# 2018 Annual Security and Fire Safety Report

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

SOUTHWESTERN UNIVERSITY

# Table of Contents


| | |
|---|---|
| From the Chief of Police | 2 |
| Preparation of the Annual Security Report and Disclosure of Crime Statistics | 3 |
| Annual Security Report Notifications | 3 |
| Campus Law Enforcement Policies | 4 |
| Reporting Crimes | 5 |
| Missing Students Notification | 6 |
| Emergency Response and Evacuation Policy | 8 |
| Timely Warnings and Emergency Notifications | 9 |
| The Daily Crime Log | 12 |
| Security of and Access to Campus Facilities | 12 |
| Maintenance of Campus Facilities | 13 |
| Alcohol, Other Drugs, and Weapons | 13 |
| Sexual Assault, Dating Violence, Domestic Violence, and Stalking | 18 |
| Other Considerations | 35 |
| Sex Offender Registration | 36 |
| Definitions of Clery Act Offenses | 36 |
| Definitions of Clery Act Locations | 39 |
| Southwestern University - Reportable Crimes | 40 |
| Crime Prevention and Security Awareness | 43 |
| Important Telephone Numbers | 44 |
| Annual Fire Safety Report | 45 |

## From The Chief Of Police

To the Southwestern University Community:

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

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

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

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

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

William Dunn, Chief of Police

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

The University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using informational crime statistics including Clery Act crime statistics maintained by SUPD. Information is provided through University offices such as Dean of Students, Residence Life, Athletics and other Campus Security Authorities (CSA). University departments involved in the collection of crime statistics are provided guidance annually regarding the requirements of federal law, including the categorization of criminal activities and tabulation of locations involved in reported crimes and arrests. SUPD obtains relevant crime statistics from local and other law enforcement agencies which provides appropriate crime codes, nature, dates, times, and locations of crimes committed within their jurisdictions. The Chief of Police, or his designee, requests data from law enforcement agencies involved in collecting criminal statistics so the annual report is updated and disseminated to the University community.

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

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

## Annual Security Report Notifications

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

The full text of the annual report is found at the following web page:
https://www.southwestern.edu/southwestern-university-annual-fire-safety-2018.

# Campus Law Enforcement Policies

## Police Department Overview

SUPD provides law enforcement and security services to all components of Southwestern University. Part of the Division of Student Life, SUPD has a staff of six full-time, state-certified police officers, approximately twenty on-call police officers, and one communications and records coordinator.

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

Patrol is one of our core functions at SUPD. Officers answer calls for service, respond to alarms and enforce University policy and local and state laws and ordinances.

## Jurisdiction

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

## Arrest Authority

As peace officers, SUPD's armed police officers have the same authority to detain and arrest as municipal police officers.

## Training

Biannually, SUPD officers must complete a minimum of 40 hours of in-service training as required by the Texas Commission on Law Enforcement (TCOLE). SUPD Officers routinely exceed this minimum requirement.

## Enforcement Authority

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

## Working Relationships and Agreements

SUPD has a written Memorandum of Understanding "MOU" with the Georgetown Police Department that provides for a cooperative arrangement for regional law enforcement and public safety, the MOU pertains to the communication of criminal activity reported to each department as well as requests for assistance in investigation of some alleged criminal incidents. SUPD also maintains close liaison with Williamson County Sheriff's Office and Texas Department of Public Safety.

### Monitoring Non-Campus Locations

Southwestern University does not have any officially registered student organizations with registered or unregistered non-campus locations. If a Southwestern University student is involved in an offense in a non-campus location, SUPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively monitor criminal activity. SUPD does not provide routine law enforcement service to non-campus residences.

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

## Reporting Crimes

Southwestern University encourages everyone on campus to accurately and promptly report crimes and other emergencies to SUPD, including when the victim of a crime elects not to, or is unable to, make such a report. Individuals may report alleged criminal actions (including sex offenses) or emergencies that occur on the University campus through any of the following means:

- Dial 911 from a campus phone or a cellular phone
- Call SUPD at 512-863-1944 or go to the SUPD station, located at 1005 Maple Street
- Use one of the approximately 18 phone call boxes located throughout campus and residence hall entrances that will put you in contact with a campus switchboard operator who has a direct line of communication with the officer on duty, 24/7
- Contact an officer in uniform on patrol

A map showing the location of the phone call boxes can be located at http://www.southwestern.edu/live/files/7654-map18-19.

SUPD will respond as quickly and safely as possible to any request for assistance whether it is an emergency or not. Response time is based on current activity and nature of the call. Crimes in progress, alarms, and medical assists have a higher priority than other types of calls. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

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

The Clery Act recognizes certain University officials and offices as “Campus Security Authorities (CSA).” The act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.”

An official is defined as “any person who has authority and the duty to take action or respond to particular issues on behalf of the institution.”

Campus Security Authorities can report Clery crimes on the “CSA Report Form” which is provided to each CSA upon completion of assigned training.

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

Southwestern University does have a confidential, anonymous reporting option where an individual can report a crime to the institution. The link can be found on the main Southwestern University web page by clicking on "Title IX Reporting" at the bottom of the page.

A student may talk with an SU counselor or the University Chaplain by calling 512-863-1944 and telling them it is a confidential matter. The SU counselor and University Chaplain will provide confidential support and will discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.

| Name | Phone | Location |
|---|---|---|
| Vice President for Student Life | 512-863-1624 | McCombs Campus Center |
| Dean of Students | 512-863-1624 | McCombs Campus Center |
| Residence Life - Director/Assistant Directors | 512-863-1624 | McCombs Campus Center |
| Athletics Department - Director, Associate/Assistant Directors, Athletic Trainers, Head Coaches, Assistant Coaches, Volunteer Coaches, Equipment Manager | 512-863-1381 | Robertson Center |
| Director of Counseling (if acting in role of administrator) | 512-863-1252 | Prothro Center |
| **Confidential Options (not Campus Security Authorities and not required to report)** | | |
| Counseling Services - all Counselors | 512-863-1252 | Prothro Center |
| University Chaplain | 512-863-1056 | Howry Center |

## Missing Student Notification (Students Residing on Campus)

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

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

- Any SUPD officer ~ 512-863-1944
- Vice President for Student Life ~ 512-863-1582
- Dean of Students ~ 512-863-1582
- Residence Life ~ 512-863-1624
- Counseling and Health Services ~ 512-863-1252
- Athletics Department ~ 512-863- 1381
- University Chaplain ~ 512-863-1056

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

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

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

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

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

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

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

## Missing Student Contact Information

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

# Emergency Response and Evacuation Procedures

## Emergency Management at SU

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

SUPD is responsible for the Emergency Action Plan Comprehensive Planning and Preparedness Management Plan. This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for higher education that includes planning, mitigation, response, and recovery actions.

## Evacuation And Relocation

Students, faculty and staff should follow the below safety procedures in the event of evacuation emergencies, severe weather, tornado or hazardous material releases.

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

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

## Severe or Inclement Weather Procedures

Students, faculty and staff should follow these procedures in the event of a severe or inclement weather with.

- Seek shelter immediately in designated safe shelter areas.
- If you're inside a building, if possible, go to the lowest level of the building.
- Stay away from windows.
- Go to an interior hallway; and use arms to protect head and neck in a "drop and tuck" position.
- Use jacket, cap, backpack, or any similar items, if available, to protect face and eyes.

## Hazardous Materials Procedures

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

- You will receive an "SU Alert" shelter-in-place announcement.
- Immediately move indoors.
- Close all windows and doors to shelter and seal as best you can, using towels, clothes, or paper.

- If there appears to be air contamination within the shelter, place a paper mask, wet handkerchief or wet paper towel over the nose and mouth for temporary respiratory protection.
- Continue to follow instructions given by official authorities.

