



HUSTON-TILLOTSON  
UNIVERSITY  
1875  
AUSTIN, TEXAS



# *2019 Annual Security & Fire Safety Report*

*(Reporting Years 2018, 2017, & 2016)*



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## INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (formerly known as the Crime Awareness and Campus Security Act of 1990) is a Federal law that was enacted after the senseless assault and murder of a 19-year old Lehigh University freshman. The law was renamed in her memory in 1998.

In short, the Clery Act requires Universities and Colleges to disclose crime statistics for the prior three years and the current program for campus security and reporting procedures. Huston-Tillotson University (HT) Campus Safety Department, in compliance and support of this act, makes available the required information to all current and prospective students, parents, and employees, both online and in print form.

One of the best explanations of this federal law comes from The Handbook for Campus Safety and Security Reporting (U.S.Department of Education, Office of Postsecondary Education, Washington, D.C., 2016).

In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act was amended in 1991, 1992, 1998, 2000, 2008, and 2013. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986.

The Clery Act requires higher education institutions to give timely warnings of crimes that represent a serious or ongoing threat to students or employees' safety and make public their campus security policies. It also requires that crime data be collected, reported, and disseminated to the campus community and submitted to ED. The act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus, can make informed decisions.

The Clery Act requires colleges and universities to:

- publish an annual report every year by October 1st containing the last three years of campus crime statistics and fire safety statistics as well as specific campus security University Policy (ies);
- disclose crime statistics for the campus, public areas immediately adjacent to or running through the

campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police, local law enforcement agencies, and other University officials who have “significant responsibility for student and campus activities;”

- provide “timely warning” notices of those crimes that have occurred and pose a serious or ongoing “threat to students and employees;”
- implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus;
- disclose in a public crime log “any crime that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department;” and
- maintain a public fire log, which is a record of any fire in an on-campus student housing facility.

Huston-Tillotson University is committed to providing a safe campus for students, faculty, staff, and visitors. Safety is a shared responsibility within the campus community, and we rely on every community member to contribute by reporting crimes and suspicious activities in a timely manner. The material that follows is designed to familiarize the readers with issues of safety and security at HT.

We hope the information in this Report heightens your own awareness and helps support a safe campus for HT community members.

### **Publication of the Clery Report**

As required by the Clery Act, crime, arrest, and student disciplinary data are requested from various sources. E-mails are sent to campus community members to obtain this information as well as agencies that border our campus. Statistics from these sources are compiled and made available in this Report and the U.S. Department of Education web sites. Campus community members are notified directly of the availability of this Report via a campus wide e-mail.

Prospective students are made aware of this report during Orientation.

A copy of the report is also available to all on the Campus Safety link on the Huston-Tillotson website <http://htu.edu>, and paper copies may be requested by contacting the Campus Safety Department

campussafety@htu.edu or by calling 512.505.3011

Copies may also be obtained in person at the Campus Safety Department in the Anthony and Louis Viera-Alumni Center Building, or by calling 512.505.3011

An open log of reported crimes is available for review, upon request, in the Campus Safety offices, in the Anthony and Louis Viera-Alumni.

### **Preparation of the Annual Disclosure of Crime Statistics**

The University's Campus Safety Department prepares this Annual Crime Report for the entire University to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be obtained from our website at <http://htu.edu/>. This report is prepared in cooperation with information and data from other state and local law enforcement agencies.

Campus crime, arrest, and referral statistics include those incidents reported to the local law enforcement agencies, the University's Campus Safety Department, and non-police officials identified by Federal Law as Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

These statistics may also include crimes that have occurred in private residences or businesses that touch the University's boundaries. Each year, by email and flyers placed on bulletin boards and electronic message boards, notification is made to all faculty, staff, and students that the Huston-Tillotson website provides access to this report.

Copies of the Report may also be obtained at the Campus Safety Department office located in the Anthony and Louis Viera-Alumni on the Huston-Tillotson campus.

### **Campus Security Department**

HT desires to promote a safe and secure environment for the students, faculty, and staff. The Campus Security Department is committed to being a sensitive, caring, and impartial security organization. The department is dedicated to the highest level of professionalism and uncompromising integrity.

The Campus Security Department and its officers have the authority to ask persons for identification and to determine whether individuals have a lawful business on the HT's campus. Security officers do not possess arrest power. Criminal incidents are referred to the local law enforcement having jurisdiction on the campus. The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by Huston-Tillotson University.

The Campus Safety Department maintains a highly professional working relationship with local law enforcement agencies, Austin Police Department. Huston-Tillotson does not have a Memoranda of Understanding with the law enforcement agencies that include investigating criminal incidents. All crime victims and witnesses are strongly encouraged to immediately report the crime to the Campus Safety Department and the appropriate local law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### **Accurate and Prompt Crime Reporting**

Community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes and public safety-related incidents to the University Campus Safety Department in a timely manner, including when the victim elects to or is unable to, make such a report.

To report a crime or an emergency on the Huston-Tillotson Campus, call 911 or the Main Gate Booth at 512.505.3010. To report a non-emergency security or public safety-related matter, you may also call 311 with the City of Austin or the Campus Safety Department at 512.505.3011.

