used in the offenses outlined in this policy, the following definitions and understandings apply:

- **Force.** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats).
- **Coercion.** Coercion is intended to overcome resistance or produce consent, or unreasonable pressure for sexual activity. Sexual activity that is forced is non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- **Consent.** Consent is knowing, voluntary, clear permission, either by affirmative words or actions, to engage in sexual activity. Silence does not necessarily constitute consent. Valid consent requires clear words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. Clear communication from the outset is strongly encouraged. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease. Consent to some sexual contact (such as kissing or fondling) cannot imply consent for other sexual activity (such as intercourse). A current or previous intimate relationship does not sufficiently constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. Incapacitation: A state where 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).

- **Incapacitation.** Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. The Respondent is in violation of this policy if they knew, or should have known, the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. The Respondent's use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

### Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class. Conduct that does not otherwise constitute Title IX sexual harassment under this policy will be addressed using the Informal Resolution Process or the Discriminatory Harassment Administrative Resolution Process.

• **Sexual Exploitation.** Sexual Exploitation means taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism or Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent, including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination of child pornography.
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University's community, when related to the admission, initiation, joining, or any other group-affiliation activity.
- Bullying, defined as: Repeated and/or severe, aggressive behavior, likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally.
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

### Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, THSU must issue timely warnings for incidents reported that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **Confidential Resources**

Confidentiality refers to confidential employees in the context of laws that protect certain relationships, including medical and clinical care providers, mental health providers, and counselors (and those who provide administrative services related to the provision of those services). If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with on-campus licensed professional counselors and staff.

## **Privacy**

The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted or required by applicable laws. For the purposes of FERPA, the University reserves the right to determine which University officials have a legitimate educational interest about incidents that fall within this policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose.

## **Jurisdiction**

All notice/complaints are evaluated to determine whether the conduct occurred in the context of THSU's employment or educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. Jurisdiction applies to all University educational programs and activities, to conduct that takes place on campus or on property owned or controlled by the University, and at University-sponsored events. Jurisdiction may also be taken when the effects of off-campus misconduct effectively deprive someone of access to the University's educational program or activities. Off-campus and/or online conduct will be evaluated by the Title IX Coordinator to determine whether the conduct affects a substantial University interest. The Respondent must be a member of the University community for its policies to apply. When the Respondent is not a member of the University's community, supportive measures, remedies, and resources, including barring the Respondent from University property and/or events, may be accessible to the Complainant by contacting the Title IX Coordinator. This policy includes online and cyber manifestations of any of the prohibited behaviors, when those behaviors occur in, or have an effect on, the University's education program and activities, or use University networks, technology, or equipment. While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to University, it may engage in a variety of means to address and mitigate the effects, including referral to an alternatively appropriate process when the behavior may have an effect on the University's education program and activities.

## **Reporting to the Police**

Students are also encouraged to report sexual assault and relationship violence not only to the Title IX Coordinator, but also to law enforcement authorities. However, students have a right to choose not to file a report with law enforcement. The decision to file a criminal complaint is a deeply personal choice. Students often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some students discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm. The campus safety officers do not have the authority to arrest individuals; however, the officers do collaborate with police officers during investigations. The Austin Police Department contact information is:

### **Austin Police Department**

911

<http://www.austintexas.gov/department/police>

- 911 provides emergency response and takes reports of sexual assaults
- Offers Victim Services counselors at 512- 974-5037

### **San Antonio Police Department**

911

<https://www.sanantonio.gov/sapd>

- 911 provides emergency response and takes reports of sexual assaults

Offers Victim Services counselors at 210-207-7413

## **Promptness**

All allegations are acted upon promptly upon receipt of notice or a formal complaint. Complaints can typically take 60-90 business days to resolve. Exceptions and extenuating circumstances can cause a resolution to take longer, but the



University will avoid all undue delays within its control. Any time the general timeframes for resolution will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### **Supportive Measures**

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary individualized services offered as appropriate and reasonably available, to the parties to restore or preserve access to the University's education program or activity. This includes measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation. The Complainant will be made aware of the ability to file a formal complaint with the University either at that time or in the future. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. The University maintains the privacy of the supportive measures, to the extent practicable. Supportive measures will be applied in a manner that ensures as minimal an academic impact on the parties as possible and in a way that does not unreasonably burden either party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services.
- Referral to community-based service providers.
- Altering work arrangements for employees or student-employees.
- Safety planning.
- Providing campus safety escorts.
- Implementing contact limitations (no contact orders) between the parties.
- Academic support, extensions of deadlines, or other course/program-related adjustments.
- Trespass, or Be-On-the-Lookout (BOLO) orders.
- Timely warnings.
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.
- Any other actions deemed appropriate by the Title IX Coordinator.

Violations of no contact orders will be referred to the University Code of Conduct process for students, or to HR for employees.

### **Disabilities Accommodations in the Resolution Process**

THSU will provide reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process. Accommodations can be requested by students contacting Student Disability Services Office, or employees by contacting HR, who will review the request with the Title IX Coordinator to determine which accommodations are appropriate and necessary for full participation in the process.

### **Supportive Resources (Austin and San Antonio)**

#### **SafePlace**

512- 267-SAFE

<http://www.safeplace.org/>

- Operates a twenty-four-hour hotline
- Helps individuals who have experienced a sexual assault navigate the forensic medical exam
- Offers individual and group therapy for individuals who have experienced sexual assault and/or domestic violence
- Provides domestic violence shelter services

#### **St. David's Hospital Emergency Room**

512- 544-4240

<http://www.stdavids.com/locations-facilities/st-davids-medical-center.aspx>

- Operates emergency room, located at 919 East 32nd Street, Austin, TX 78705

#### **Dell Seton Medical Center at The University of Texas**

512- 324-7000

<http://www.seton.net/locations/dell-seton/>

Individuals may also contact the following federal and state agencies:

**U.S. Department of Education (Office of Civil Rights)**

1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Phone: 214-661-9600  
Fax: 214-661-9587  
[OCR.dallas@ed.gov](mailto:OCR.dallas@ed.gov)

**U.S. Equal Employment Opportunity Commission**

Legacy Oaks, Building A  
Suite 200  
San Antonio, TX 78229  
Phone: 800-669-4000  
Fax: 210-281-7690  
[www.eeoc.gov](http://www.eeoc.gov)

**Texas Workforce Commission**

Civil Rights Division  
101 E 15<sup>th</sup> Street  
Room 144-T  
Austin, TX 78778-0001  
Phone: 512-463-2642  
[www.twc.state.tx.us](http://www.twc.state.tx.us)

**San Antonio Community Resources**

San Antonio Rape Crisis Center  
(210) 349-7273 (24 hour crisis hotline)  
<http://rapecrisis.com/>

**Family Violence Prevention Services, Inc.**

(210) 733-8810 (24 hour hotline)  
<http://www.fvps.org/>

**The National Domestic Violence Hotline**

1.800.799.7233  
<http://www.thehotline.org/>  
Rape, Abuse & Incest National Network (RAINN) 1.800.656.4673 <https://rainn.org>

**Emergency Removal**

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student, individual, or the community justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with HR. When an emergency removal is imposed, the Respondent will be given notice of the action and the opportunity to be heard by meeting with the Title IX Coordinator prior to the removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is intended to determine whether the emergency removal is appropriate. The meeting must be requested within three days of notice or objections to the emergency removal will be deemed waived. A Respondent may be accompanied by an Advisor of their choice for the meeting. A Complainant will be permitted to submit a written statement outlining any concerns with the Respondent's request to amend or overturn the emergency removal. The Title IX Coordinator and HR have sole discretion to implement or overturn an emergency removal and determine the conditions and duration.

Violation of an emergency removal is grounds for discipline, up to and including expulsion or termination. The least restrictive emergency actions possible, in light of the circumstances and safety concerns, will be implemented. These actions include, but are not limited to:

- Placing an employee on administrative leave,
- Restricting access to or use of facilities,
- Permitting alternative coursework options,
- Allowing a student to withdraw or take grades of incomplete, and

- Suspending a student's participation in extracurricular activities (student government association), and student employment.

There is no appeal process for emergency removal decisions.

### **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, the affected role will be reassigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice President of Operations. THSU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited or impossible. Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### **Amnesty for Involved Parties and Witnesses**

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, parties or witnesses who are students, and who provide information about sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the University's Code of Conduct policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation.

### **Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Alleged retaliation should be reported immediately to the Title IX Coordinator for prompt investigation. THSU will take appropriate steps to protect individuals concerned they may be subjected to retaliation. No member of the University community may take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, assisted, or participated or refused to participate in any complaint, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

### **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made by filing a complaint with, or giving verbal notice to, the Title IX Coordinator. A report may be made at any time (including during non-business hours) via telephone, email, or mail. Reports may also be made to any responsible employee, which will ultimately be referred to the Title IX Coordinator for further processing. Upon receipt of a complaint or notice of an alleged policy violation, the Title IX Coordinator initiates a prompt initial assessment, resulting in at least one of the following responses:

1. Offering supportive measures because the Complainant does not want to proceed formally, and/or;
2. An informal resolution, and/or;
3. A Formal Grievance Process including an investigation resulting in a hearing or administrative resolution (requires a formal complaint to be filed with the Title IX Coordinator).