### What it means to “Shelter-In-Place”

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

### Drills, Exercises, And Training

To ensure the effectiveness of its emergency preparedness, Southwestern University engages with operational, administrative and external entities on a regular basis such as tabletop exercises, field exercises and tests of the emergency notification system on campus.

Each occupied building on campus undergoes annual evacuation drills during the calendar year with residential facilities assigned once per semester. All evacuation exercise documentation is retained by the SUPD for a minimum of seven years and includes the exercise description, date, time, and whether the test was announced or unannounced. This information for the most three years is included in the Annual Fire Safety Report.

## Timely Warnings

In an effort to provide timely notice to the campus community about a Clery Act crime that may pose a serious or ongoing threat to members of the community, the SUPD issues “SU Crime Alerts.” SUPD will generally issue SU Crime Alerts for the following crimes.

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Sex offenses (sexual assault, fondling, incest, statutory rape)
- All hate crimes
- Arson
- Domestic violence
- Dating violence
- Stalking

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

All initial messages will begin with “SU Crime Alert” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. When additional

information is available, it may be provided using one or more of the methods listed above. The information you receive may caution you to avoid certain areas of the campus, let you know if classes are cancelled due to an emergency, or provide vital information on what actions you need to take.

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

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

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

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

## Emergency Notification

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the SU community occurring on campus, university officials will immediately notify the campus community without delay. The University Chief of Police, or his designee, the Vice President for Student Life, and or the Dean of Students, will communicate situational information to University administration regarding the safety of the campus community. Upon considering this information, administration representatives develop the message content and activate communications. The University Chief of Police, or designee, the Vice President for Student Life, and or the Dean of Students will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the SU Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

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

### Procedures Used to Notify the Campus Community

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

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

- Text message to your cell phone
- Audio message to a cell phone or other phone
- Email notification to your Southwestern University email account. (automatically opted in)
- Police patrol car announcements

- Other emerging communications platforms (e.g.,Twitter,Facebook, etc.)
- Face-to-Face Communication

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

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

Southwestern University Police and/or other campus officials may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. If an emergency or dangerous situation is identified and poses an immediate threat to the health or safety of some or all members of the campus community, SUPD and/or other authorized University officials will immediately issue an emergency notification.

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

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

SUPD will immediately initiate all or some portions of the University's emergency notification system. If issuing a notification potentially compromises efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, the University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the University will issue the emergency notification to the campus community.

## Enrolling in the University's Emergency Notification System

SUPD conducts a test of the "SU Alert" emergency notification system at least once per semester. We encourage members of the campus community to enroll in the "SU Alert" system by visiting https://www.southwestern.edu/emergency/emergency-notification-system/ or by contacting the Emergency Notification System Administrator, Tina Kurowski, at 512-863-1657 or bacht@southwestern.edu. University community members are also encouraged to regularly update their information at the same site.

## The Daily Crime Log

Each business day, SUPD publishes a Daily Crime Log that is available to the public free of charge. This summary identifies all criminal offenses reported, the nature of the crime, location, date and time reported, date and time occurred, and the disposition. Anyone may view a printed copy of the Daily Crime Log during normal business hours at SUPD, or obtained by calling 512-863-1944.

## Security of and Access to Campus Facilities

### General Provisions

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

It is unlawful for any person to:

(1) Trespass on the grounds of an institution of higher education or of a private or independent institution of higher education; or

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

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

### Residence Halls

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

### Resident Apartments

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

### Academic and Administrative Buildings

Southwestern University is located within the City of Georgetown, and the public areas of campus are therefore readily accessible. In general, the academic and administrative buildings are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending on factors such as the time of year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. SUPD Officers generally are not assigned to specific academic or administrative buildings. However, they do patrol these areas on a regular basis.

## Maintenance of Campus Facilities

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

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

Facilities Management, in conjunction with officers from the SUPD, continually checks campus lighting, submitting work orders and making repairs as needed. SUPD officers also check the operations of the exterior campus call boxes on a scheduled periodic basis and make contact with Information Services/Information Technology for any needed repairs.

Facilities Management personnel are responsible for maintaining the buildings, grounds, and custodial services for the Southwestern University campus. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. Faculty and staff are encouraged to report maintenance problems to their respective department head or building administrator or by contacting Facilities Management at 512-863-1914 or at https://www.southwestern.edu/facilities-management/work-order-request/. Students are encouraged to report residence hall or apartment maintenance problems to their Resident Assistant (RA) or by contacting Residence Life professional staff at 512-863-1624 or by contacting Facilities Management at 512-863-1944 or at https://www.southwestern.edu/facilities-management/work-order-request/. Emergency or urgent after-hours responses should be directed to the campus Switchboard Operator at 512-863-6511 or SUPD at 512-863-1944.

SUPD officers closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate University official. If necessary, they will stand by until the problem is resolved.

## Alcohol, Other Drugs, and Weapons

### Statement of Alcohol Policy

Consistent with its commitment to the health and well-being of the University community, the University complies with and upholds all federal, state, and local laws and regulations that regulate or prohibit the

possession, use, and/or distribution of alcoholic beverages. The University expects that each individual and group within the Southwestern University community will comply with all applicable laws and regulations pertaining to the possession, use, and distribution of alcoholic beverages. Except as permitted or expressly authorized by state law, no person under the age of 21 may possess, use, purchase, or consume alcoholic beverages on University property.

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

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

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

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

## Statement of Drugs Policy

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

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

Examples of state and federal law violations are listed below.

## Penalties Under Texas Law

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

## Penalties Under Federal Law

- **Manufacture, Distribution, or Dispensing of Drugs (including Marijuana)** - The minimum penalty is a term of imprisonment for up to three years and a fine of $250,000, or both. The maximum penalty is a term of life imprisonment without release(no eligibility for parole) and a fine not to exceed $8,000,000 for an individual or $20,000,000 (if other than an individual).
- **Possession of Drugs (including Marijuana)** - The minimum penalty is imprisonment for up to one year and a fine not less than $1,000, or both. The maximum penalty is imprisonment for not more than 20 years nor less than five years and a fine not less than $5,000 plus costs of investigation and prosecution.
- **Distribution of Drugs to a Person Under 21 Years of Age** - The minimum penalty is double the federal penalty for distribution of drugs. The maximum penalty is triple the federal penalty for distribution of drugs.