### **Reporting of Criminal Offenses**

Huston-Tillotson University is committed to a safe and secure environment for all employees, students, and visitors. The entire campus community shares the responsibility for a safe and secure campus. All members of the campus community, staff, students, and visitors are required to report any emergency, crime, threatening or violent situations or knowledge of any criminal activity to Campus Safety Department or local law enforcement as soon as possible. These situations may include any conduct that threatens the health or safety of any person or creates a reasonable fear that such a result will occur, including but not limited to: acts of violence, threats of violence, possession of weapons(s) on University controlled property without proper written authorization, threatening behavior, and reckless disregard for the health or safety of any person. Delaying your report may unnecessarily allow the behavior to continue, harm your well-being, or jeopardize an investigation due to the passage of time, fading memories, or departure of witnesses.



To report a crime or an emergency on the Huston-Tillotson Campus, call 911 or/and the Campus Safety Department at 512.505.3010. To report a non-emergency security or public safety-related matter, contact the City of Austin 311 or Campus Safety Department at 512.505.3011 or 512-505.3010.

### **Response to a Report**

All incident reports are forwarded to the Campus Safety Director for review. If necessary, incident reports are forwarded to the Dean of Student Affairs and/or Provost and President. The Campus Safety Director will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Student Affairs and/or Provost and President if necessary. If assistance is required from the Austin Police Department or the Austin Fire Department, the Campus Security Department will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the Campus Security Department, will offer the victim a wide variety of services.

Any on-campus emergency, criminal offense, or suspected illegal activity should be reported immediately. Students or employees are encouraged to report this information to either Campus Security (dial 3011 from a campus phone or 512-505-3011 from any other phone.) You can also call the Austin Police Department by dialing **911**. In addition, you can report a crime to the following areas:

Dean of Student Affairs	512.505.3035
Resident Hall Director	512.505.6411 or 512-.505.3158
Human Resources Department	512.505.3015
Campus Life Coordinator	512.505.3037

Once a crime report has been made, the Campus Security Department must be notified immediately. Security will investigate the crime to determine the validity and take proper actions based on findings. All reports will be included in the Annual Security Report.

If a crime is not reported promptly, evidence may be destroyed, leads could be missed, and the potential to apprehend a suspect could be lost. Only by knowing what's really happening in the campus community can steps be taken to help solve, reduce, or prevent crimes from happening in the first place. Crimes that aren't reported to authorities could give the campus community a false sense of safety. We encourage you to report any and all violations, even if the victim elects not to or is unable to make such a report.

## **Monitoring and Recording Criminal Activity of Non-campus Student Organizations**

Huston-Tillotson University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Huston-Tillotson University students and recognized student organizations, on and off-campus. In coordination with local law enforcement agencies, Campus Security will actively investigate certain crimes occurring on or near campus. If Campus Security learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency, and forward information about the situation to the Office of Student Affairs, as appropriate. Huston-Tillotson University does not have officially recognized non-campus housing for any University-affiliated organization. Criminal activity that occurs at non-campus locations may be investigated by local law enforcement, the Campus Security Department, and Student Affairs.

## **Voluntary, Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Security can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others. With such information, Campus Security can keep an accurate record of the number of incidents involving faculty, staff, and students and determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college. Annually, the Director of Security sends a request to on-campus counseling, psychological, and health services that encourages the counselors to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, when they deem it appropriate.

## **Weapons Policy**

The use of weapons by College personnel is governed by state law and departmental regulation. The use or possession of firearms or other weapons by students, employees or visitors while on campus is prohibited.

## **CRIME PREVENTION & SECURITY AWARENESS PROGRAMS**

Various campus departments and organizations sponsor crime prevention programs throughout each academic year that are based on personal safety and theft prevention. In addition to prevention programs, Campus Security personnel supports programming to inform the campus community about related campus security procedures and practices. Campus Security personnel facilitate these programs for students, parents, faculty,

and staff and at new employee orientations when requested. Residential Life staff provides a variety of educational strategies and tips on how to protect themselves from sexual assault, theft, and other crimes. Campus Security personnel work closely with Student Affairs and Human Resources personnel to ensure that the campus and the surrounding community are safe for the well-being of our students, staff, and faculty. A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. When time is of the essence, information is released to the College community through security alerts posted prominently throughout campus, through computer memos sent over the College's electronic mail system and through the college's emergency alert system

### **Safety and Security Policies: Access to and Security of Campus Facilities**

Huston-Tillotson University is committed to providing a safe and secure campus. Many University departments work collaboratively to ensure that the University's buildings and grounds are secure. Campus Safety patrols campus grounds and buildings for security purposes. The primary duties for the security officers include opening, closing, and checking doors to campus buildings, safe walk escorts, time assisting faculty and staff who are locked out of buildings, assisting with special event security, and directing foot patrols of the campus.

The campus facilities are typically open and accessible to students, staff, and visitors during regular building hours and into the evening hours, depending on class and activity schedules.

The security officers do not have law enforcement authority and are not permitted to take police action. Anyone needing the services of a security officer for a campus safe walk escort or to assist with a lockout should call the Campus Safety Department at 512.505.3011 or the Main Gate at 512.505.3010

In addition, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The entire campus,, including parking lots, are well lit, monitored by surveillance cameras, and routinely patrolled by security officers.

Campus Safety Department officers routinely perform checks on lighting and unsafe conditions and report them directly to Facilities Management. Community members are also encouraged to report any lighting concerns or problems or unsafe conditions to the Campus Safety Department at 512.505.3011 or Facilities Management at 512.505.3016.

### **Safety and Access in On-Campus Housing**

Campus Safety Officers conduct routine patrols of on-campus housing buildings to evaluate and monitor security-related matters.