A Formal Complaint refers to a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). The investigation and grievance process will determine whether the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for his/her name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, he/she may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment that demonstrates a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively. When the University proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the Title IX Coordinator will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint later.

### **Initial Assessment**

Initial Assessment Following intake, receipt of notice, or a complaint of an alleged violation of the Title IX and Non-Discrimination Policy, the Title IX Coordinator engages in an initial assessment, which is typically completed in one to five business days. The steps in an initial assessment can include, but are not limited to:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. A formal grievance process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If a formal grievance process is preferred, the Title IX Coordinator first determines if the misconduct alleged falls within the scope of Title IX:
    - ✓ If the alleged misconduct falls within the scope of Title IX, the Title IX Coordinator will initiate a formal investigation and the Title IX Hearing Process.
    - ✓ If the alleged misconduct does not fall within the scope of Title IX, the Title IX Coordinator will “dismiss” that aspect of the complaint, if any, and refer the matter to a formal investigation and the Discriminatory Harassment Administrative Resolution Process.
    - ✓ For both formal resolution processes, the Title IX Coordinator will direct the investigation to address an incident, and/or a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the complaint.

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment should be conducted by the Threat Assessment Team as part of the initial assessment.

### **Dismissal (Mandatory and Discretionary)**

The University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or

- The conduct did not occur in an educational program or activity controlled by the University, and/or the University does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, THSU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it.

### **Investigations**

The University is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of Sexual Misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- Determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct.
- Reviewing the intake information to assess whether there is sufficient information upon which an investigation may proceed.
- Appointing a Title IX pool upon such determination.
- Ensuring certain that individual reports and complaints are handled properly and in a prompt and timely manner.
- Informing all parties regarding the disciplinary process.
- Confirming that all parties have been notified of disciplinary decisions and of the right to, and procedures for, appeal, if applicable.
- Maintaining information and documentation related to the investigation in a secure manner.
- Monitoring compliance with timeframes specified in the discipline procedures.

Any student who files a complaint, or who acts as a third-party witness in an investigation under this policy, will not be subject to disciplinary action for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use did not, and do not, place the health or safety of any other person at risk.

### **Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record. During an investigation, the Investigator(s) typically engage in the following steps (this list is not exhaustive, and the steps may not be taken in this order):

In coordination with campus partners, initiate or assist with any necessary supportive measures.

- Simultaneous notification is sent to the complainant and the accused.
- Commence a thorough, reliable, and impartial investigation. This includes interviews with all relevant parties and witnesses, and the collection of evidence.
- Allow parties to review and verify summaries from their interview(s).
- Provide parties the opportunity to present witnesses and evidence for review.
- Allow parties the opportunity to submit questions they would like asked of the other party, as well as any witnesses.
- Write a comprehensive investigation report, fully summarizing the investigation, all witness interviews, and addressing all relevant evidence.
- Provide status updates to the parties throughout the investigation.
- For the Title IX Hearing Process, prior to the conclusion of the investigation, provide the parties a copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.

- Incorporate relevant elements of the parties' responses into the final investigation report, including any additional relevant evidence, any necessary revisions, and finalize the report.

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the investigation or resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria outlined in this policy. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the process will resume at the same point where it was paused.

### **Delays in the Investigation Process and Interactions with Law Enforcement**

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. Parties will be notified in writing regarding the reasoning for any delays and the anticipated duration. The investigation and resolution process will resume as soon as feasible. University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **Counterclaims**

Upon receipt of a counterclaim, the Title IX Coordinator will assess whether the allegations in the counterclaim are made in good faith or for retaliatory purposes. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below but may occur after resolution of the underlying initial allegation. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **Role and Participation of Witnesses in the Investigation**

All witnesses, including employees, are expected to cooperate with and participate in the investigation and resolution process. Failure to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. While in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

### **Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may select whomever they wish to serve as their Advisor, from inside or outside of the University community, as long as the Advisor is eligible and available. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

### **Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Advisors may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

### **Sharing Information with the Advisor**

The University expects that the Parties will wish to share documentation and evidence related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The Parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd Parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University will restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. The University will not comply with requests that all communication be made through a Party's Advisor.

### **Expectations of an Advisor**

The University generally expects an Advisor to adjust their schedule to allow them to attend investigation meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### **Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of any meeting or hearing (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

### **Advisors in Title IX Hearings/University-Appointed Advisor**

Title IX regulations require cross-examination during a hearing to be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination. The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing. An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the resolution process.

### **Advisor Violations of University Policy**

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role. All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during cross-examination in a Title IX hearing proceeding.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties will be made aware of audio and/or video recording.

### **Informal Resolution Process**

If either party wishes to initiate an Informal Resolution, they must notify the Title IX Coordinator. If the alleged misconduct falls within the scope of Title IX, a Complainant will be required to submit a formal complaint prior to proceeding with an Informal Resolution. Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter informally, in a manner agreeable to all parties;

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Title IX Coordinator may look to the following factors to assess whether Informal Resolution is appropriate:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Complaint complexity;
- Rationality of the parties.

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in an appropriate response, including disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in an appropriate response, including disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

### **Formal Resolution Process – Resolution Process Pool**

The resolution process relies on a pool of administrators ("the Pool") to carry out the process. Members of the Pool can serve in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties;
- To serve in a facilitation role in informal resolution;
- To serve as a hearing Chair or facilitator (process administrator, no decision-making role);
- To serve as a Decision-maker regarding the complaint;
- To serve as an Appeal Decision-maker.

### **Pool Member Appointment**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **Withdrawal or Resignation While Charges are Pending**

Should a Respondent (student or employee) withdraw/resign during the resolution process, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination, and/or retaliation. The following stipulations will also apply: Students: Should a student decide to not participate in the resolution process, the process proceeds to a reasonable resolution absent their participation. Should a student Respondent permanently withdraw from the University, the resolution process ends, as there is no disciplinary jurisdiction over the withdrawn student. If a student Respondent permanently withdraws while the process is pending, they are ineligible to return to the University, and the Registrar and Admissions Departments will be notified that they cannot be readmitted. They may also be barred from University property and/or events. If the student Respondent takes a leave of absence for a specified period of time, the resolution process may continue remotely, and that student is not permitted to return active enrollment unless the investigation is concluded and all sanctions have been satisfied. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process



ends, as the University no longer has disciplinary jurisdiction over the resigned employee. The employee who resigns with unresolved allegations pending is not eligible for rehire with the University.

### **Title IX Hearing Process**

The Title IX Hearing Process, as described below, applies only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members which fall within the scope of Title IX and do not meet the criteria for dismissal. If any component of the allegation meets these criteria, the Title IX Hearing Process will be utilized in lieu of the Discriminatory Harassment Administrative Resolution Process.

### **Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- Information on the ability for each party to have an Advisor of their choosing,
- Details on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have,

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

### **Evidentiary Considerations**

The formal resolution process does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **Referral for Hearing**

Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker– unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select an appropriate Chair, and Decision-makers from the Pool.

### **Hearing Board Composition**

The Title IX Coordinator designates a three-member panel from the Pool. One of the three members will be appointed as Chair by the Title IX Coordinator. The Chair serves to facilitate the hearing and decision making process. The Hearing Board will not have had any previous involvement with the investigation.

### **Notice of Hearing**

The notice of the hearing will be provided to the parties (at least 10 days in advance). The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. • Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.

- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, hearing may be rescheduled.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing. The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be reopened to consider that evidence. The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Decision-maker(s) will receive the investigative materials at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

### **Hearing Procedures**

Participants at the hearing will include the Chair, the Board members, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

### **Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **The Order of the Hearing-Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator.

### **Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

### **Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”). All questions are subject to a relevance determination by the Chair. The Advisor will pose the proposed question orally, electronically, or in writing, the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

### **Refusal to Submit to Cross-Examination and Inferences**

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered. Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions. If a party’s Advisor of choice refuses to comply with the University’s established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### **Recording Hearings**

Hearings (but not deliberations) are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. When there is a finding of responsibility on one or more of the allegations, the Decision maker(s) may then consider the submitted party impact statements and any pertinent conduct history in determining appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility

assessments, and any sanctions. This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations.

### **Discriminatory Harassment Administrative Resolution Process**

The Discriminatory Harassment Administrative Resolution Process, as described below, applies to all allegations of harassment or discrimination based on protected class status, involving students, staff, faculty members, or third-parties that are not eligible for resolution under the Title IX Hearing Process. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

### **Notice of Investigation**

If the Administrative Resolution Process is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties, as applicable, at an appropriate time during the investigation. Notification will include a meaningful summary of the allegations made in writing. The notification will include the policies allegedly violated, if known at the time. The policies allegedly violated can be modified, in writing, as the investigation progresses, and details become clearer.