## University Sanctions for Alcohol and Drug Violations

## Students

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

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

| INDIVIDUAL BEHAVIORS | FIRST OFFENSE | SECOND OFFENSE | THIRD OFFENSE |
|---|---|---|---|
| Under age 21 possession and/or consumption | ● Contract Probation<br>● $50 Fine<br>● Possible Legal Citation<br>● Alcohol Education | ● Extended Contract Probation<br>● $75 Fine<br>● Legal Citation<br>● Alcohol Assessment<br>● Parental Notification | ● Disciplinary Probation<br>● Legal Citation<br>● Parental Notification |
| Possession and/or consumption in alcohol-free zone | ● Contract Probation<br>● $50 Fine<br>●Possible Legal Citation<br>● Alcohol Education | ● Extended Contract Probation<br>● $75 Fine<br>● Legal Citation<br>● Alcohol Assessment<br>● Parental Notification | ● Disciplinary Probation<br>● Legal Citation<br>● Parental Notification |
| Hosting a party involving the illegal use of alcohol or making alcohol available to minors | ●Contract Probation<br>●Alcohol Education<br>● $100 Fine<br>● Parental Notification<br>● Possible Legal Citation | ● Disciplinary Probation<br>● Alcohol Assessment<br>● $150 Fine<br>● Parental Notification<br>● Legal Citation | ● Recommendation of Suspension or Expulsion to University Committee on Discipline<br>● Parental Notification |
| Public Intoxication | ● Contract Probation<br>●Alcohol Education<br>● $75 Fine<br>● Parental Notification<br>● Legal Citation | ● Disciplinary Probation<br>● Alcohol Assessment<br>● $100 Fine<br>● Parental Notification<br>● Legal Citation | ● Recommendation of Suspension or Expulsion to University Committee on Discipline<br>● Parental Notification |
| Driving While Intoxicated & DUI | ● Contract Probation<br>● Alcohol Education<br>● $100 Fine<br>● Parental Notification<br>● Legal Citation | ● Disciplinary Probation<br>● Alcohol Assessment<br>● $200 Fine<br>● Parental Notification<br>● Legal Citation | ● Recommendation of Suspension or Expulsion to University Committee on Discipline<br>● Parental Notification |
| Property Damage while under the influence of alcohol | ●Contract Probation<br>● Alcohol Education<br>● $75 Fine<br>● Full restitution for damages<br>● Parental Notification<br>● Possible Legal Citation | ● Disciplinary Probation<br>● Alcohol Assessment<br>● $150 Fine<br>● Full restitution for damages<br>● Parental Notification<br>● Legal Citation | ● Recommendation of Suspension or Expulsion to University Committee on Discipline<br>● Full restitution for damages<br>● Parental Notification |
| Endangering self and/or others while under the influence of alcohol | ● Contract Probation<br>● Alcohol Education<br>●$200 Fine<br>● Parental Notification<br>● Possible Legal Citation | ● Disciplinary Probation<br>● Alcohol Assessment<br>● $300 Fine<br>● Parental Notification<br>● Legal Citation | ●Recommendation of Suspension or Expulsion to University Committee on Discipline<br>●Parental Notification |
| Violation of Other University Policies Involving Alcohol | ● Contract Probation<br>● Minimum $50 Fine<br>● Alcohol Education<br>● Parental Notification<br>● Possible Legal Citation | ● Disciplinary Probation<br>● Minimum $75 Fine<br>● Alcohol Assessment<br>● Parental Notification<br>● Legal Citation | ●Recommendation of Suspension or Expulsion to University Committee on Discipline<br>●Parental Notification |
| Possession and use of illegal drugs and/or drug paraphernalia | ● Contract or Disciplinary Probation<br>● $50 Fine<br>● Drug Education<br>● Parental Notification<br>● Legal Citation | ● Disciplinary Probation<br>● $100 Fine<br>● Drug Assessment<br>● Parental Notification<br>● Legal Citation | ● Recommendation of Suspension or Expulsion to University Committee on Discipline<br>● Parental Notification |

## Employees

The unlawful use, possession, and/or distribution of drugs or alcohol, or engaging in conduct prohibited by University policy regarding the manufacture, sale, possession, distribution, or use of alcohol or illegal drugs will result in disciplinary probation, demotion, suspension without pay, termination and/or charges/arrest for state or federal law violations.

## Drug and Alcohol Abuse Education Programs

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

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

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

Staff members of the division of student life stand ready to assist students, as individuals or in groups, with problems or discussions regarding choices about alcohol consumption or abstinence.

Southwestern University is dedicated to maintaining the safety and health of all students. As such, Southwestern's Alcohol and Other Drug Committee requires each incoming student to complete an online self-assessment. Southwestern University believes that this assessment provides students with personalized information and feedback regarding their alcohol use and how it might affect their health, relationships, and career and life goals. This program is not intended to be a survey or questionnaire to get personal information; in fact, all information in this assessment is completely confidential unless students choose to share it. By taking this assessment, students will have the opportunity to reflect on their alcohol use and learn about responsible behaviors and risk reduction strategies. Whether students drink or not, they will learn important information about alcohol, its effects on the body, how it impacts their friends, and how to keep people safe.

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

## Drug Free Schools and Communities Act

In compliance with the Drug Free Schools and Communities Act, Southwestern publishes information regarding the University's educational programs related to drug and alcohol abuse prevention, sanctions for violations of state laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Southwestern students and

employees. A description of these topics, as provided in the University's annual notification is available online at https://docs.google.com/document/d/1poQ3dodiBS8ffzGGesrJyhmGitzUPGSSROP2aWl9Pa0.

### Assistance Programs Available to Employees

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

### Weapons Policy

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

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

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

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

Southwestern University is committed to providing a safe learning and working community, and in accordance with federal law, prohibits illegal discrimination on the basis of sex and prohibits sexual harassment, sexual assault, rape or any other forms of non-consensual sexual activity, relational violence, or stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. Policies and procedures have been adopted to prevent and respond to incidents. Violations of the policies are subject to disciplinary sanctions through the Dean of Students' office and/or those outlined in applicable University policies. Guidelines apply to all students, faculty, staff, contractors, and vendors.

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

knowingly causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

A sexual assault is without the consent of the other person if: the actor compels the other person to submit or participate by the use of physical force or violence; the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or resisting it; the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; the actor is a public servant who coerces the other person to submit or participate; or the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor; to submit or participate by exploiting the other person's emotional dependency on the actor. 'Child' means a person younger than 17 years of age. 'Spouse' means a person who is legally married to another." Texas Penal Code Section 22.011.

**Dating Violence:** "an act, other than a defensive measure to protect oneself, by an individual that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. 'Dating relationship' means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a 'dating relationship'." Texas Family Code Section 71.0021.

**Domestic (Family) Violence:** "an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence." Texas Family Code Section 71.004.

**Stalking**: "a person who, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) the person knows or reasonably believes the other person will regard as threatening including bodily injury or death for the other person, bodily injury or death for a member of the person's family or household or for an individual with whom the other person has a dating relationship, or fear that an offense will be committed

against the other person's property, and (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship, or fear that an offense will be committed against the person's property. A fact finder may find that different types of conduct described above, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct." Texas Penal Code Section 42.072.

While these definitions are clear, victims often have difficulty reporting violent crimes for numerous reasons, such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents in order to get help.

If a person would like to press criminal charges for an alleged violation of any of the above criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply, not the internal definitions used in this policy.

## University Sexual Misconduct Policy

The University's Sexual Misconduct Policy is comprised of two component parts:
I. Sexual Harassment Policy
II. Student Sexual Misconduct Policy
In cases where one or more involved parties are University employees, the Sexual Harassment Policy will apply.

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

## Student Sexual Misconduct Policy

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

Consent to sexual acts requires affirmative verbal response to specific sexual suggestion. Consent is a voluntary, non-impaired, verbal expression of agreement. The absence of "no" does not mean "yes". Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not itself create consent. Consent to a sexual act does not create consent to other sexual acts. Moreover, consent to a sexual act at any given encounter does not create consent for a future encounter. Consent may be withdrawn at any time by any party.

Consent cannot be given or obtained when there is any form of intimidation, coercion, including but not limited to, the application or threat of physical force or threats of social disparagement to the victim, or threats to withhold benefits to which the victim may be entitled.
Three principles are critical in understanding the University's position in regards to sexual misconduct.

1. Consent of all parties is mandatory and must be verbal.
2. Consent may be withdrawn by either party at any time via verbal or non-verbal communication.
3. Alcohol and other drugs impair judgement and undermine the possibility of consent.

Southwestern University is a community of trust dependent upon strict adherence to standards of conduct by its members. Sexual misconduct of any kind violates the dignity of individuals. Southwestern University encourages all members of the University community to report any concerns or complaints of sexual misconduct, takes all allegations of sexual misconduct seriously, and responds to all complaints, reports, allegations, and information about sexual misconduct, of which it is aware. Delays in reporting can greatly limit the University's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy. Accordingly, any form of sexual misconduct will not be tolerated and retaliation against anyone who reports an incident of sexual misconduct is strictly prohibited. The University is committed to assisting victims/survivors of sexual misconduct through various resources and support services. In addition, the University discipline system can be used concurrently or independent from the legal system.