Access to on-campus housing is intended for residents, their approved guests, and other approved members of the campus community. All individuals who do not reside in one of the halls to which entry is desired must follow the guidelines outlined in the Student Handbook. To report any concerns or problems or unsafe conditions in a residence hall, contact the appropriate professional hall staff.

Allen-Frazier and Beard-Burrowes Residence Halls are equipped with a Card Access System. The doors are locked 24 hours a day. Access can only be gained with a student's card key, which is programmed into the card reader. Off-campus guests must follow the visitation hour's policy. Off-campus guests are not permitted in Allen-Frazier or Beard-Burrowes Residence Hall before or after visitation hours. Students and staff must also assist the campus by being responsible for their own safety and the safety of others. These buildings are also monitored with surveillance cameras inside and out.

### **Reporting to the Dean of Students and Housing & Residence Life**

In addition to reporting criminal incidents to the Campus Safety Department, individuals may also report criminal incidents to the Dean of Students and authorities within Housing & Residence Life. These departments will then involve Campus Safety, when appropriate. If you wish to remain anonymous, every attempt will be made to maintain your anonymity, but it is not guaranteed. Crime statistics from incidents reported to the Dean and Housing and Residence Life will be included in the Annual Crime Statistics.

### **Campus Security Authorities (CSA's)**

In addition to reporting crimes to Campus Police, the Dean of Students, Housing and Residence Life, crimes may also be reported to Campus Security Authorities (CSA's). According to the 2016 Handbook for Campus Safety and Security Reporting (pgs. 4-2 & 4-3) CSA's are individuals in the following four groups:

- *A campus police department or a campus security department of an institution.* If your institution has a campus police or security department, all individuals who work for that department are campus security authorities. A security department can be as small as one person.
- *Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).* Include individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event

security, such as for sporting events or large, registered parties, or escort students around campus after dark (including other students).

- *Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.* As mentioned in Chapter 1, your institution must publish a number of safety- and security-related policy statements. (These are discussed in Chapters 7 and 8.) If you direct the campus community to report criminal incidents to anyone or any organization in addition to the police or security-related personnel, that individual or organization is a campus security authority.
- *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.*

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

CSA's currently receive training on how to identify and report crimes in compliance with the Clery Act. The Campus Safety Department is responsible for CSA training and maintains a list of all CSA's and associated training. Specific incident reporting forms are utilized to ensure the following statistical information is reported:

Date reported

Date of incident (to the extent it can be determined)

Approximate time of the incident

Location of incident

Brief description of alleged criminal activity

Gender of victim

These statistics are reported for compilation into the Crime Statistics of the Annual Security Report, even if the reporting party or victim wishes to remain anonymous.

CSA's Include (but are not limited to):

Office of Student Affairs / Dean of Students Office, Residence Life

Security Personnel, Resident Advisors (RA's),

Athletic Department

Coaches, Assistant Coaches, Head Trainers and staff in the Athletic Department who lead intercollegiate athletics teams

Student Government Affairs

### **Missing Students Who Reside in On-Campus Housing**

If a member of the University community has reason to believe that a student is missing, he or she should immediately notify Campus Safety and Dean of Student Affairs. They will generate a missing person report and initiate an investigation. If members of the HT community believe that a student has been missing for 24 hours, it is critical that they report that information to the Campus Safety Department by calling (512) 505.3011. In the event a student under 18 years of age and not emancipated, HT must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, HT will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

### **Missing Student Procedures**

After investigating the missing person report and if Campus Safety and the Dean of Student Affairs determine that the student is missing and has been missing for more than 24 hours, The University will notify the student's missing person contact within 24 hours. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian, in addition to notifying any additional contact person designated by the student immediately within 24 hours after Campus Safety and the Dean of Student Affairs has determined that the student has been missing for more than 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Campus Safety will notify the appropriate local law enforcement agency(s) within 24 hours of the determination that the student is missing.

In addition to registering an emergency contact, students have the option annually to identify an individual confidentially to be contacted by the University in the event the student is determined to be missing for more than 24 hours. If you wish to identify a confidential contact, you can do so with the Dean of Student Affairs by calling or visiting the office located in Davage-Durden Student Union.

A student's missing person contact information will be registered confidentially and will be accessible only by authorized campus officials and law enforcement in the case of a missing person investigation, and that it may not be disclosed outside of a missing person investigation.

A student may be considered to be a "missing person" if the person's absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence.

## Timely Warnings

Huston-Tillotson will issue a timely warning when it receives a report of a crime that represents a serious or on-going threat to the safety of members of the campus community. In the event, a crime is reported, or a situation arises, within the HT Clery Geography (On Campus, Public Property, and Noncampus property), that, in the judgment of the Campus Security Director, the President (or their designees) and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

Huston-Tillotson may also issue a warning to the campus community when other instances pose a safety concern (see Emergency Notification & Evacuation section below).

Timely Warnings are issued within a reasonable amount of time after the incident has been reported to the Campus Safety Department. HT may also send out a Crime Advisory based on the nature of the incident. However, if there is an immediate threat to the health or safety of students or employees occurring on campus, the University will follow its emergency notification procedures (see below).