### **Investigation and Resolution**

The investigation will commence in accordance with the process described in the preceding “Steps in the Investigation Process.” Upon conclusion of the investigation, the Title IX Coordinator appoints a three-member decision-maker panel from the Pool members to review the investigative materials and all responses. The appointed decision-makers will conduct a thorough review and evaluate the totality of circumstances based on the preponderance of the evidence within 10 business days.

### **Sanctions**

Upon determination of a finding of responsibility in either the Title IX Hearing Process or Discriminatory Harassment Administrative Resolution Process, the following factors are considered when determining a sanction/responsive action, which may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

#### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Required Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions if the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student status for a defined period and/or until specific criteria are met. After the suspension period is observed, a student is eligible to apply for reinstatement, although reinstatement is not guaranteed.
- Expulsion: Termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events, for a period of two years. After the expulsion period is observed, a student is eligible to apply for reinstatement, although reinstatement is not guaranteed.

- Denial of Commencement Participation: The University may deny or restrict a student participation in commencement activities.
- Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges for a specified period.
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

## **b. Employee Sanctions**

As stated in the employee handbook, responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include disciplinary action, up to and including termination.

### **Notice of Outcome**

Upon conclusion of either the Title IX Hearing Process or Discriminatory Harassment Administrative Resolution Process, the Title IX Coordinator, in conjunction with the decision-making body as appropriate, will prepare the Notice of Outcome, including the finding for each alleged policy violation, the rationale supporting the essential findings, and any sanction(s). The Notice of Outcome will typically be issued within three business days; the Notice of Outcome will be delivered to the parties simultaneously. The determination may be appealed by either party, therefore, the Notice of Outcome includes the grounds on which the parties may appeal and the steps to request an appeal.

### **Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome. Any party may appeal the findings only under the grounds described below.

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense.

Upon receipt of an appeal, the appropriate decision-maker(s) will review the request to determine if it meets the grounds for appeal. If the appeal does not meet the established criteria, the request will be denied and the parties will be notified in writing of the denial and the rationale. If the request does meet the established appeal criteria, the decision-maker(s) will be provided all the documentation and materials used to make the initial determination. Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of documentation or record of the investigation pertinent to the grounds for appeal. The appeal decision-maker(s) will typically issue the determination within 5 business days of receipt of the accepted appeal. A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each ground for appeal and rationale for each decision.

### **Appeal Considerations**

- Any sanctions imposed as a result of the hearing are postponed during the appeal process. Supportive measures may be reinstated.
- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeal decision-makers have the authority to apply any administrative resolution necessary based on the merits of an approved appeal, up to and including overturning a decision or sanction, fully or in part.
- In cases where new evidence is presented which warrants further review, the appeal timeframe may be extended. The parties will be notified of any such delays.
- An appeal decision is the final determination of the University.

**Failure to Comply with Sanctions** Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in a referral to the University's Code of Conduct for students for additional sanction(s)/action(s), including expulsion. Employees will be referred to Human Resources for further corrective action up to and including termination.

**The Texas Regional Office of the U.S. Department of Education can be contacted at:**

U.S. Department of Education  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Telephone: (214) 661-9600  
Facsimile: (214) 661-9587  
[Email: OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

THSU disseminates crime data to current and prospective students by posting the data on the institution's website and email. In preparing the crime data report, the institution relies on data from on-campus incidents and incidents reported to the local police department. The Austin police department provided off campus incidents for the Austin campus, and the San Antonio police department provided off campus incidents for the San Antonio campus.

**Security Awareness Programs**

Safety programs for students begin on the first day's orientation for each class and continue throughout the year in cooperation with the School Administration. The Dean of Students may coordinate personal safety seminars when there is interest from the students. The safety policies are also provided at employee orientation for new employees.

The school security committee is also responsible for coordinating the School's fire prevention and training programs, designing fire safety policy and procedures, and ensuring that THSU is in compliance with the fire safety codes of the state of Texas. Information regarding the number of fires, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building can be obtained by contacting the School Safety Officer at (512) 444-8082.

The school security committee members have the authority to:

- i. check all persons on the school property to
- ii. determine their legitimate presence, and to escort unauthorized persons to the proper office or off the school property;
- iii. report any suspicious activity or criminal activity to their supervisor or local law enforcement;
- iv. control the actions of persons violating School rules or local, state, or federal laws, as long as these actions by the School security committee do not in themselves violate any local, state or federal laws; and
- v. cooperate with local, state or federal law enforcement should that become necessary.

All members of the THSU community play an important role in keeping the campus safe and are encouraged to alert a member of the school security committee of any criminal act, unsafe condition, or suspicious activity. While on School Property students are encouraged to be responsible for their own security and the security of others. Students, faculty, and staff should use sound judgment and take simple precautions to avoid becoming the victim of a crime, such as traveling in groups or pairs, staying or walking in well-lit areas, reporting suspicious activities or persons, locking vehicles or personal property and knowing where school security committee members can be reached at any time.

**Crime Prevention Programs**

Crime prevention material is on display for one week in the Dean's Office during the month of October and programs focusing on crime prevention are conducted throughout the year in cooperation with the Dean of Student's Office.

## SEXUAL MISCONDUCT REPORT FORM

<b>COMPLAINANT'S INFORMATION (if different from reporter):</b>	
<b>Complainant's Name:</b>	<b>Complainant's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>
<b>Complainant's Contact Information (if available):</b>	
<u>Telephone:</u>	<u>Email:</u>
<b>OFFENDER(S) INFORMATION:</b>	
<b>Offender's Name (if known):</b>	<b>Offender's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>
<b>INCIDENT INFORMATION:</b>	
<b>Date and Time of Incident:</b>	<b>Location of Incident:</b>
<b>Brief Description of Incident (nature of misconduct, context or circumstances, such as spring break trip, on campus event, off campus party, etc.):</b>	
<b>REPORTER'S INFORMATION (required):</b>	
<b>Reporter's Name:</b>	<b>Date of Report:</b>
<b>Reporter's Affiliation to THSU (student, faculty, staff, unaffiliated):</b>	<b>Reporter's Contact Information: <u>Telephone:</u></b>  <b><u>Email:</u></b>

## **Drug and Alcohol Abuse Prevention Policy**

Texas Health and Science University has established a Drug and Alcohol Prevention Program to inform its students and employees about the dangers of drug and alcohol abuse, penalties that may be imposed for drug and alcohol abuse violations, and available resources to combat drug and alcohol related issues. The policy complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

### **Drug and Alcohol Free Workplace**

Texas Health and Science University provides a safe drug and alcohol free environment for all students and employees. All student and employees are prohibited from using drug and alcohol on University premises.

The University explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on premises or any of its off campus properties.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from the University, if such impairment or influence adversely affects the employee's work performance, the safety of the student, employee, others, or puts at risk the reputation of the University.

The University will conduct drug and/or alcohol testing under any of the following circumstances:

- **FOR-CAUSE TESTING:** The University may ask an employee or student to submit to a drug and/or alcohol test at any time it feels that the student or employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the student's or employee's person or in the student's or employee's vicinity, unusual conduct on the student's or employee's part that suggests impairment or influence of drugs or alcohol.
- **POST-ACCIDENT TESTING:** Any student or employee involved in an on campus accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test.

Violation of the drug and alcohol free policy could lead to disciplinary action up to, and including termination of the employee or suspension of the student.

## **Sanctions (Federal, State, and Local Law)**

Students and employees should be aware that there are criminal penalties – under federal, state, and local law – that make it illegal to use, manufacture, sell, or possess controlled substances. See Appendix A for a detailed listing of federal drug-trafficking. Students must also be aware that there are federal financial aid penalties for drug-related convictions – received prior to and/or while receiving aid – that can affect student eligibility to receive federal financial aid.

### **SANCTIONS**

#### **State**

- A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. (Texas Penal Code 49.02)
- A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense. (Texas Penal Code 49.031)
- A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. (Texas Penal code 49.04)
- Note that a person may also be convicted of offenses if intoxicated while operating a plane, driving with a minor in the vehicle, or boating. (Texas Penal code 49.045-.06)



- Punishable with a minimum term of confinement of 30 days.
- A person commits an offense if the person, by accident or mistake while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. (Texas Penal Code 49.07)
- A person commits an offense if the person: (1) operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride; and (2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. (Texas Penal Code 49.08)
- A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-.025)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if he consumes an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system. (Texas Alcoholic Beverage Code 106.041)
- The offense is punishable by a fine of not less than \$500 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. In addition, the court shall order community service to be performed.
- A minor commits an offense if he possesses an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A person commits an offense if he purchases an alcoholic beverage for or gives or makes available an alcoholic beverage to a minor with criminal negligence. (Texas Alcoholic Beverage Code 106.06)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. (Texas Alcoholic Beverage Code 106.07)
- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.
- The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act) in the State of Texas is a crime and punishable by a fine up to \$250,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.112-.119)
- A person commits an offense if the person knowingly or intentionally delivers marijuana.
- Such offense is punishable by a fine up to \$100,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.120)
- A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.
- This offense is punishable by imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000. (Tex. Health & Safety Code 481.121)
- A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 (of the Texas Controlled Substances Act) or knowingly delivers marijuana and the person delivers the

controlled substance or marijuana to a person who is a child or who is enrolled in a public or private primary or secondary school.