## Prevention and Awareness Programs

The Title IX Compliance Committee (TIXCC) is a resource for student and campus safety, awareness, and wellness. Southwestern University is committed to open and thoughtful dialogue among all members of our campus community. Southwestern has comprehensive, intentional and integrated educational programming, initiatives, strategies and campaigns intended to promote ongoing awareness of and to end dating violence, domestic violence, sexual assault and stalking. Primary prevention and awareness programs are available for incoming students, new employees, and all Southwestern University community.

Southwestern University provides culturally relevant, inclusive primary prevention and awareness education to clearly define sexual assault, dating violence, domestic violence, stalking and consent. Programming identifies sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provides information regarding bystander intervention and risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. Programming is delivered via in-person interactive workshops, presentations, and/or videos with follow-up discussion. All programs are informed by research and additionally carried out by Georgetown Police Department.

The 2017-2018 Title IX Annual Report summarized the following information:

COMPLIANCE/TRAINING

- Several members of the TIXCC joined the Student Life staff to conduct a Safety Talk program to new students during orientation which included the University's policies, procedures and resources about sexual misconduct.
- A New Faculty Orientation session focused on Title IX training for new members

- The Deputy Title IX Coordinator conducted Title IX training for new members of the Southwestern University Board of Trustees on October 11, 2017, and to the entire Board of Trustees on April 11, 2018 in conjunction with the review and approval of the updated Sexual Misconduct Policy.
- The Sexual Assault Risk Reduction Committee (SARR) together with input from students and staff, completed a thorough review and revision of the *Resources and Reporting Options for Sexual Misconduct or Sexual Assault* (Yellow Book).
- The **Annual Security Report** was published and posted to the Southwestern Police Department's (SUPD) website.
- The TIXCC obtained approval from the University's President's Staff to implement mandatory sexual misconduct training beginning in the Spring/Summer 2018. This training replaces the previously assigned sexual misconduct training module which had been used over the past eight plus years. The training module is provided through United Educators and is entitled *Prevent Discrimination and Harassment Together: Faculty and Staff*.
- Members of the TIXCC attended the Independent Colleges and Universities of Texas (ICUT) State Legislation Implementation Workshop on College Sexual Assault on December 7, 2017.
- SUPD conducted Sexual Harassment and Rape Prevention (SHARP) training to students throughout the year. Feedback from students has been positive, and these training efforts will continue.
- SUPD promoted or participated in monthly safety and awareness training programs including stalking prevention, personal safety and self-defense (coordinated with the Georgetown Police Department), alcohol and drug awareness including a DUI simulator, and sexual-assault prevention.
- As required by the National Collegiate Athletic Associations (NCAA) Board of Governors Policy on Campus Sexual Violence adopted in August 2017 to be effective beginning with the 2017-2018 academic year, all of the Southwestern's student-athletes and athletic personnel completed the new mandatory training module prior to the University submitting its 2017-2018 attestation form by the May 15, 2018 deadline. The NCAA requires an annual attestation from participating institutions regarding compliance with the policy.
- Ever-Fi's online module *Haven: Understanding Sexual Assault* was given to every first-year student to complete before the start of the school year.
- The Sanctioning Guidelines which were created in 2015-2016 were utilized for the Sexual Misconduct Hearing Board training in the fall of 2017 and will continue to be used going forward.

COMMUNICATIONS

- On April 11, 2018, the Southwestern University Board of Trustees approved changes to the University's existing sexual misconduct policies as required by the recently enacted Texas Senate Bill 968 as follows:
    1. Bringing the University's existing policies (Sexual Harassment Policy and Student Sexual Misconduct Policy) under an umbrella policy so that we have one policy to which all members of the University community can refer.
    2. Providing an anonymous online reporting option that is clearly linked from the home page of the University's website (this was put into place effective January 1, 2018).
    3. Placing the policy on the Board of Trustees' agenda for review and approval every two Years.

  The updated Sexual Misconduct Policy can be found **online**.
- Several members of the TIXCC participated in a training program entitled, Semi-Annual Recent Title IX Developments" presented by Fisher Phillips' Higher Education Practice group on April 19, 2018.

- On June 19, 2018, the OCR informed the University that the April 2018 complaint against the University had been withdrawn by the Complainant and that the matter had been dismissed. The University sent a notification to the campus community on June 21, 2018.
- The University continues to await feedback/outcomes from the OCR on two pending cases.
- Several members of the TIXCC participated in a training session entitled, “Spotlight on Greek and Athletic Students: How to Bridge Compliance and Effective Prevention” presented by Everfi on August 7, 2018.
- Several members of the TIXCC participated in a two-day conference focused on Title IX compliance coordinated ICUT featuring Dr. Peter Lake, a renowned Title IX expert.
- The University administered the Sexual Assault and Campus Climate Survey (Survey) by the Higher Education Data Sharing consortium in January 2018. Southwestern had participated in the initial pilot administration of the Survey in Spring 2015 and announced it would participate in the Survey every three years. The Survey includes questions about the general climate, the school’s response to situations, views on sexual assault/reporting/education, and many detailed questions for those who have experienced sexual assault.
- TIXCC and Student Life supported the student-led *We Are Women* production in Spring 2018.
- A placard, “Sexual Misconduct Resources and Reporting,” was posted in all classrooms and residence halls during 207-2018 and will continue to be used for the 2018-2019 academic year. This was a joint effort by SARR and the Division of Student Life.
- The Title IX Coordinator, Deputy Coordinator, and VP for Student Life provided Title IX updates at the two Meeting of the Staff events (September 20, 2017, and April 3, 2018) and to faculty as part of the Dean’s administrative update.

PROGRAMMING

- SUPD promoted and/or participated in monthly safety and awareness training, including stalking prevention, personal safety and defense, alcohol and drug awareness, sexual assault prevention, and other safety topics.
- SUPD conducted self-defense classes twice each in the fall and spring semesters.
- Several members of the TIXCC joined the Student Life staff to conduct Safety Talks with all campus fraternities and first-year students.
- 19 students were trained under the Training for Intervention Procedures (TIPS) program and led presentations to over 50 students. This training program explains how to create responsible spaces for campus parties, bystander intervention, and alcohol safety. This successful training program will continue in 2018-2019.
- *A Week for Re-defining Love* was anchored by the student-led *We Are Women* presentation and included multiple events designed to raise awareness and engage students around the topic of sexual misconduct.
- AlcoholEdu training programs continued to be used as part of the student alcohol education and abuse prevention initiatives.
- The University-developed Bystander Intervention training program was redesigned, piloted, and implemented under its new name, “Steer the Ship.” The new version is more interactive, is designed to be presented by students, and can be completed in less than 75 minutes. Approximately 70 student leaders participated in the program, which was also twice offered to the campus community at large.
- The University investigated every report of sexual misconduct.
- There were 25 investigations, 3 hearings, and 2 found responsible. Overall, the 25 investigations resulted in multiple supportive accommodations, restrictions, and sanctions.

LOOKING AHEAD

- Together with the University's Office of Institutional Research, the TIXCC will thoroughly review the Higher Education Data Sharing Consortium (HEDS) Sexual Assault and Campus Climate survey results, including a comparison with the 2015 survey results. The TIXCC will charge SARR and Alcohol and Other Drug (AOD) committees to use the results to inform programming.
- The Institutional Research department together with the Student Life division will prepare to administer the CORE survey (alcohol and drugs) in Spring 2020. This survey was last conducted in 2015.
- The TIXCC will develop supplemental sexual misconduct training sessions targeted to assist faculty members in appropriately responding to the more common student issues inside and outside of the classroom.
- The Counseling and Health Center has created three (3) student intern positions in an effort to focus on student programming and education initiatives. All three will have a role in misconduct prevention education, with one being dedicated to sexual health specifically.
- The Southwestern Student Athlete Advisory Committee (SAAC) will be reviewing the NCAA "It's On Us" national campaign during 2018-2019.
- The TIXCC will continue to seek out Title IX and related education programs, seminar, webinars, and conferences for is academic administrators and faculty leaders.
- The TIXCC will monitor ongoing changes in compliance and legislation (local, state, and federal).
- The TIXCC will continue to support ICUT regarding Texas' legislature's development of sexual misconduct regulations.
- The TIXCC will further develop the University's library of online training modules for faculty and staff education.