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Timely Warning notifications are issued using a variety of methods, including but are not limited to electronic distribution through e-mail and the HT website. Each Timely Warning contains a short description of the crime or incident, time and date, location, reported offense, weapon used (if any), suspect vehicle (if any), and method of operation used to facilitate the crime. The notification also includes personal safety information and or crime prevention tips.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident-Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger HT community)

- Robbery involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information is known by the Campus Safety Director or designee). In cases involving sexual assault, they are often reported long after the incident occurred. Thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Campus Safety Director or the President, or his or her designee in his or her absence.

A Timely Warning may also be issued for non-Clery Act crimes. Such situations are evaluated on a case-by-case basis taking into account the frequency of the offense, likelihood for additional occurrence, continuing danger to the campus community, and risk of compromising law enforcement efforts to resolve the case in a timely manner.

Information about an emergency is also shared with the local community via local media. The Public Relations Office at Huston-Tillotson University is responsible for communicating information with the media during all phases of an emergency.

### **Decision Criteria for Timely Warnings**

The issuance of a Timely Warning must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. An ongoing investigation will normally not preclude the issuance of a Timely Warning. The Department will issue a Timely Warning without delay and will only restrict the information that is sensitive to an investigation if the restriction of such information does not inhibit the ability of members of the campus community to protect themselves from harm.

### **Content of Timely Warnings**



The intent of a Timely Warning is to enable members of the campus community to protect themselves from harm. Accordingly, all Timely Warnings must include any information that would promote safety. Such information should include, at a minimum:

- Nature of the crime
- Location of the crime
- Date/time of the crime
- Suspect information, if available (victim name is withheld as confidential)
- Any additional information that may aid in protecting the campus community

### **Developing and Initiating Timely Warnings**

Every attempt must be made to issue a Timely Warning as soon as is reasonably possible after the facts of the incidents have been established. For threats that are considered particularly exigent, a Timely Warning may be issued immediately with any known facts and then updated with additional pertinent information until the threat is contained or neutralized. The authority to imitate a timely warning rests with the President of the University or, in the President's absence, the Vice President and Chief Operation Officer and the Director of Campus Safety and Security. Timely Warning Notices are typically written and distributed by the Media Relation Officer, or designee.

Timely Warnings will be provided in an accurate and timely fashion to inform students and campus community members of the threatening situation and how they can best protect themselves from harm.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Individuals may also sign up to receive notifications through Huston-Tillotson Alerts System. The Alert System is free of charge. This system allows individuals, including employees, students, and parents, to receive campus alerts on their cell phones via text messages. More information can be found at <https://www.getrave.com/login/htu>. Additionally, methods of dissemination can include but are not limited to the following: University webpage alerts, email, digital television, and Campus warning flyers.

### **EMERGENCY NOTIFICATION**

Emergencies can occur at any time without warning. We are all aware of the devastation that a serious fire or

natural disaster can cause. Since September 11, 2001, we must also be prepared to respond to possible outbreaks of terrorism in the United States. The main concern during any of these occurrences is the safety of everyone on campus. Terrorism, fire, natural disasters, and many other lesser emergencies also can result in the loss of assets and cause an interruption in some or all activities on campus.

In the event of an emergency, Huston-Tillotson University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving a direct threat to the health or safety of students, employee and visitors.

If the Director of Campus Safety Department, or designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the HT Community, the Campus Safety Department and Media Relations 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 HT Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Huston-Tillotson University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: the Campus Safety Department, Local PD, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

For most emergency or disaster situations, the following notification procedures will be followed:

- 1.** Fire alarms and flashing lights will be activated to notify occupants of buildings in which an emergency or disaster has occurred, and evacuation is required;
- 2.** During work hours, faculty, staff, and students will be notified by campus e-mail and campus television broadcast of emergency situations or pending emergency situations, such as severe weather or national emergency.
  - a. Supervisors will ensure that all employees in their area have read their e-mail and are aware of the

situation;

b. Faculty will ensure that all students in their classes are aware of the situation;

c. The Dean of Student Affairs is responsible for ensuring students residing in the residence halls are aware of the situation; and

d. Campus television messaging and electronic messaging will be coordinated by the Department of Campus Safety, Public Relations and IT.

**3.** After work hours, faculty, staff, and students will be notified via local television and radio stations and by campus e-mail and website on the status of the University and of any delayed openings or closures, such as in the case of severe weather or national emergency. The notifications will be coordinated by Campus Safety, Public Relations, and Human Resources.

a. Supervisors will develop a plan to contact employees to ensure they are aware of the status of the University; and

b. The Dean of Student Affairs is responsible for ensuring students residing in the residence halls are notified about the status of the University.

In the case of a prolonged emergency or disaster, the Director of Information Technology, in conjunction with the Director of Public Relations and Marketing, will coordinate to announce the status of the University on the website.

Face to face communication may be used to communicate in the event of emergency information.

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through ([www.getrave.com/login/htu](http://www.getrave.com/login/htu)).