- This offense is punishable as a felony in the second degree. (Tex. Health & Safety Code 481.122)
- Drug related offenses have increased penalties if the offense occurs in a “drug free zone.” Drug free zones include institutions of higher education, youth centers, schools (and other facilities) and the areas surrounding such locations.
- Penalties include fines that may be doubled and minimum jail terms that may be raised. (Tex. Health & Safety Code 481.134)

## **Federal**

- 21 U. S. C. 841 makes it a crime (a) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (b) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.
- The Controlled Substances Act places all substances which are in some manner regulated into one of five schedules. The CSA provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances.
- The U. S. Code establishes and authorizes the U. S. Attorney General to revise as needed, classifications of controlled substances. Schedule I is comprised essentially of “street drugs” and Schedule V is comprised of drugs with a “low potential for abuse” when compared with drugs in schedules I-IV. Examples of Schedule I drugs are heroin and marijuana. PCP, for example, is a Schedule II drug. Amphetamine is a Schedule III drug, while Barbitol is a Schedule IV drug. An example of a Schedule V drug would be a prescription medication with not more than 200 mg. of codeine per 100 grams.
- The penalties are determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana.
- Penalties for first offenses include a fine up to \$10 million and/or a prison term up to life, but no less than 1 year.

## **For the Drug Enforcement Agency’s complete list of Federal Trafficking Penalties for Schedules I-V and Marijuana, please**

**see: <https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf>**

## **Intervention**

Texas Health and Science University urges individuals with substance abuse problems to seek assistance and support. Employees and students are encouraged to seek help through available national and community resources and hotlines including, but not limited to, the following examples:

- National Council on Alcoholism and Drug Dependence, Inc. (NCAD)
  - Telephone: 1-800-NCA-CALL (622-2255)
  - Website: <https://ncadd.org/>
- Substance Abuse and Mental Health Services Administration (SAMHSA)
  - Telephone: 1-800-662-HELP (4357)
  - Website: <http://www.samhsa.gov/>
  - Treatment Finder: <https://findtreatment.samhsa.gov/>

- National Institute on Alcohol Abuse and Alcoholism (NIAAA)
  - Telephone: 1-800-662-HELP (4357)
  - Website: <http://www.niaaa.nih.gov>
- National Institute on Drug Abuse (NIDA)
  - Telephone: 1-800-662-HELP (4357)
  - Website: <http://www.drugabuse.gov/>
  - Alcoholics Anonymous (AA)
  - Telephone: see local telephone directories
  - Website: <http://www.aa.org/>
- Al-Anon
  - Telephone: 1-888-425-2666
- National Cocaine Hotline
  - Telephone: 1-800- COCAINE (262-2463)
- [a/druginfo/ftp\\_chart1.pdf.](#)

## **Campus Safety Tips**

All students, faculty, and staff should note that the THSU campuses are located in large urban environments. As such, students and University personnel are not immune from potential dangers: theft, threat of bodily harm, and other acts of violence that exist in an urban environment. Please be advised that you should be constantly aware of your surroundings. If you leave the campus by walking, do so with someone else and pay attention to strangers and report any suspicious activity to a campus security officer or other University officials.

Campus safety is the responsibility of every member of the University family.

These are ways you can help make the University a safe and enjoyable place to live, work and learn:

1. Purchase insurance for your personal property;
2. Record personal property make, model and serial numbers;
3. Secure your valuables;
4. Never leave your purse or wallet unattended, even for a short time;
5. Be cautious of strangers asking for change or directions;
6. Report suspicious activity to Campus Safety Officers immediately. Be prepared to provide a brief description of the individual's activity and direction of travel when last observed; and
7. At night, travel with a friend. Always tell someone where you are going and when you can be expected to return.

You need to be aware that theft, loss, or vandalism of personal property is a possibility in a setting where there are large numbers of people. The University cannot and does not accept responsibility for lost, damaged, or stolen property.

### **Steps you can take to reduce the risk of theft or loss are:**

1. Keep your vehicle locked. Do not keep expensive, attractive equipment stored in plain view in your car;
2. Lock your bike with a sturdy chain and lock;
3. Keep a written record of the model and serial numbers of valuables. Photographs are also often helpful;
4. Do not carry or keep large amounts of cash around campus;
5. Purchase property insurance for items such as stereos, computers, media players, etc.;
6. A report of loss or damage should be made to the Campus Safety Officer;
7. Identify your property, especially electronics, with your name and a state issued driver's license number or a personal identification number;
8. All guests must be properly registered and should never be left unattended;
9. Suspicious persons found in or around the building should be reported to Campus Safety Officer;
10. Do not tamper with security cameras and monitors;
11. Stay alert at all times and tuned in to the surroundings (wearing headphones while walking or jogging can reduce the level of alertness);
12. Plan routes in advance, and vary those routes, whenever possible;
13. Get to know the neighborhoods where you live and work: find out what stores and restaurants are open late and where police and fire stations are located;
14. When walking or jogging, use busy streets and avoid shortcuts through deserted parks, vacant lots and unlit passages;
15. At night, walk or jog only on streets with plenty of light and traffic, and avoid walking alone, if possible;
16. Walk on the part of the sidewalk close to the street and away from shrubbery, trees or doorways (on less busy streets at night, it is sometimes safer to walk in the street rather than on the sidewalk);
17. Stand tall and walk confidently;
18. Trust your instincts: get help right away if the situation or place is uncomfortable;
19. Do not carry large sums of cash or display cash in public;
20. Do you give anyone your apartment or house key;
21. If possible, carry only identification, phone numbers and the credit cards you need. Keep a list at home of credit cards and other important material you would need to replace in case of loss;
22. Separate house keys from car keys (women should keep their keys in places other than their purses);
23. Keep names and phone numbers of relatives or friends handy in the event of an accident or emergency; and
24. Keys and key cards should never be loaned to another person.

### **Preventing Textbook Theft**

It is unfortunate but some people steal. One of the major expenses of attending a university is the cost of textbooks. The average student spends \$300-\$400 per semester on textbooks. And because textbooks may be re-sold for cash, they make attractive targets for thieves.

**Remember...**

Textbooks often are left unattended in public areas;  
Textbooks can be easily resold;  
Textbooks are increasing in value; and  
Often, owners cannot be identified.

**Textbook Theft Prevention Tips**

Never leave your possessions unattended in public places. Remember, the majority of thefts on campus are thefts of opportunity. Most items are stolen because they are left unattended.

The only way to stop a person from selling a book back or accuse a person of stealing someone's book is to see if the book has a designated mark.

Marking your possession with an identifying number is an effective method of deterring theft.

Thieves find it more difficult to dispose of stolen articles that can be traced through an owner making identification marks.

Students should mark the textbook with an identifying number on a specific page of the textbook and keep a record of it.

Mark the corresponding page with your own initials. This way, if the book is stolen, both the police and the bookstores will have a better chance of tracing the book once it is sold back.

If caught with a marked item, the thief can be convicted. The marked items can also be returned to the rightful owner.

Make a list of your books and include the name of the book, type of book, the author, and any identifying marks to help the Campus Safety Officer in the recovery of the lost or stolen book(s).

Report all textbook thefts immediately to the Campus Safety Officer. By doing so, you can enhance your chances of recovering your textbook.

**Ways to Mark Your Textbooks**

Print your full name on the inside cover of each textbook.

Print the current school year and trimester under your name.

Print an identifiable number that you can remember on a specific page with your own initials on the corresponding page.

**DO NOT USE YOUR SOCIAL SECURITY NUMBER, STUDENT ID NUMBER, OR BIRTH DATE TO MARK YOUR TEXTBOOKS!**

**Annual Disclosure of Crime Statistics**

The University's Campus Safety Officer prepares the Annual Crime Report for the entire University, to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Report is prepared in cooperation with information and data from other state and local law enforcement agencies. Campus crime, arrest and referral statistics include those incidents reported to the local law enforcement agencies and the University's Campus Safety Officer. The statistics may also include crimes that have occurred in private residences or businesses that touch the University's boundaries. Each year, by email and flyers placed on bulletin boards and electronic message boards, notification is made to all faculty, staff and students that the THSU website provides access to this report. Copies of the Report may also be obtained at the Campus Safety Officer.