## How To Be An Effective Bystander

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

The University is committed to promoting a culture of shared accountability where bystanders are actively engaged in the prevention of prohibited conduct. Students can learn to become active, effective bystanders through Steer the Ship, a peer-led bystander intervention training program.

When a bystander notices a situation that seems out of the ordinary, he or she needs to evaluate and determine if it is an emergency situation or one in which someone needs assistance. From there they must decide the best course of action whether it is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security. Consider the following strategies to intervene safely and effectively.

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

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

**Direct**

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

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

## Note on Police Procedure

**One should understand that if a crime has occurred, police officers in the State of Texas MUST pursue an investigation even without the victim's consent. Therefore, reporting an assault to the police is not a confidential process. If one chooses to file a report, the student is encouraged to bring a trusted friend or family member for support. One can also request to have an SU counselor or advocate from Williamson County Crisis Center (also known as Hope Alliance) to accompany her/him through the reporting process.**

A student who believes he/she has had an unwanted sexual experience or is the victim of dating violence, domestic violence, or stalking (even if he/she is unsure), has the option of notifying on-campus and local law enforcement authorities. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred.

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

| Agency | Phone |
|---|---|
| University Police Department | 512-863-1944 |
| Georgetown Police Department | 512-930-3510 |
| Williamson County Sheriff's Department | 512-943-1300 |

## Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking

- Go to a safe place as soon as you can.
- Contact SUPD by calling 512-863-1944, or by dialing 0 from a campus phone or contact the local Police Department at 911.
- It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries you may have sustained; second, to test for sexually transmitted infections or pregnancy and treat to or take preventive measures; and third, to gather and preserve evidence. Williamson County Center (Hope Alliance) can be reached at 1-800-460-SAFE (7233). Safe Place (512-267-7233) has SANE Nurses on call who will meet you at either St. David's - Georgetown or Seton Williamson County. A SANE Nurse is a specially trained medical provider who can conduct a rape kit examination to preserve evidence should the

student decide later to take legal action. Additionally, SafePlace can accommodate Spanish speakers and deaf persons.

- Physical evidence should be collected immediately, ideally within the first 24 hours. It is best to refrain from washing, toileting, or changing clothing. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag. The importance of preserving evidence may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking or in obtaining a protective order.
- If the student desires medical treatment only, they may utilize services at the University Health Center located on the second floor of the Prothro Center. The contact number is 512-863-1252. After 5:00 pm or on weekends, a student can call SUPD and tell them it is a confidential matter. Police can then connect the student with a Southwestern counselor, nurse practitioner, or nurse. All will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.
- The University Chaplain may be reached by calling 512-863-1056 or by calling the campus operator. After 5:00 pm or on weekends, a student can call SUPD and tell them it is a confidential matter. SUPD can then connect the student with the Chaplain. The Chaplain will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.
- The Southwestern University Yellow Book, "Help for Sexual Assault/Sexual Misconduct: Where to go? Who to talk to?" may be obtained on-line at https://docs.google.com/document/d/1rzC53_buEcKbcAOZiYifU9Lh5fL30J2SlZ9wqRFoH6s. The Yellow Book is also available from Counseling Center, the University Chaplain, any RA, SUPD, and the Dean of Students Office. For the most up-to-date version, please see the online version of the Yellow Book. The Counseling Center's website has other resources listed addressing sexual violence which students may find helpful: https://www.southwestern.edu/counseling-center/ .

  **Important note:** The printed 2017-18 version of the Handbook was updated with current Yellow Book information as of June 2017.

## Legal Rights and Options

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

1. One can pursue charges based on Texas state laws. This would entail making a police report followed by an investigation and possible criminal proceedings involving the appropriate District Attorney's office.
2. One can pursue a case through a civil suit. This option generally seeks monetary remedies and is initiated by contacting an attorney of the student's choosing and at the student's expense. Austin Bar Association's Lawyer Referral Service www.austinlrs.com or 512-472-8303 and Sexual Assault Legal Line 888-296-SAFE can help with finding an attorney.
3. If a student wishes to seek confidential support, the on campus options are to meet with the Counseling Center, the Health Center or the University Chaplain. These options do not require an investigation nor do they prevent a student from pursuing other options.
4. The Complainant can pursue a formal, on-campus University disciplinary action by informing the Dean of Students of her/his desire to register a formal complaint. Any member of the University

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

5. The Southwestern University Division of Student Life is available to assist any student free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue.
6. Human Resources Department is available to assist any employee. A victim need not make a formal report to law enforcement or Southwestern University to access resources.

| **Resource** | **Associated Website** |
|---|---|
| Southwestern University Yellow Book | http://www.southwestern.edu/titleix/SUYellowBook.pdf |
| RAINN Rape, Abuse and Incent National Network | https://rainn.org/ |
| Hope Alliance: The Williamson County Crisis Center | http://www.hopealliancetx.org/ |
| Safe Place of Austin | http://safeplace.org/ |
| TAASA: Texas Association Against Sexual Assault | http://taasa.org/ |
| National Domestic Violence Hotline | http://www.thehotline.org/ |
| Stalking Resource Center | http://www.victimsofcrime.org/home |

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

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

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

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

If a victim reports an incident to SUPD or other proper law enforcement, they may assist them in obtaining a protective order, a “no contact” order, or a restraining order from a criminal, civil or tribal court, or by the institution. Southwestern University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. SUPD provides written victim assistance information from the Williamson County Attorney’s Office. A protective order, restraining order, or no contact order may be obtained through the Williamson County Attorney’s Office by contacting them at 512-943-1111. Protective orders can contain several provisions to protect victims from any further harm, including no-contact provisions. In Texas, a violation of a protective order is a criminal offense and the violator may be immediately arrested without having to procure an arrest warrant.

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

## Sexual Misconduct Hearing Board

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

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

Every attempt will be made to have gender diversity and the Hearing Board shall consist of five members, at least three of whom must be members of the faculty.

## Right of a Student To Have An Advisor

When a student appears before the Sexual Misconduct Hearing Board as a Complainant or Respondent, they are entitled to be accompanied by one advisor of their choosing. The Dean of Students (or designee) should be informed of the identity of the advisor not less than 10 days before the hearing. The advisor may be anyone, including a friend, a member of the faculty or staff, a parent, or an attorney. The only persons disqualified from being your advisor are witnesses, administrators over the disciplinary process, and any person who supervises a participant in the disciplinary process as an employee. If the advisor is an attorney, the Dean of Students (or designee) will still communicate directly with the Complainant and/or the Respondent regarding the procedures and other matters relating to the hearing; however, the attorney must have all of their communications be to the University’s attorney and not with the Dean of Students (or designee). Whoever is the advisor, the advisor is not allowed to speak during the hearing, to speak for the party, to argue for the party, to address the Hearing Board, or to address/question any witness during the hearing. The advisor’s role is limited to privately advising the Complainant or the Respondent, as the case may be, in a non-disruptive manner. It is the responsibility of the Complainant/Respondent to assure that the advisor is aware of their role.