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

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 Huston-Tillotson University homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

## **Evacuation Procedures**

Emergencies that call for evacuation of classrooms and buildings will be announced by the emergency fire alarm horns and visual alarm system (in addition to alarms, flashing lights are installed in some facilities). When these alarms sound or are seen, all persons should immediately leave the building. The following guidelines should be observed:

1. Alert people in the immediate area of the fire or explosion and evacuate the room;
2. Confine the fire or explosion by closing doors and windows as you exit a room. Do not lock them;
3. Activate the building fire alarm system by pulling the handle on a local fire alarm box;
4. Evacuate the building using the established Emergency Evacuation Procedure. Once outside, notify emergency responders of the location, nature and size of the fire;
5. In the event of a fire:
  - a. Exit the building as soon as possible;
  - b. Crawl low if there is smoke;
  - c. Use a wet cloth, if possible, to cover your nose and mouth;
  - d. Use the back of your hand to feel the upper, lower, and middle parts of closed doors;
  - e. If the door is not hot, brace yourself against it and open slowly;
  - f. If the door is hot, do not open it. Look for another way out;
  - g. Do not use elevators;
  - h. If you catch fire, do not run. Stop – Drop – and Roll to put out the fire;
  - i. Go to a previously designated meeting place:
    - (1) Agard-Lovinggood Building evacuate to the parking lot on Chalmers Street.
    - (2) Anthony and Louise Viaer-Alumni Hall evacuate to the parking lot on Chalmers Street.
    - (3) Mary E. Branch Gymnasium evacuate to the parking lot on Chalmers Street.

- (4) Jackson-Moody Building evacuate to the athletic field.
- (5) King-Seabrook Chapel evacuate to the athletic field.
- (6) Dickey-Lawless Building evacuate to the athletic field.
- (7) Evans Hall evacuate to the athletic field.
- (8) Downs-Jones Library evacuate to the athletic field.
- (9) Davage-Durden Student Union evacuate to the student parking lots.
- (10) Conner-Washington Building evacuate to the student parking lots.
- (11) Beard-Burrows Residence Hall evacuate to the student parking lots.
- (12) Allen-Frazier Residence Hall evacuate to the student parking lots and grassy area west of Allen-Frazier.

j. Account for faculty, staff, and students; and

k. Never go back into a burning building.

6. Contact fire response by calling Campus Safety at extension 3010 to notify them of the location and size of the fire. Campus Safety will call 911 and notify Facilities Management. Always call from a safe location;

7. If you have been trained and it is safe to do so, you may attempt to extinguish the fire with a portable fire extinguisher. If you have not been trained to use a fire extinguisher you must evacuate the area;

8. In the event of an explosion:

- a. Take shelter against your desk or a sturdy table;
- b. Exit the building as soon as possible;
- c. Do not use elevators; and
- d. Check for fire and other hazards.

9. If you become trapped in debris:

- a. If possible, use a flashlight or whistle to signal your location to rescuers;
- b. Avoid unnecessary movement so that you don't kick up dust;
- c. Cover your nose and mouth with anything you have on hand;
- d. Tap on a pipe or wall so that rescuers can hear where you are and
- e. Shout out only as a last resort. Shouting can cause a person to inhale dangerous amounts of dust.

**Always evacuate** - Treat all alarms as if they warn of real emergencies. If it is found that the alarm is not being heard and/or seen in all buildings, continue with proper and complete evacuation of the building(s) in which the alarm is heard and/or seen.

**Use appropriate exit- Do not use elevators** - Exit the building following the posted routes in the classroom and /or office complex. Alternate exit routes are also indicated on the posted routes should there be a blocked exit.

**Assist the disabled** - All persons should be alert to the presence of disabled persons and provide assistance if needed.

**Check all areas on you floor and/or in your building** - All faculty and staff are expected to help in ensuring that all areas, including the snack bar, restrooms, and lounges, are evacuated. Persons who do not have a class group or laboratory to take care of should be particularly alert to the need to assist in clearing all areas.

**Close (but not lock) windows and doors** - Remember that closed windows and doors can reduce the spread of fire and/or hazardous materials and fumes.

**Turn off laboratory gases, exhaust fans, etc** - Turn off all sources of fuel and oxygen (air) that might feed a fire or spread fumes.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place.”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

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

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, Campus Safety Department, Housing Staff members, other University employees, or other authorities utilizing the University’s emergency communications tools.

## **How to “Shelter-in-Place.”**

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - -An interior room;
  - -Above ground level; and
  - -Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list into the Campus Safety Department, so they know where you are sheltering. If only students are present, one of the students should call on the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Call the Fire Department/Emergency Services and Campus Safety**

The first person(s) to discover the emergency is (are) responsible for calling Campus Safety (512.505.3010) who will contact the local fire department/emergency services. Be calm and carefully give all the needed details of the specific location, type of emergency, your name, etc. The same numbers should be called for emergency medical care service and pertinent information given.

**Make sure Campus Safety and Facilities Management are aware of the alarm** - If you do not see definite indications that Facilities personnel are aware of the alarm, notify Facilities directly (512.505.3016). Telephone, send someone or go yourself to ensure that Campus Safety and Facilities are aware of the alarm. Give them your name and the name of the building where the alarm is occurring.

## Emergency Procedures

HT maintains an Emergency Response Plan (Volume II Policy Manual Section 2.4.5.4.3) that outlines the responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization, and specific responsibilities of particular units or positions.

University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

Emergencies occurring on campus should be reported to (INSERT CONTACT INFORMATION).

For most emergency or disaster situations, the following notification procedures will be followed:

1. Fire alarms and flashing lights will be activated to notify occupants of buildings in which an emergency or disaster has occurred, and evacuation is required;
2. During work hours, faculty, staff, and students will be notified by campus e-mail and campus television broadcast of emergency situations or pending emergency situations, such as severe weather or national emergency.
  - a. Supervisors will ensure that all employees in their area have read their e-mail and are aware of the situation;
  - b. Faculty will ensure that all students in their classes are aware of the situation;
  - c. The Dean of Student Affairs is responsible for ensuring students residing in the residence halls are aware of the situation; and
  - d. Campus television messaging will be coordinated by the Department of Campus Safety, Public Relations, and IT.
3. After work hours, faculty, staff, and students will be notified via local television and radio stations and by campus e-mail on the status of the University and of any delayed openings or closures, such as in the case of severe weather or national emergency. The notifications will be coordinated by Campus Safety, Public Relations and Marketing, and Human Resources.
  - a. Supervisors will develop a plan to contact employees to



ensure they are aware of the status of the University; and

b. The Dean of Student Affairs is responsible for ensuring students residing in the residence halls are notified about the status of the University.