## **Campus Emergency Response and Evacuation**

An Emergency Management Plan has been developed by the School security committee as part of its ongoing effort to protect THSU students, faculty, and staff. The development of this plan is based on a realistic assessment of potential incidents that could affect our community and the capabilities to react to those situations.

Because of the size of the Texas Health and Science University campus, an announcement will be made by direct communication from the administrative staff to the classrooms and instructors. The system is used to distribute emergency notifications without delay in situations where a clear and active (e.g., in progress) threat or emergency exists that impacts the campus and where it is recommended that the recipients take some form of action in response to the active threat or emergency. This procedure is to be tested 3 times a calendar year, once during each semester.

The THSU – San Antonio Campus, located on the University of Incarnate Word – Saidoff building, coordinates with UIW security guards to ensure the safety of all persons located within the campus buildings.

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Instructions to evacuate will be issued by the school security committee as described above. Students, faculty, and staff are to evacuate quickly, in a calm and orderly fashion to a safe area. Students, faculty, and staff should remain calm and assist handicapped persons or those in need and not turn off lights or equipment or lock doors to a room or building. If community members observe something unusual or suspicious, they should not touch it and notify a member of the school security

committee. Students, faculty, and staff should remain in a safe area until receiving notification to return to the facility.

In situations where THSU is forced to evacuate the campus, the School security committee will notify the public that campus is closed and that traffic will not be allowed to enter.

If the emergency occurs on a day and time prior to the start of classes, notification of all members of the School community will occur according to normal weather closing policies and procedures. In addition, notification will be made to all staff members. Evacuation will be performed by personal vehicles if possible, and students, faculty and staff are directed to their homes or other safe havens.

### **Cancellations due to Weather**

If the emergency occurs on a day and time prior to the start of classes, notification of all members of the School community will occur according to normal weather closing policies and procedures. In addition, notification will be made to all staff members. THSU follows the lead of the University of Texas (<http://emergency.utexas.edu/>) with regard to class cancellations and closures due to inclement weather and other emergency situations. Students are advised to listen to the radio and television stations to determine if a situation necessitating closure exists. THSU also posts class cancellation on its website and Facebook pages when such situations occur.

### **Missing Student Notification Procedures**

Students age 18 or above, including emancipated minors, will be provided the opportunity during each registration process to designate an individual to be contacted by THSU in the event the student is officially reported as missing. If the missing student is 18 or older, or an emancipated minor, and has not identified an emergency contact, THSU will contact the local Police Department. THSU will continue to assist all outside agencies in the investigation as needed. Any questions or concerns regarding a student who is missing or appears to be missing should be referred to a member of the school security committee.

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### **Campus Law Enforcement Policy**

The School security committee does not provide services outside the boundaries of campus property, nor do any officially recognized student organizations exist off campus. The School enjoys a close working relationship with local and state agencies when violations of federal, state, or local laws involving students occur.

### **City, State, County and Federal Law Enforcement**

Texas Health and Science University maintains a highly professional working relationship with federal law enforcement, the Texas Department of Public Safety, the Travis County and Bexar County Sheriffs, the City of Austin Police Department and the City of San Antonio Police Department. THSU follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. THSU strongly encourages anyone who is the victim or witness to any crime to promptly report the incident to a member of the school security committee. It is the right of any member of the School community to contact the local Police Department to investigate any crime. Assistance in contacting the local Police Department may be arranged through the school security committee.

There are currently no formal written agreements with local, state, or federal agencies.

### **Emergency Action Plan**

This plan was developed and implemented to help the university to comply with the requirements of CFR, title 29, Part 1910- OSHA General Industry Standards. In order to ensure your safety in the unlikely event of a fire or other emergency, all students are to familiarize themselves with all exits to the building.

The following chain-of-responsibility determines the person responsible for implementing the appropriate part of the Emergency Action Plan. The person on the premises in the highest position on this list will be in charge.

University President  
Campus Safety Officers  
Academic Dean  
Clinic Director

**a. Emergency Escape Route Assignments**

Anyone on the premises can order an evacuation for good reason, such as an observed fire, activation of the sprinkler system, or electrical power failure. Such person should announce the need for evacuation in a loud voice in enough locations to insure that everyone in the building has been notified. Instructors will be responsible for directing their classes to evacuate, and the clinic director will be responsible for all clinic interns and patients, and for the receptionist. Interns will help patients to negotiate the escape route as necessary. The receptionist will attempt to notify 911 authorities, time permitting, but will not delay his/her personal evacuation to the point of danger.

The primary emergency exits from the school premises are the three doors leading to the interior courtyard. The secondary exit is the stairwell in the interior hallway. The primary exits should be used unless they are blocked for some reason. After exiting into the interior courtyard, all staff, faculty, students and patients should proceed down the stairs to the far (west) end of the parking lot so that the person in charge can perform an accounting. The person in charge will designate one individual to call 911, if this has not already been done. After the building has been evacuated, no one will re-enter until competent authority deems it safe to do so.

**b. Employees Who Remain to Perform Critical Operations Before They Evacuate**

There are no school operations critical enough to risk injury or loss of life. The receptionist will attempt to call 911, but not to the point of danger. Patients will be assisted by interns, if necessary, remembering that the essential purpose is to get away from the danger and not to attempt to save any equipment or other physical effects.

**c. Account for All Employees After Emergency Evaluation Has Been Completed**

After assembly at the west end of the parking lot, the senior person on the scene will poll instructors to determine that all students were evacuated, and the receptionist will confirm the status of all patients who were on the premises.

**d. Rescue and Medical Duties For Employees Who Can Perform Them**

In the event of an injury requiring first aid or CPR prior to the arrival of emergency response personnel, all Clinic Instructors and interns have been trained in First Aid and CPR, and will perform these functions as needed. If an injury results during or before a required evacuation, complete the evacuation before performing medical duties.

**e. Preferred Means of Reporting Fires and Other Emergencies**

The primary means to report a fire or other emergency is for the clinic receptionist to call 911. If this is not possible, the senior responsible official shall designate an individual make the call.

**Fire Evacuation Policy**

**Fire Drills**

A fire drill is conducted at the beginning of the fall trimester and one fire drill is scheduled, but not announced, at the beginning of the spring trimester. The announced fire drill is designed to give students an opportunity to evacuate in non-emergency situations. All students, faculty, and staff must leave the building at the nearest exit when the alarm sounds for the drill. Once outside, all students, faculty, and staff must go to the front of the building where a campus safety officer will be available to do a head count of all persons who should have exited the building. Failure to do so will result in disciplinary action. In case of a real emergency, a campus safety officer will activate the fire alarm, and the campus safety officer for each floor will notify students to exit the building based on the following protocol.

Floor 1- Exit the back of the building if attending class in one of the downstairs classrooms, or exit through front door if working in the administrative area, and then go to front of building where a campus safety officer will be available for head count and additional instructions, if warranted;

Floor 2- Follow the exit sign to downstairs exit, and then exit the building where a campus safety officer will be available for head count and additional instructions, if warranted.

Fire evacuation route maps are posted on all floors, and all students, faculty, and staff should become familiar with the map each trimester.

**The fire evacuation protocol for the student clinic is as follows:**

The student clinic manager will use **R-A-C-E** to respond to a fire situation.

- **Rescue** any individual directly threatened by fire. Patient safety is the primary consideration, so move patients who are in immediate danger away from smoke or flames. Place the patient in a nearby room, behind a closed door.
- **Alarm.** Activate the fire alarm if a fire is discovered and respond immediately to an alarm if an alarm sound is made.
- **Confine** fire by closing doors to slow the spread of smoke and flame. Close the door to patient rooms. Per OSHA, patients are generally safer in a closed room than in a smoke filled hallway.
- **Extinguish** the fire only if the fire is small and the fire extinguisher is operational. Make sure that patients have been rescued and that the fire department (9-1-1) is called before using the fire extinguisher.

Exit doors can be found in the following locations in the clinic:

1. Brown door at front of building
2. Student Intern Waiting room
3. Room C
4. Room D
5. Laboratory

The clinic manager is responsible for student, faculty, staff, and patient head counts.

**Daily Crime and Fire Log**

The daily crime log is provided in accordance with the regulations set out under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The campus safety officer maintains a public log of all crimes reported or made aware of. The log will contain the most recent 60 days' worth of information. Each entry in the log will contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days will be made available within two business days. To review the log, persons may stop by the Texas Health and Science, main building, located at 4005 Menchaca Rd, Austin, TX 78704, between the hours of 9 a.m. and 5 p.m., Monday through Friday. The fire safety log for the student clinic is available for view at the clinic office located at 1707 Fort View Rd., Austin, TX 78704.

**Texas Health and Science University and its affiliated student clinic comply with all state and local government requirements for fire, safety, sanitation, and insurance.**

**Additional Safety Guidelines****Fire Safety and Corridors**

State fire regulations require that all paths of egress from the building, including corridors and stairways, must be free of obstruction. Bicycles or other impeding objects should not be left in corridors or stairwells. Any such obstructing objects will be removed. Any vehicle or vessel containing gasoline is prohibited inside the offices, library, clinic, and classroom facilities of Texas Health and Science University.