## Rights of Complainant

- To have assistance from a CASAR (Center for Academic Success and Records) Advisor that can help assess academic situations and options
- To be informed in writing of time and date of the sexual misconduct hearing and the charge against the Respondent
- To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing
- To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing
- To know the name(s) of the Respondent's witness(es)
- To have an advisor
- To supply the Dean of Students (or designee) with a written statement and any evidence in support of the complainant
- To appear as a witness at the hearing
- To attend the entire hearing exclusive of closed sessions
- To request alternative hearing procedures in which the Complainant does not have to be physically present at the hearing site
- To supply the Dean of Students (or designee) with a list of witnesses in support of the accusations(s)
- To receive notice and explanation of the processes involving allegations of sexual misconduct
- To provide questions of witness(es) to the hearing chair for consideration
- To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal
- To appeal the decision
- To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)
- To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.) provided simultaneously and in writing to both complainant and respondent

## Rights of Respondent

- To have assistance from a CASAR (Center for Academic Success and Records) Advisor that can help assess academic situations and options
- To be informed in writing of time and date of the sexual misconduct hearing and the charge against the Respondent
- To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing
- To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing
- To know the name(s) of the Complainant and witness(es)
- To have an advisor
- To supply the Dean of Students (or designee) with any evidence in support of her/his defense
- To appear as a witness at the hearing
- To attend the entire hearing exclusive of closed sessions
- To not appear at the hearing
- To supply the Dean of Students (or designee) with a list of witnesses in defense of the accusation(s)
- To receive notice and explanation of the processes involving allegations of sexual misconduct

- To provide questions of witness(es) to the hearing chair for consideration
- To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal
- To appeal the decision
- To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)
- To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.) provided simultaneously and in writing to both complainant and respondent

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

## The Sexual Misconduct Hearing

The Dean of Students (or designee) will choose the Hearing Board Chair. The Hearing Board shall be provided with the charge(s), the Complainant's written complaint, the written reply of the Respondent (if any), attachments or list of witnesses, and any other documents or materials submitted by the parties or obtained during the investigation.

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

The only persons entitled to be present during the hearing are the Dean of Students (or designee), the Complainant, the Complainant's advisor, the Respondent, the Respondent's advisor, witnesses (during his/her testimony only), and the Hearing Board members. If the Respondent is a student organization, the organization shall be represented by its president (or designee appointed from within the student membership of the organization). If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim. In addition, an officer of the SUPD and/or a Residence Life staff member may attend, if determined necessary by the Dean of Students (or designee). Finally, the University may choose to have its attorney attend the hearing to consult with the University, the Dean of Students (or designee), and/or the Hearing Board on legal and procedural issues.

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

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

Under usual circumstances, the Complainant attends the hearing as a witness. The Complainant and the Respondent have the right to attend the full hearing, excluding the deliberation of the Hearing Board. If

the Respondent has been formally notified of the hearing but fails to attend, the Hearing Board will hear the case in her/his absence.

All witnesses at the hearing must testify live and in person before the Hearing Board, unless the witness (i) is not affiliated with Southwestern University and resides more than 100 miles from Georgetown, Texas or (ii) makes a showing prior to the hearing to the Dean of Students (or designee) of good cause as to why live testimony is not feasible, such determination by the Dean (or designee) begin in her/his sole discretion. In all such cases where the witness is permitted to not testify live, appearance of such witnesses shall be by live video, internet voice or video, or telephone, as the Dean of Students (or designee) may agree. Under no circumstance will written statements be permitted as testimony of a witness.

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

Should the Respondent or the Complainant have a question of a witness, or of each other, that question must be provided at the conclusion of the witness's statement and must be presented to the Chair, who will determine whether to ask the question of the witness, based on the relevance or other factors is the Chair's discretion.

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

Upon completion of the testimony by the Respondent or a witness, the Hearing Board may conduct more complete questioning. Once again, any questions of a witness should be provided at the conclusion of the witness's statement, and presented to the Chair for final review and determination.

The Hearing board may, during a hearing, request additional information or witnesses and may take a recess of sufficient time to acquire the information. The Chair may also declare a recess if she/he believes that either the Complainant or the Respondent is emotionally unfit to continue or that there is fatigue of any party in the proceedings.

Upon completion of the witnesses' statements and questioning, the Complainant and Respondent will have the opportunity to make a brief statement concerning the evidence or the issues. No new evidence will be permitted in such statements and the Chair will have the right to place reasonable restriction on the length of statement. Upon completion of the closing statements by Complainant and Respondent, the Hearing Board will commence deliberation of responsible or not responsible in closed session. Only Hearing Board members are present in the closed session during deliberation. A preponderance of the evidence standard will determine the violation; meaning that it is more likely than not that the Respondent committed the conduct violation. If the Respondent is found responsible, or pleads responsible, both the Respondent and Complainant may make personal statements, followed by questions from the Hearing Board. Character witnesses for the Respondent may then be offered. Character witnesses may speak to his/her experiences with the Respondent and the Respondent's good qualities, character, and morality, but may not address the issue of guilt or the facts relating to such finding by the Hearing Board. Such

witnesses are limited to two, and a total time of fifteen minutes is allotted. At this time, the Dean of Students (or designee) will be expected to offer any history of former discipline problems. The Dean of Students (or designee) may also recommend appropriate sanctions; given in the presence of the Respondent. These recommendations are not binding and are followed by deliberation on the sanction by the Hearing Board in closed session. The Respondent is then informed of the sanction and reminded of the right to appeal. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall receive sanction information and have right to appeal. The Complainant is then informed of the outcome and the right to appeal.

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 60 days excluding any appeal period. However, extenuating circumstances requiring additional time may necessitate an extension with good cause.

If during the hearing, the Hearing Board became aware of any other University policy violation(s) which may have occurred in connection with the circumstances surrounding the alleged misconduct, the Hearing Board may in its discretion at the conclusion of the hearing make a confidential referral of such other potential violation(s) to the Dean of Students (or designee) for possible future or other disciplinary proceedings. If a student chooses to withdraw from Southwestern University prior to a Sexual Misconduct Hearing, a Criminal Trespass may be issued through SUPD.

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

## Alternative Procedure

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

## Appeals

Appeals may be made by both the Respondent and the Complainant. Appeals must be submitted in writing to the Office of the Vice President for Student Life within three business days from the date of written notification of the hearing results, with a copy of such appeal being delivered to the Dean of Students/Designee. The Dean of Students/Designee will then provide a copy of the written appeal to the non-appealing party at which time the non-appealing party may provide a written response within three business days. Appeals must be be in writing and signed by the Complainant or Respondent and not by the advisor. An appeal must concisely set forth the grounds for appeal as well as provide any supporting material.

The grounds for appeal are limited to the following:

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

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

The Appellate Board may take the following measures on appeal.

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

Where an appeal is based on assessed sanction(s), the Appellate Board may reduce but not increase sanctions imposed. A rehearing or review by the Hearing Board may not result in more severed sanctions. The outcome of the appeal process is final.

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

## Interim Sanctions

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

## Typical Sanctions

If the Respondent (student or student organization) is found in violation of the University's Student Sexual Misconduct Policy, the notification will also include notice of any sanctions which may be imposed by the Hearing Board. Such sanctions, may include, but are not limited to, those listed below. More than one sanction may be imposed for any single violation. A history of inappropriate behavior by the student or student organization and the nature or severity of an incident are considered in determining appropriate sanctions. If a student chooses to withdraw from Southwestern University prior to a Sexual Misconduct

Hearing, a Criminal Trespass may be issued though SUPD. The range of the sanctions that can be applied vary significantly. When in determining the most appropriate sanction or combination of sanctions, an assessment is made on a case by case basis and the following factors may be considered.

- Nature of the violation (seriousness of violation, harm caused, effects of violation)
- Prior violations/previous disciplinary history of the alleged offender
- Mitigating/aggravating circumstances surrounding the incident
- Motivation for the behavior (evidence of malicious intent)
- Developmental and educational impact for the individual and community

The following sanction(s) may be imposed upon a student in response to a finding of misconduct.