In the case of a prolonged emergency or disaster, the Director of Information Technology, in conjunction with the Director of Public Relations and Marketing, will coordinate to announce the status of the University on the website.

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

In conjunction with other emergency agencies, Huston-Tillotson conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. The campus will publicize a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Emergency communication processes will be tested monthly to include a campus-wide email that contains information and direction to resources regarding emergency communication, response, evacuation, and shelter procedures. Each occupied building will receive annual evacuation drills during the calendar year, with residential facilities receiving two per semester. All evacuation exercise documentation will be retained by the Director of Security for a minimum of seven years and includes the exercise description, date, time, and whether the test was announced or unannounced. Huston-Tillotson also makes training available to key campus personnel on an annual basis. This information for the most recent year is included in the Annual Fire Safety Report.

### **SAFETY PROGRAMS**

Various Huston-Tillotson campus departments and organizations sponsor crime prevention programs throughout each academic year that are based on personal safety and theft prevention. In addition to prevention programs, Campus Security personnel sponsors programming to inform the campus community

about related campus security procedures and practices. Campus Security personnel facilitate these programs for students, parents, faculty, and staff and new employee orientations when requested.

Residential Life staff provides a variety of educational strategies and tips on how to protect themselves from sexual assault, theft, and other crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. When time is of the essence, information is released to the University community through security alerts posted prominently throughout campus through computer memos sent over the University's electronic mail system and through the University's emergency alert system.

## **SEXUAL ASSAULT, DOMESTIC & DATING VIOLENCE AND STALKING**

### **Violence Against Women Act (VAWA)**

On March 7, 2013, President Obama signed into law an amendment to the Violence Against Women Act. This new amendment covers both students and employees of institutions. It amends the Clery Act to include statistics for the crimes of domestic violence, dating violence, and stalking such that these crimes, if they occur, must now be included in the Annual Security Report. This amendment also affords additional rights to victims and provides primary prevention and awareness programs to existing and new students and employee

Huston-Tillotson University is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. The University prohibits and will not tolerate dating violence, domestic violence, stalking, sexual assault, or other forms of sexual misconduct as defined by this policy and federal law.

Toward that end, Huston-Tillotson University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off-campus when it is reported to a University official.

The University will respond promptly and effectively to reports of dating violence, domestic violence, stalking or sexual assault, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence.

Sexual violence is a form of sexual harassment, and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking.

The Huston-Tillotson prohibits retaliation by its officers, employees, students against a person who exercises his or her rights or responsibilities of reporting any violations dating violence, domestic violence, stalking or sexual assault; further, the University prohibits and will not tolerate any attempts by any person(s) or group to prevent the institution from investigating incidents of these actions or to "cover-up" their occurrence.

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

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

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
  - i. Engaging in the course of conduct directed at a specific person that would cause a reasonable person to—
    - A) Fear for the person’s safety or the safety of others; or
    - B) Suffer substantial emotional distress.
  - ii. For the purposes of this definition—

- A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Texas State Definitions**

#### **The Family Code defines**

**"Domestic violence/ Family Violence"** to mean an act, other than a defensive measure to protect oneself, by a member of a family against another member of the family that is intended to result in physical harm, bodily injury, or sexual assault or that is a threat that reasonably places the family member in fear of imminent physical harm, bodily injury, or sexual assault. (Texas Family Code 71.004)

**"Dating Violence"** is defined in Texas as an act, other than a defensive measure to protect oneself, that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim's dating relationship with an individual with whom the actor is or has been in a dating relationship. The act is intended to result in physical harm, bodily injury, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, or sexual assault. A "Dating Relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature which is determined based on consideration of the length, nature, frequency, and type of interaction between the persons involved in the relationship. (Texas Family Code 71.0021)

#### **Texas Penal Code defines:**

**"Sexual Assault"** as an offense if committed by a person that intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; or 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. (Texas Penal Code Sec. 22.011)

“Without Consent” in regards to sexual assault is defined in Texas Penal Code as:

- (1) the actor compels the other person to submit by the use of violence;
- (2) the actor compels the other person to submit by threatening to use violence against the victim or against any other person;
- (3) the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of a mental disease, the other person is at the time of the sexual assault incapable of appraising the nature of the act;
- (5) the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise the victim's conduct by administering any substance without the victim's knowledge. (Texas Penal Code Sec. 22.011)

“Stalking” when a person commits an offense on more than one occasion and pursuant to the same course of conduct directed specifically at another person, knowingly engages in conduct that:

- (1) the actor knows or reasonably believes the victim will regard as threatening bodily injury or death for the other person; bodily injury or death for a member of the other person's family or for an individual with whom the other person has a dating relationship; or that an offense will be committed against the other person's property;
- (2) causes the other person, a member of the other person's family, or 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.