**Extinguishers**

Fire extinguishers should be used only for their intended purpose and must not (by Texas law) be removed from their assigned locations. Extinguishers should only be used after an alarm has been sounded and the fire department contacted. Only small fires, such as fires in a wastebasket or laboratory sink, can or should be controlled with fire extinguishers. Do not attempt to control large or rapidly spreading fires! Report fires of any size by calling 911.

**Safety Tips and Directions for Using Fire Extinguishers**

A portable fire extinguisher can save lives and property by putting out a small fire or containing it until the fire department arrives; but portable extinguishers have limitations. Because fire grows and spreads so rapidly, the **number one priority** for occupants is to get out safely.

**Safety Tips**

- Use a portable fire extinguisher when the fire is confined to a small area, such as a wastebasket, and is not growing; everyone has exited the building; the fire department has been called or is being called; and the room is not filled with smoke.
- To operate a fire extinguisher, remember the word PASS. - **P**ull the pin. Hold the extinguisher with the nozzle pointing away from you, and release the locking mechanism. - **A**im low. Point the extinguisher at the base of the fire. - **S**queeze the lever slowly and evenly. - **S**weep the nozzle from side-to-side.
- For the classroom, select a multi-purpose extinguisher (Type ABC) that is large enough to put out a small fire, but not so heavy as to be difficult to handle.
- If flammable metals such as calcium or magnesium are used in the classroom, a type D extinguisher must be installed.
- Choose a fire extinguisher that carries the label of an independent testing laboratory.



- Read the instructions that come with the fire extinguisher and become familiar with its parts and operation before a fire breaks out. Local fire departments or fire equipment distributors often offer hands-on fire extinguisher training.
- Install fire extinguishers close to an exit and keep your back to a clear exit when you use the device so you can make an easy escape if the fire cannot be controlled. If the room fills with smoke, leave immediately.
- Know when to go. Fire extinguishers are one element of a fire response plan, but the primary element is safe escape. Every building should have a fire escape plan.

### **Fire doors**

Keep all fire doors closed at all times. This is the best way to prevent the spread of fire and smoke, thereby minimizing the potential for property damage, injury, or loss of life.

### **If You Become Trapped in a Fire**

Keep a closed door between you and the fire, if possible. Pack the space around the door base or door-jamb with towels or other materials to keep smoke out. Open any windows, if possible, to let fresh air in. Make every effort to draw attention to yourself, shouting, yelling for help at the top of your lungs, and so forth. If you have a cell phone, use it to call 911 and let the fire department know where you are.

### **If Someone Catches On Fire (Stop, Drop, and Roll)**

First of all, don't panic quite yet. Prevent the person from running. Get him or her flat on the ground as quickly as possible. Roll the person over and over until the flames are extinguished. Use a blanket or towel to extinguish the flames if one is available. Extinguishing the flames will prevent serious injury if done quickly enough.

### **Tornado Safety Information**

The State of Texas is known for many things, one of them being the frequent occurrence of tornadoes during the spring and summer. Here are some signs of an approaching tornado:

- A greenish or greenish-black color to the sky.
- If there is a watch or warning posted, then the fall of hail should be considered as a real danger sign. Hail can be common in some areas, however, and usually has no tornado activity along with it.
- A strange quiet that occurs within or shortly after the thunderstorm.
- Clouds moving very fast, in a rotating pattern or converging toward one area of the sky.
- A sound, a little like a waterfall or rushing air at first, but turning into a roar as it comes closer. The sound of a tornado has been likened to that of both railroad trains and jets.
- Debris dropping from the sky.
- An obvious "funnel-shaped" cloud that is rotating, or debris such as branches or leaves being pulled upwards, even if no funnel cloud is visible.

If you see a tornado and it is not moving to the right or to the left relative to trees or power poles in the distance, it may be moving towards you! Remember that although tornadoes usually move from southwest to northeast, they also move towards the east, the southeast, the north, and even northwest. Seek shelter in a windowless interior room on the first floor. Do not stay in a room with windows during a tornado, and do not attempt to run from one if you see it approaching. The best rule is to stay inside and get as low to the ground as possible.

### **Sex Offender Registration**

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the School community may search the following registries for information concerning registered sex offenders:

National Sex Offender Public Website at [www.nsopr.gov/](http://www.nsopr.gov/)

TXDPS Sex Offender Registry at <https://records.txdps.state.tx.us/DPS WEB/SorNew/index.aspx>

**Appendix A**  
**CONFIDENTIAL CRIME REPORT**

Describe the nature of the crime:

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Where did the crime occur:

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Provide the date and times associated with this crime:

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Please provide the suspect's name, if known:

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If unknown, please provide a detailed description:

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---

Would you like us to contact you? If so, please provide your necessary contact information:

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ACTIONS TAKEN:

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## Appendix B

### INCIDENT REPORT FORM

Describe the nature of the incident

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Where did the incident occur:

---

Provide the date and times associated with this incident:

---

Please provide any names of individuals that were involved:

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If the names are unknown, please provide a detailed description:

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---

Are there any actions you believe that the school needs to take in this matter?

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Would you like the school to report this matter to other authorities or assist you in seeking further assistance?

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Would you like us to contact you? If so, please provide your necessary contact information:

---

Received by THSU Safety Committee Member:

\_\_\_\_\_(Name)

on \_\_\_\_\_ Date

at \_\_\_\_\_ Time

ACTIONS TAKEN:

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## **Annual Campus Security Report**

### **Texas Health and Science University**



#### **Crime Awareness and Campus Security**

**Jeanne Clery Act  
10-1-2023**

# Introduction

Federal Public Law 102-26 (Jeanne Clery Act) and its extension in Public Law 110-315 of the Higher Education Opportunity Act of 2008 requires that Universities and schools disclose security policies and procedures and campus crime statistics to prospective and enrolled students. This brochure establishes policies and procedures for Texas Health and Science University.

Additional information about the Jeanne Clery Act can be found at the U.S. Department of Education website: <http://ed.gov/admins/lead/safety/campus.html>

Texas Health and Science University is committed to maintaining a safe and secure environment for students and staff. This brochure provides guidelines and advice that can contribute to this aim and encourage trust and effective communication in our educational community.

## Campus Security and Reporting Crimes

Crime awareness and prevention starts with effective communication. Students and staff are encouraged to report dangerous conditions, suspicious activity and criminal acts on or near campus to the appropriate authorities. This section provides guidelines for reporting crimes and emergencies.

### *Campus Security Authorities*

The Vice President for Academic Affairs serves as the University's Campus Safety and Security Officer. The Vice President of Operations, Dean of Students, Campus Director and Dean of Student Affairs are the school officials to whom all reports related to actual or potential criminal activity should be directed. The chart below provides the names and contact information of the designated Campus Security Authorities.

Antonio Holloway, MBA, MSHRM	Senior Vice President (Title IX Coordinator)	512-444-8082 ext. 107	Vpoperation@ thsu.edu
Justin Phillips, L.ac	Academic Dean (Austin and San Antonio campus)	210-509-8080 ext. 305	Academic Dean

The Campus Security Authorities serve as a school security committee appointed to enhance the safety of the students and the employees of Texas Health and Science University ("THSU" or the "School"). All reports of criminal offenses should be made to a member of the school security committee.

The school security committee assists in the reporting of campus crimes to local police so that statistics can be made available to all students, prospective students, and employees as of October 1 of each year. The report will be submitted to the Department of Education on an annual basis. The campus crime statistics will cover the three most recently completed calendar years and is attached hereto as **Appendix A**. This report is maintained on the school's website and referenced in the school catalog. Below lists the current campus policies of Texas Health and Science University as they relate to campus security.

## I Reporting Crimes and Other Emergencies

All students and employees are encouraged to report crimes, suspicious activities, injuries or other security problems to the proper authorities at the School. The local police departments of Austin, Texas and San Antonio, Texas are authorized by Texas Health and Science University to prevent, investigate, and report any violations of state or federal law. School regulations are monitored and enforced by the school safety committee. Student behavior that violates state or federal law and/or school regulations may also be investigated and reported by authorized staff of the School.

Any student, faculty member, or employee of THSU should directly report any potential criminal act or other emergency to a member of the school security committee, or if a member is not in the immediate vicinity, to any staff member of THSU, who shall immediately notify a member of the School Security Committee. Callers should dial (512) 444-8082 (Austin campus) or (210) 509-8080 (San Antonio campus) and ask for the Dean of Students or other staff member. Upon receipt of the call, the staff member will dial 311 for city service requests, to insure that the correct services are dispatched to either the

school or the clinic if necessary, an investigation is conducted, and appropriate action is taken. The 911 emergency number should be called for any and all life-threatening emergencies.