- Contract Probation
- Disciplinary Probation
- Expulsion
- Loss of Privileges
- Mandated Counseling
- Mandated Counseling Assessment
- Mandatory Housing Relocation and Class Scheduling
- Physical Restrictions
- Suspension

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

- Alcohol Ban
- Expulsion
- Mandated Educational Programs
- National Organization Contact
- Prohibition of Member Recruitment and/or Member Induction
- Social Probation
- Suspension

When a complaint of sexual harassment is submitted to a University official under the Sexual Harassment Policy, the University's Sexual Harassment Officer is notified and a process of administrative review begins, the appropriate University official determines whether further investigation or recommendation for sanctions is warranted.

In cases where it is determined to proceed to a more thorough review of the complaint, the following measures are invoked.

- An ad hoc committee is convened with a two-fold purpose: 1) conduct a full fact finding investigation, and 2) when merited, make recommendations as to possible remedial action. This committee's work includes conducting interviews of the complaining party, the responding party, and witnesses either party have identified. The committee also reviews any documentary or physical evidence. The committee essentially serves as another layer for investigating the allegations and making recommendations. The Sexual Harassment Office chairs the ad hoc committee. During this process, both the complainant and the responding party will be afforded a full opportunity to separately respond to the claims and provide additional materials.
- Although not specifically provided within the sexual harassment policy, the University offers each party the ability to have an advisor with them during the ad hoc committee interview process. The complaining party, the responding party, and their advisors are not included in the interviews of

any witnesses identified and interviewed by the committee. The advisor must be a member of the University community. This person is not included in any of the questions/answers, but rather is there as a support for the complaining or responding party. Advisors are asked to serve in this capacity by the person being interviewed, but are subject to approval by the chair of the ad hoc committee. Legal counsel for either party is not permitted to be involved in the interview process. If a party so chooses, however, legal counsel may be made available for private consultation outside of the committee meeting room. Names of the advisors should be submitted to the Sexual Harassment Office prior to the interview.

- After the ad hoc committee concludes its work and issues its report, the appropriate University official receives the report and the investigation, if any, is needed, and prepares a recommendation for the President. This official can return the matter to the ad hoc committee for further work or yet conduct a further review of the matter. Ultimately, the official will prepare a recommendation for the President.
- The President independently reviews all materials, determines whether additional investigation is needed, and makes a determination as to whether the sexual harassment policy has been violated and what, if any, remedial measures are warranted.
- The President writes a letter to each party informing them of the determination.
- Either party can file an appeal to the President within 30 days.
- The Sexual Harassment Policy also includes a section regarding University Disciplinary Action and Penalties. Other University policies and procedures may be necessary to complete the remedial action process (if applicable). Please refer to the policies and procedures contained in those policies.

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

### Confidentiality

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

Southwestern University maintains as confidential any accomodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

## Other Considerations

### Retaliation

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

### False Accusations

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

## Sex Offender Registration

The “Campus Sex Crimes Prevention Act” is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, employed, or volunteering on campus.

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief law enforcement officer in that community. This information can be obtained from the Texas Public Sex Offender Registry https://records.txdps.state.tx.us/SexOffender/index.aspx.

You may also consult Megan’s Law Website at:
http://www.texassexoffenders.net/megans-law.

## Definitions of Clery Act Offenses

**Criminal Homicide**

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

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

a) **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without consent from the victim, including incidents where the victim is incapable of

giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

c) **Incest** is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** is the unlawful entry of a structure to commit a felony or theft.

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

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

**Hate Crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Under the Clery Act, only the following eight categories of covered classes are reported: race, religion, gender, gender identity, disability, sexual orientation, ethnicity, or national origin.

**Hierarchy Rule**

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

**Categories of bias included in the annual statistical disclosure are:**

**Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).

**Religion**. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists.

**Sexual orientation.** A performed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic and/or emotional attraction to members of the same and/or opposite sex (e.g., lesbian, gay, bisexual, heterosexual individuals).

**Gender**. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender (male or female).

**Gender Identity**. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (bias against transgender or gender non-conforming individuals).
**Ethnicity.** A preformed negative opinion or attitude toward a group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry.

**National Origin**. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability**. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For purposes of the annual statistical disclosure, hate crimes include any Clery-reportable criminal offense (listed above) and the following additional offenses:

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

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

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

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

## VAWA Offenses

**Dating Violence, Domestic Violence, & Stalking**

For purposes of the Annual Security Report, the following definitions apply for Clery classification:
**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed -

- By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

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

**Course of conduct** means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

**Arrests and Disciplinary Referrals**
Arrests and disciplinary referral statistics include the number of persons arrested and/or referred for disciplinary action for the following violations:

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

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

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

## Definitions of Clery Act Locations

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

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

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

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

## Southwestern University - Reportable Crimes

The Clery Act requires institutions to include statistics for four general categories of crime, including Criminal Offenses, Hate Crimes, VAWA Offenses and Arrests and Referrals for Disciplinary Action. The following information reflects the number of crimes for the last three years as required to be in compliance.

### Criminal Offenses

| Offenses | Year | On Campus Property | Residential Facilities | Non-Campus Property | Public Property | Unfounded Crimes |
|---|---|---|---|---|---|---|
| Murder / Non-Negligent Manslaughter | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Manslaughter By Negligence | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Sex Offenses, Rape | 2015<br>2016<br>2017 | 0<br>0<br>4 | 0<br>0<br>4 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Sex Offenses, Fondling | 2015<br>2016<br>2017 | 3<br>2<br>1 | 3<br>2<br>1 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Sex Offenses, Incest | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Sex Offenses, Statutory Rape | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Robbery | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Aggravated Assault | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Burglary of Structure | 2015<br>2016<br>2017 | 5<br>6<br>4 | 5<br>3<br>3 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Motor Vehicle Theft | 2015<br>2016<br>2017 | 7<br>0<br>2 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Arson | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |

## Hate Crimes

| Offense | Year | On Campus Property | Residential Facilities | Non-Campus Property | Public Property | Unfounded Crimes |
|---|---|---|---|---|---|---|
| Hate Crimes ** | 2015<br>2016<br>2017 | 0<br>2<br>0 | 0<br>2<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0*<br>0<br>0 |

## Violence Against Women Reauthorization Act (VAWA) Offenses

| Offense | Year | On Campus Property | Residential Facilities | Non-Campus Property | Public Property | Unfounded Crimes |
|---|---|---|---|---|---|---|
| Domestic Violence | 2015<br>2016<br>2017 | 0<br>0<br>1 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Dating Violence | 2015<br>2016<br>2017 | 0<br>3<br>1 | 0<br>3<br>1 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Stalking | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |

## Arrests and Disciplinary Referrals

| Offense | Year | On Campus Property | Residential Facilities | Non-Campus Property | Public Property | Unfounded Crimes |
|---|---|---|---|---|---|---|
| Arrests:<br>Weapons<br>Carrying,<br>Possessing, Etc. | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Disciplinary<br>Referrals:<br>Weapons<br>Carrying,<br>Possessing, Etc. | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Arrests:<br>Drug Abuse<br>Violation | 2015<br>2016<br>2017 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Disciplinary<br>Referrals:<br>Drug Abuse<br>Violations | 2015<br>2016<br>2017 | 16<br>21<br>23 | 13<br>20<br>10 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Arrests:<br>Liquor Law<br>Violations | 2015<br>2016<br>2017 | 0<br>2<br>1 | 0<br>2<br>0 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |
| Disciplinary<br>Referrals:<br>Liquor Law<br>Violations | 2015<br>2016<br>2017 | 37<br>42<br>69 | 21<br>36<br>59 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>0<br>0 |

* Unfounded crimes (those that a commissioned peace officer has investigated and found to be false or baseless and are subsequently withheld from the crime statistic) are required to be disclosed beginning in calendar year 2015. There were no unfounded crimes reported for 2015, 2016, and 2017.
** There were no hate crimes reported in 2015 or 2017. Two hate crimes reported in 2016 were Intimidation based on Sexual Orientation bias.