Further, it would cause a reasonable person to fear bodily injury or death for themselves, bodily injury or death for a member of the person's family or for an individual with whom the person has a dating relationship; or that an offense will be committed against the person's property. (Texas Penal Code Sec. 42.072)

## **Consent**

The term “consent” means that it is informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

## **Educational and Prevention Programs**

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

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

Educational programming consists of primary prevention and awareness programs for all incoming students<sup>1</sup> and new employees and ongoing awareness and prevention campaigns for students and that:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Texas;
- D. The institution’s definition of consent AND the purposes for which that definition is used.

- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Huston-Tillotson will take proactive measures to prevent sexual harassment and violence. To accomplish this, Huston-Tillotson will consider the educational programs that address sexual harassment and sexual violence.

## Education

### a. Students



i. The University will provide a primary prevention and awareness program for incoming students, as well as ongoing prevention and awareness campaigns for students, both of which shall include the information in this policy.

b. Faculty and Staff

- i. All employees will be required to complete an online training program, which includes information on this policy. New employees will be required to complete online training during employee orientation. In addition, the University will have ongoing prevention and awareness campaigns, including the information in this policy.
- ii. Annual training will be provided to individuals who conduct investigations and/or disciplinary procedures for faculty, staff, or students related to sexual assault, domestic violence, dating violence or stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

***Primary Prevention and Awareness Programs***

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

- 1. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- 2. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- 3. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- 4. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

5. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
6. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
7. Provide information regarding:
  1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this Annual Safety Report);
  2. how the institution will protect the confidentiality of victims and other necessary parties;
  3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community;
  4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and
  5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

### ***Ongoing Prevention and Awareness Campaigns***

The University provides educational campaigns for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, programs, printed materials, and related lectures.

### **Sexual Violence - Risk Reduction Tips**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
2. Understand and respect personal boundaries.
3. **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically imply consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
9. Ask for permission every step of the way.
10. If you have to read body language, you do not likely have clear consent. Ask for consent. Respect the reply.

Risk reduction tips can often take a tone of “blame the complainant,” even unintentionally. With full acknowledgment both that only those who commit sexual violence are responsible for those actions and that

we have control over our own actions, these suggestions may nevertheless help you to reduce risk in experiencing a non-consensual sexual act:

1. Make any limits known as early as possible.
2. Tell a sexual aggressor "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor.
4. Find someone nearby and ask for help.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence.

An active bystander is someone who makes a conscious decision to make a bad situation better. This can involve simple acts such as asking if a person is okay, getting an authority figure involved, or if it feels safe, personally intervening, especially if the person being harmed is unable to defend themselves or disadvantaged in another way.

An active bystander takes steps that can make a difference.

Some suggestions for being an active bystander include:

- **Speak up!** If something is not quite right, then you are probably not the only one who notices. Say something, and you might be joined by others. **But even if not, your voice is important.**
- **Listen to your gut instinct.** If you think something is wrong, investigate it. Think about what you can do to improve the situation and then determine how to act without compromising your personal safety.
- **Don't be content to pass the buck.** If you think something is suspicious, don't just tell one person and leave it alone. Check back in. See what happened and if anything was done. If the issue was dropped, pick it back up and find someone else to discuss the issue with.

Active bystanders don't just let things drop and hope for the best. They do everything they can to help improve things for others, knowing that someday that might need help too.

### **Campus Sexual Assault Victims' Bill of Rights**

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

- The accuser and accused must have the same opportunity to have others present, including an opportunity to be accompanied at any related meeting or proceeding by an advisor of their choice.
- Both parties shall be simultaneously informed of the outcome of any disciplinary proceeding in writing.
- Survivors shall be informed of their options to notify law enforcement, including on-campus and local police.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations, transportation and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

### **Reporting of Dating Violence, Domestic Violence and/or Stalking**

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action.

Victims of sexual assault, domestic & dating violence and stalking or persons who have information regarding these crimes are strongly encouraged to report the incident to the Campus Safety immediately.

It is the Campus Safety policy to conduct investigations of all sexual assault, domestic & dating violence and stalking complaints with sensitivity, compassion, patience and respect for the victim. Investigations are conducted in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure. Campus Safety will report all acts of sexual violence to the Title IX Coordinator on campus.

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

It is recommended that a person who has experienced domestic violence, dating violence, sexual assault, or stalking consider each of the following:

- 1. Getting to a safe place.
- 2. Avoiding the destruction of evidence by bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of emails, text messages, and voice messages.
- 3. Pursuing medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment and can preserve evidence for possible future action. (University Medical Center, Austin, TX 78701)), evidence may be collected even if you chose not to make a report to law enforcement<sup>2</sup>
- 4. Seek support. Call a friend, family member, or someone else nearby whom you trust, and ask that person to stay with you. You may also contact a campus consultant or outside source of support, as described below.
- 5. If you feel unsafe, lock the door if possible and call Campus Safety at 512-505-3010. Wait for your support person or a Campus Safety officer to arrive.
- 6. If the alleged perpetrator was unknown to you, try to remember any helpful details that may lead to his or her identification, such as scars or other marks, jewelry, dress, language, approximate height and weight in comparison to your own, vehicle description, tag number. Write these down as soon as you can, and include the date and time of writing.
- 7. At this moment, or later, you will need to decide whether to pursue a legal remedy. To support legal remedies, do the following:
  - Do not disturb the area, room, or vehicle where the incident occurred.
  - If you were sexually assaulted, do not bathe, shower, douche, brush your teeth, or eat or drink.
  - Please see below about forensic examinations and the preservation of physical evidence.