**Those reporting must be as detailed as possible when providing a physical description of a suspect or perpetrator;**

- Physical description should include height, weight, build, facial hair, complexion, jewelry, and tattoos.
- Vehicle description should include make, model, color, and approximate year of manufacture, marker plate, state of origin, and any notable damage to the vehicle. ***Do not disturb any crime scene so as to preserve any physical evidence that may exist.***

### **Timely Warning**

In the event that a situation arises, either on or off campus, that, in the judgment of the school security committee constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The notification will include a short description of the crime or incident, giving the time and date, location, reported offense, suspect description, and any other pertinent information used to facilitate the crime. The notification will also include personal safety information to aid members of the THSU community in protecting themselves from becoming victims of a similar crime. The warning will be distributed via direct contact, phone, or email to students, faculty and staff. Depending on the nature of the emergency, a decision will be made to utilize other methods of notification including broadcasts on the local television network and posting of red colored flyers entitled "Security Alert" on building entrances.

### **Confidential Reporting Procedures**

Victims of crime who do not wish to pursue action within the School or criminal justice systems can provide a confidential report. A "Confidential Report Form" for victims to complete and submit can be found in Appendix B attached hereto. The report will assist in providing an accurate record of the number of incidents involving the THSU community and determine any patterns that may exist, while allowing the School security committee to alert the community to any potential danger. Reports filed in this manner are counted and disclosed in the annual statistics for the institution.

### **Whistleblower Policy**

The Higher Education Opportunity Act (HEOA) establishes safeguards for whistleblowers by prohibiting retaliatory action against any individual with respect to the implementation of any provision of the Clery Act.

The Vice President for Academic Affairs, Assessment and Research is assigned to communicate directly and regularly on the progress of the inquiry with the individual raising the allegations. The Vice President for Academic Affairs, Assessment and Research will respond to any concerns about personal retaliation or unfair treatment linked to the raising of such allegations.

## **II Campus Emergency Response and Evacuation**

An Emergency Management Plan has been developed by the School security committee as part of its ongoing effort to protect THSU students, faculty, and staff. The development of this plan is based on a realistic assessment of potential incidents that could affect our community and the capabilities to react to those situations.

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In situations where THSU is forced to evacuate the campus, the School security committee will notify the public that campus is closed and that traffic will not be allowed to enter.

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## **Cancellations**

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Texas Health and Science University follows the lead of the University of Texas with regard to class cancellations and closures due to inclement weather and other emergency situations. Students are advised to listen to the radio and television stations to determine if a situation necessitating closure exists. THSU also posts class cancellation on its website and Facebook pages when such situations occur.

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## **VI Security Awareness Programs**

Safety programs for students begin on the first day's orientation for each class and continue throughout the year in cooperation with the School Administration. The Dean of Students may coordinate personal safety seminars when there is interest from the students. The safety policies are also provided at employee orientation for new employees.

The school security committee is also responsible for coordinating the School's fire prevention and training programs, designing fire safety policy and procedures, and ensuring that THSU is in compliance with the fire safety codes of the state of Texas. Information regarding the number of fires, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building can be obtained by contacting the School Safety Officer at (512) 444-8082.

The school security committee members have the authority to:

- vi. check all persons on the school property to
- vii. determine their legitimate presence, and to escort unauthorized persons to the proper office or off the school property;
- viii. report any suspicious activity or criminal activity to their supervisor or local law enforcement;
- ix. control the actions of persons violating School rules or local, state, or federal laws, as long as these actions by the School security committee do not in themselves violate any local, state or federal laws; and
- x. cooperate with local, state or federal law enforcement should that become necessary.

All members of the THSU community play an important role in keeping the campus safe and are encouraged to alert a member of the school security committee of any criminal act, unsafe condition, or suspicious activity. While on School Property students are encouraged to be responsible for their own security and the security of others. Students, faculty, and staff should use sound judgment and take simple precautions to avoid becoming the victim of a crime, such as traveling in groups or pairs, staying or walking in well-lit areas, reporting suspicious activities or persons, locking vehicles or personal property and knowing where school security committee members can be reached at any time.

## **VII Crime Prevention Programs**

Crime prevention material is on display for one week in the Dean's Office during the month of October and programs focusing on crime prevention are conducted throughout the year in cooperation with the Dean of Student's Office.

## **VIII Drug and Alcohol Regulations**

THSU enforces drug and alcohol regulations as required in the Drug Free Schools and Communities Act of 1988 and amendments of 1989. The unlawful possession, use, or distribution of alcohol by employees on School property, or as part of any School activity, is prohibited. The Family Educational Rights and Privacy Act (FERPA) as amended in 1998 enables institutions to release to parents of students under the age of 21 information concerning alcohol or drug-related disciplinary violations.

Students documented for an alcohol violation may be referred to substance abuse programs outside the School. If more information is desired, please contact the Office of the Dean of Students and/or the Registrar for a copy of the Alcohol and Substance Abuse policy.

Illegal drugs and drug paraphernalia are prohibited on the grounds of the School. The possession, sale, manufacture, or distribution of any controlled substance is in violation of School regulations and illegal under both state and federal laws. Therefore, any employee or student engaging in such illegal action will be subject to disciplinary procedures, which could result in sanctions, including termination of employment, suspension or expulsion from school, and criminal prosecution. In addition, the use and/or possession of weapons of any type, including facsimiles, except those in possession of a bona fide law enforcement agency, are not permitted on campus.

## **IX Sexual Assault. Rape or Misconduct Statement of Intent**

THSU is committed to providing a learning environment free of all forms of abuse, harassment, or coercive conduct. THSU adheres to the notion that any expression of behavior must comport with and affirm the integrity, dignity, health, and safety of oneself and others. That includes behavior in the realm of human sexuality. Sexual assault is a crime. It is also an issue of justice and each act harms not just an individual but the School community generally. THSU does not tolerate sexual assault or misconduct in any form or to any degree.

THSU has an array of public safety, medical, psychological, administrative, and disciplinary services available for referral to students reporting instances of sexual assault or misconduct. THSU's policy and procedures regarding sexual misconduct seek to achieve the following goals:

To provide prompt, professional, and attentive support services to reduce the sexual assault victim's trauma and alleviate suffering;

To provide a comprehensive framework in which the needs and decisions of the victim, duly informed, are central in determining further administrative response and assistance;

- To create a campus climate that facilitates prompt reporting of assaults;
- To facilitate, in cooperation with the School security committee and local law enforcement, the apprehension of assailants when acts of misconduct or assault are committed;
- To cultivate a campus climate of education and attention where incidence of assault and misconduct are avoided through preventative measures, training, and thoughtful discourse; and
- To protect the rights of the victim of an assault.



## Violations

THSU undertakes inquiries and disciplinary hearings and renders disciplinary sanctions regarding sexual assault or misconduct in a noncriminal context. Although the definitions utilized by THSU may be similar to those set forth in the penal code and/or used in a criminal court system, they are specific to THSU and limited to the meaning given to them by THSU. An act which might not be criminally prosecuted under either state or federal law may still violate the policies of THSU. THSU's disciplinary jurisdiction is limited to conduct which occurs on campus or which occurs off campus and adversely affects members of the THSU community.

**Rape:** At THSU, rape is any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse between individuals without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object and also includes oral copulation by mouth to genital contact or genital to mouth contact. Attempted rape is also prohibited under this policy.

**Sexual Assault:** At THSU, sexual assault is any sexual touching, however slight, with any object or with any part of the body without effective consent. Sexual assault also includes disrobing or otherwise exposing oneself to another without consent. Attempted sexual assault is also prohibited under this policy.

**Sexual Exploitation:** At THSU, sexual exploitation occurs when a student takes non-consensual, unjust, or abusive sexual advantage of another for his/her own benefit or for the benefit of anyone other than the one being exploited, and that behavior does not otherwise constitute rape, sexual assault, or sexual harassment. Examples of sexual exploitation include but are not limited to, prostitution, videotaping without knowledge and consent of all parties, peeping tommy, transmission of HIV or STD, or inducing incapacitation with the intent to rape or sexually assault regardless of whether sexual activity actually takes place.

**Consent:** At THSU, effective consent is informed consent which is freely and actively given; it is mutually understandable words or actions indicating a willingness to do the same thing, at the same time, in the same way with each other. Mutually understandable consent is almost always viewed under an objective, reasonable person standard. The only context in which mutually understandable consent would be viewed under a subjective standard is in the instance of a long-standing relationship where a couple has established patterns of communicating consent, but even then there must still be evidence of free and knowing participation to establish consent. Consent which is obtained through the use of fraud, force (actual or implied), threats, intimidation, or coercion is ineffective consent. Consent may never be given by a minor (in Connecticut, those not yet 18 years of age). Mentally disabled persons cannot give effective consent to sexual activity. Physically incapacitated persons cannot give consent. One who is physically incapacitated as a result of **alcohol or other drug consumption** (voluntary or involuntary) or who is unconscious, unaware, or otherwise physically helpless, **is incapable of giving consent.**

**Sexual Harassment:** At THSU, sexual harassment includes unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's educational success;
- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive working, living, or educational environment.