Calendar year 2015 crime statistics included in this report were determined in accordance with the Clery federal register (34 C.F.R.668.46) as of October 20, 2014, and guidance in the Handbook for Campus Safety and Security Reporting (Handbook) published by the U.S. Department of Education in February 2011 which was effective when the crimes occurred and statistics were collected. Subsequently, the Handbook was updated in June 2016 and is used for reporting Clery crime statistics for calendar years 2016 and 2017.

## Crime Prevention and Security Awareness

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

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

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

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

- Sexual Assault and Rape Prevention (SHARP) - offered during the Fall and Spring semesters and scheduled upon request
- Sexual Assault Awareness - Fall and Spring semesters
- Personal Safety and Defense - offered during the Fall and Spring semesters
- Classroom Safety (active shooter) - Fall semester and scheduled upon request
- Protest Safety - scheduled upon request
- Bicycle or Personal Property Engraving - Fall semester and scheduled upon request
- Alcohol and Drug Awareness - Fall and Spring semesters
- Theft and Burglary Prevention - Fall semester and scheduled upon request
- Suicide Prevention - Fall semester
- Safety Talks - Fall semester
- Stalking Awareness - Fall and Spring semesters
- Domestic and Dating Violence Awareness and Prevention - Fall and Spring semesters

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

## Important Telephone Numbers

| DEPARTMENT | CONTACT NUMBER |
|---|---|
| **Emergencies – Police/Fire/Medical** | **911 or 9-911 for on campus; 911 for off campus** |
| VP Student Life/Dean of Students | 512-863-1582 |
| Residence Life | 512-863-1624 |
| University Police | 512-863-1944 |
| Health and Counseling | 512-863-1252 |
| University Chaplain | 512-863-1056 |
| University Relations | 512-863-1483 |
| Office of the Provost | 512-863-1567 |
| University Safety Office | 512-863-1677 |
| Human Resources | 512-863-1435 |
| Facilities Management | 512-863-1914 |
| Switchboard Operator | 512-863-6511 |
| Georgetown Police Department (non-emergency) | 512-930-3510 |
| Georgetown Fire Department (non-emergency) | 512-930-3473 |
| Williamson County Emergency Medical Services (non-emergency) | 512-943-1264 |

| | |
|---|---|
| **Williamson County Sheriff's Department (non-emergency)** | **512-943-1300** |
| **Texas Department of Public Safety (non-emergency)** | **512-863-5816** |

# Annual Fire Safety Report

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

## Annual Fire Safety Report - HEOA Directive

The Annual Fire Reports contains per the Directive:

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

## Definitions

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

**On-Campus Student Housing** - A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.
**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

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

## Fire Log - HEOA Directive

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

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

The Fire Log may be in hard copy or in an electronic format. The Fire Log must be accessible on site. The Fire Log reports for the most recent sixty (60) day period must be open to public inspection upon request during normal business hours. Any portion of the log that is older than sixty (60) days must be made available within two (2) business days of a request for public inspection. The Fire Log must be kept for three (3) years following the publication of the last annual report to which it applies (in effect seven years).

## Fire Statistics - HEOA Directive

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

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

I. Unintentional Fire

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

II. Intentional Fire

III. Undetermined Fire

b) Number of deaths related to a fire.

Number of inquiries related to the fire resulting in treatment at a medical facility.

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

### Fire Statistics

| Location | Number of Fires | | | Number of Injuries | | | Number of Deaths | | | Property Loss | | | 2016 Fire Cause |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | |
| Brown-Cody Hall 1010 Southwestern Blvd. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dorothy Lord Center Apts.<br>1105 E. 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Herman Brown<br>904 Wesleyan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Kappa Alpha House<br>1000 McKenzie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Kappa Sigma House<br>1003 McKenzie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Kurth Hall<br>1100 Southwestern Blvd. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Grogan and Betty Lord Apts.<br>701 Maple Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Mabee Hall<br>1103 East Rutersville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| McCombs Residential<br>900 Southwestern Blvd. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Moody Shearn<br>902 Wesleyan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Phi Delta Theta<br>1002 McKenzie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Pi Kappa Alpha<br>1001 McKenzie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Ruter Hall<br>911 Wesleyan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Turner-Fleming House<br>1 Taylor Road | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |

## Student Housing Fire Safety Systems

| Facility/Residential | 24 Hour Fire Alarm Monitoring to Campus Operator | Smoke Detectors | Pull Stations | Sprinkler System | Fire Extinguishers | Evacuation Plans and Placards | Drills Per Each Calendar Year 2015/2016/2017 |
|---|---|---|---|---|---|---|---|

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown-Cody Hall<br>1010 Southwestern Blvd. | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Dorothy Lord Center Apts.<br>1105 E. 8th Street | Yes | Yes | Yes | Yes | Yes | No | 2 |
| Herman Brown<br>904 Wesleyan | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Kappa Alpha House<br>1000 McKenzie | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Kappa Sigma House<br>1003 McKenzie | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Kurth Hall<br>100 Southwestern Blvd. | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Grogan & Betty Lord Center Apts.<br>701 Maple Street | Yes | Yes | Yes | Yes | Yes | No | 2 |
| Mabee Hall<br>1103 E. Rutersville | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| McCombs Residential<br>900 Southwestern Blvd. | Yes | Yes | Yes | Yes | Yes | No | 2 |
| Moody Shearn<br>902 Wesleyan | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Phi Delta Theta House<br>1002 McKenzie | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Pi Kappa Alpha House<br>1001 McKenzie | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Ruter Hall<br>911 Wesleyan | Yes | Yes | Yes | Yes | Yes | Yes | 2 |
| Turner-Fleming House<br>1 Taylor Road | Yes | Yes | No | Yes | Yes | No | 2 |

# Student Housing Policies

## Smoking

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

## Open Flame

Open flame or fire is not permitted on University property and is governed by the Southwestern University Fire Safety Policy.

## Grills and Outdoor Cooking

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

## Banned Objects and Appliances

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

- Ammunition
- Explosives
- Fireworks
- Halogen Lamp
- Gasoline
- Kerosene
- Propane
- Hot Plate
- Small Oven
- Burning Candle
- Burning Incense
- Hoverboard
- Space Heater
- Crock Pot
- Toaster
- Portable Grill
- Anything With An Open Burner

## Fire and Life Safety Violations

It is a violation of University policy and state law for students or others to set any type of fire or tamper with building or outdoor safety systems (alarms, fire extinguishers, hoses, etc.). The minimum fines associated with these violations are: $50 to $100 for unnecessarily discharging a fire extinguisher, $100

for tampering with, including covering, a fire detection system and $200 for the unwarranted pulling/activating of a fire alarm system.`

Failure to respond to a fire alarm or participate in a fire drill can be a matter for disciplinary action.

# Student Housing Evacuation Procedures

## Quick Reference

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

## Additional Instructions

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

## Fire Safety Training and Education

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

- Overview of fire safety policy
- Overview of fire safety systems (sprinklers/fire alarm)
- Fire extinguisher use and locations
- Building evacuation procedures/assembly areas

- Closing doors when fire alarm activates
- Keeping exits/stairwells clear
- Alarm pull stations
- Fire safety reporting process

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

Basic fire safety instructions, located within the University's Emergency Response Plan, are offered to all new and existing employees through Human Resources and Department supervisors. Additional training is provided periodically, to select departments, by the Safety Office.
Each academic and administrative building on campus is assigned a minimum of one Emergency Action Representative (EAR). These individuals have volunteered to assist building occupants in the event of a fire or other emergency situation.

## Fire Safety Inspections

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

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

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

## Fire Reporting

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

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

## Future Fire Safety Improvements

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

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

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