## What to do If You Have Been Assaulted

THSU strongly encourages students to report incidences of rape, sexual assault, and sexual misconduct. Trained professionals and support services are available to assist students and anyone else impacted by such events. Resources exist off campus. The wishes of the victim of an assault or misconduct will guide how incidents are handled.

If a student is in IMMEDIATE DANGER, the student should get to a safe place and dial **911** for the local Police Department. Similarly, if a student is hurt and in need of medical attention, **dial 911, immediately.**

If the student is not in immediate danger, the student may either dial 911 for the local Police Department or speak to the Dean of Students by calling (512) 444-8082. The Dean of Students is trained to provide services and act as advocates for students who are victims of sex offenses. A victim's discussion with the Dean of Students is confidential.

The Dean of Students will be able to review options with the victim and assist in facilitating contact with any other resource or service the victim may need and desire. Depending on the student's wishes and the circumstances, the Dean of Students will facilitate the following services which include, but are not limited to:

- Obtaining medical attention at a hospital;
- Filing an Confidential Crime Report;
- Filing an Incident Report with the School Security Force;
- Filing a Criminal Report with the local Police Department;
- Contacting a clergy member;
- Issuance of a "Timely Warning" alert to the campus community.

Often times, the first person a sexual assault victim will turn to is a friend or trusted member of the staff. If a student tells a staff member about the sexual offense, the staff member must tell the Dean of Students. The Dean of Students consults with the student to determine his/her wishes for support services.

For third parties: If a student's friend has been assaulted or raped, they should:

- Listen and be supportive;
- Let the friend make his or her own choices;
- Resist touching the friend unless the student knows he or she welcomes it;
- Encourage the friend to immediately call the local Police Department, preserving any evidence there may be.

### **Additional off-campus resources for victims of sexual assault:**

SafePlace -(512)-267-SAFE(512-267-7233)  
Austin Police Department 911

National Sexual Assault Hotline at 1.800.656.HOPE.

Texas Department of Public Safety - Victim Services Counselor (254) 759-7225 Williamson County Crisis Center - (800) 460-SAFE

Websites that have support information for victims and those who support the victims: <http://www.rainn.org/>  
<http://www.safeplace.org/> <http://www.ithappenedtoalexa.org>

### **Reporting Options**

When a student is sexually assaulted, he/she has reporting options. Victims of sexual misconduct are encouraged, but not required, to file a report. If a student elects to file a report, the student has reporting options available:

1. the filing of a Confidential Crime Report;
2. the filing of an Incident Report with a school security committee member;
3. the filing of a Criminal Report with the local Police Department.

**Confidential Crime Report:** A student may fill out or seek assistance in completing a Confidential Crime Report. A Confidential Crime Report does not contain the name of the victim or the offender. A Confidential Crime Report will be kept in the file of the Dean of Students and recorded with the school security committee for purposes of the Jeanne Clery reporting disclosure requirements. Confidential Crime Reports allow THSU to track reported incidents of sexual assault. Completing the Confidential Crime Report does NOT constitute an incident report, a police report, or a student conduct report, and THSU will NOT initiate investigatory or student conduct proceedings. The victim will NOT be contacted by THSU unless the victim indicates a desire to be contacted.

**Incident Report:** Sexual assault is a crime and is a violation of the rules and regulations of THSU. As such, a student may always file a standard, formal Incident Report with the School Security Force. An Incident Report will include the name of the student filing the report and the name of the alleged offender, if known. Upon the filing of an Incident Report, the School security committee will conduct an investigation which will include notifying the local Police Department. Upon a finding of responsibility, the School will take disciplinary action against the offender. The offender may also be prosecuted under Texas criminal statutes, and the victim may also sue the offender in a civil action. The results of these various actions are independent of each other. After the filing of an Incident Report, the student filing the report has the option to take no further action with respect to the investigation. In that instance, the student will be advised that the School may still take action regarding the alleged offender as the School has the responsibility to protect its students.

**Criminal Report:** Sexual assault and rape are against the law in the State of Texas and may be prosecuted under Texas criminal and/or civil statutes. In that respect, and in addition to the reporting options listed above, students who have been sexually assaulted are encouraged to contact the local Police Department directly by calling 911. Filing a Criminal Report with the local Police Department is different than filing an Incident Report with the School Security Force. If a student files a Criminal Report with the local Police Department, the police will determine if a criminal investigation will occur and if the case will be referred for prosecution.

## Confidentiality

Students have the right to decide whether or not to report a rape, sexual assault, or other sexual misconduct. We recommend that students contact a School official as soon as possible. While THSU is required by law (e.g., the Jeanne Clery Act) to report incidents of sexual assault, confidentiality laws may prohibit us from disclosing a victim's name or any other personal or identifying information. This means that a student's identity will be protected unless the student agrees otherwise.

It is certainly understood that victims of sexual assault experience significant distress and may desire confidentiality. If a student desires confidential support following an incident, he or she is encouraged to seek out professional help through the local resources available and mentioned above. Students should be aware that School administrators must fulfill separate obligations as a matter of law. All personally identifiable information shall be kept confidential, but statistical information must be passed along to the School security committee regarding the type of incident and its general location (e.g., on campus or off campus) for inclusion in the annual crime statistic report, but no names will be used.

THSU will maintain the victim's confidentiality to the extent permitted by the law. However, THSU reserves the right to investigate and pursue resolution of an incident when it is deemed necessary to protect the interests of members of the campus community. In addition, School administrators must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the School community.

## Disciplinary Process

THSU will initiate disciplinary action when an investigator or decision-maker has established that an alleged act of sexual misconduct took place. In most circumstances where rape or sexual assault is alleged, both the victim and the accused will meet separately with the Dean of Students. When a determination of responsibility is made, the victim will be notified of the decision as well as sanctions assigned. In cases of rape and sexual assault, the typical sanction is dismissal or expulsion.

### X Sex Offender Registration

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the School community may search the following registries for information concerning registered sex offenders:

National Sex Offender Public Website at [www.nsopr.gov/](http://www.nsopr.gov/)

TXDPS Sex Offender Registry at <https://records.txdps.state.tx.us/DPSWEB/SorNew/index.aspx>

For further information about campus safety, please contact the Senior Vice President at (512) 444-8082, Ext 107 or speak to a member of the school safety committee.

## **AUSTIN CAMPUS CRIME STATISTICS**

Main Campus Crime Statistics Reported for 2020, 2021, and 2022

<b>Criminal Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Murder/Non- Negligent manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Negligent manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	1	0
	2022	0	1	0
Aggravated assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor vehicle theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Arrests</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Weapons: carrying, possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Drug abuse violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Liquor law violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

<b>Disciplinary Referrals</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Weapons: carrying, possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Drug abuse violations	2020	0	0	0
	2021	0	0	0
	2022			
Liquor law violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

<b>VAWA Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

#### **Hate Crime Reporting**

There were no incidents of hate crimes reported during the 2020 calendar year.

There were no incidents of hate crimes reported during the 2021 calendar year.

There were no incidents of hate crimes reported during the 2022 calendar year.

## **SAN ANTONIO CAMPUS CRIME STATISTICS**

Branch Campus Crime Statistics Reported for 2020, 2021, and 2022

<b>Criminal Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Murder/Non- Negligent manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Negligent manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor vehicle theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Arrests</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Weapons: carrying, possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Drug abuse violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Liquor law violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

<b>Disciplinary Referrals</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Weapons: carrying, possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Drug abuse violations	2020	0	0	0
	2021	0	0	0
	2022			
Liquor law violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

<b>VAWA Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

### **Hate Crime Reporting**

There were no incidents of hate crimes reported during the 2020 calendar year.

There were no incidents of hate crimes reported during the 2021 calendar year.

There were no incidents of hate crimes reported during the 2022 calendar year.

### **Fire Summary**

NO FIRES TO REPORT AT THE  
AUSTIN AND SAN ANTONIO  
CAMPUSES AND CLINICS FOR  
2020, 2021, AND 2022.

## Incident Report Form

Describe the nature of the incident: \_\_\_\_\_

Describe where the incident occurred: \_\_\_\_\_

Provide the date and times associated with this incident: \_\_\_\_\_

Please provide any names of individuals that were involved: \_\_\_\_\_

If the names are unknown, please provide a detailed description: \_\_\_\_\_

Describe any actions you believe that the school needs to take: \_\_\_\_\_

Would you like the school to report this matter to other authorities or assist you in seeking further assistance? \_\_\_\_\_

Would you like us to contact you? If so, please provide your necessary contact information:

\_\_\_\_\_

Report Delivered to THSU Safety Committee Member on \_\_\_\_\_ (date) at  
(time)

ACTIONS TAKEN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_