To help provide a secure and safe environment, all members of the college community and visitors are requested, encouraged, and expected to report any criminal activity or emergency they observe.

Any College representative who receives a complaint of sexual misconduct is expected to immediately notify the Title IX Coordinator, Student Affairs, or Campus Safety. Any College representative receiving a report of the initial incident should document details and contact the campus police, who are required to maintain records of such incidents for the purpose of reporting campus crime statistics.

Complainants will be informed of their right to notify law enforcement officials, including College and/or local police, and will be assisted in doing so if they so choose. Complainants may also decline to notify such authorities.

### **If you are Victim**

#### **Reporting to Police or Campus Safety**

Anyone who is a victim of any form of sexual assault, domestic & dating violence, and stalking should immediately call the Austin Police Department (911) on campus or by calling Campus Safety at 512-505-3011. Reporting these crimes does not mean that the victim must press charges, take the case to criminal trial and/or a university disciplinary hearing. Even if a victim is undecided about filing criminal charges, calling the police, preserving evidence, and going to the hospital will provide for their emotional and medical needs and preserve the option to file criminal charges at a later time. It is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University Campus Safety Department will assist any victim with notifying law enforcement if the victim so desires. Austin Police Department may also be reached directly by calling 512-974-500 online at [austintexas.gov/departments/police](http://austintexas.gov/departments/police).

Victims may also report in a confidential manner to the University Counseling Services (512-505-3044).

#### **Criminal Charges**

All information and reports of sexual assault are kept strictly confidential. In accordance with the Texas Code of Criminal Procedures Art. 57, victims may use a pseudonym to protect their identity. 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 and domestic & dating violence. The victims of sexual assault, domestic & dating violence, and stalking are not required to file criminal charges or seek judicial actions through the university disciplinary process. However, victims are encouraged to report the assault in order to provide the victim with physical, academic, and emotional assistance.

A. Violation and Complaint Procedures – Typically, the Student Code of Conduct violations and complaints are processed in the following manner:

**1. Reporting an Incident** – Students are strongly encouraged to report any instances of sexual violence to a Residence Life staff member, Campus Safety (512.505.3010), or other University official. Survivors of sexual assault are strongly encouraged to seek medical attention immediately. The choice to seek medical attention is separate from pressing criminal charges and/or pursuing the University's conduct process. Campus Safety and the Residence Life professional on-call are available to assist students in obtaining medical assistance, explore options, and make other arrangements. While the University encourages survivors to pursue all criminal and University conduct processes available, the choice of whether a matter will be pursued is up to the survivor.

**The University Can Assist:**

With the survivor's permission, the University can:

1. Listen and provide on-going support;
2. Provide honest and accurate information to inform the survivor;
4. Assist with securing transportation to and from the hospital;
5. Provide counseling services through the Counseling and Consultation Center (512.05.3046 or 512.505.3044)
6. Contact Safe Place (267.SAFE) for a rape crisis counselor;
7. Work with the Austin Police Department to secure a safe and private location to meet with An officer;
8. Work with APD's Victim Services (512.974.5037) and other agencies to advocate for the Survivor;
9. Provide off-campus referrals;
10. Contact professors to assist with missed classes;
11. Make academic and living accommodations to assist the survivor; and



12. Review the student's options to follow-up via the University's conduct process.

## **The Assault and Evidence Collection**

### **Do I have to report the assault?**

It is up to you to decide what is right for you. Whether you make a report or not, you are eligible to receive the free and confidential services of your local sexual assault program. If you are not sure about reporting the assault, the local program can give you more information about the reporting process to help you make that decision. If you do not want to make a report, you may tell the responding officer at that time and still receive the medical treatment you need and a forensic exam if requested.

### **Why should I report sexual assault?**

After the sexual assault, you may be embarrassed or scared; feeling this way is completely normal. These feelings may prevent you from wanting to report the assault right away. However, there are benefits to reporting the assault as soon as you can, such as being eligible for Crime Victim's Compensation.

### **What happens if I choose to make a report?**

A law enforcement officer will take your statement and ask you questions about what happened. This starts the investigation process. The police will also refer you to a sexual assault program for assistance.

### **If I make a report, will the offender be arrested?**

If a suspect can be identified, the police will submit your statement and a report of the offense to the District or County Attorney, who makes the determination if an arrest warrant will be issued. Once the suspect is arrested, the prosecutor's office will file formal charges as soon as possible. After the arrest, the suspect may be released from jail on bond. If the grand jury indicts the suspect, the case will be set for trial. For more information on the legal system in your area, contact the detective assigned to your case, the prosecutor's office, or your local sexual assault program. If you receive threats of further harm after the sexual assault, you may ask a judge for a protective order for yourself and other members of your family or household. The protective order may be in effect for two years or longer, and violation of the order is a Class.

### **Do I need medical attention?**

It is very important to seek immediate medical care following a sexual assault to get treatment for any injuries you may have. Not all injuries from the sexual assault will be instantly apparent. You can also ask the nurse or

doctor about the possibility of pregnancy or contracting sexually transmitted diseases as a result of the sexual assault, and receive appropriate care.

### Do I need medical attention?

A sexual assault examination is not a medical treatment. A sexual assault exam is performed by medical personnel to collect and preserve evidence following a sexual assault. This is important because certain types of evidence that may be present immediately after the attack will disappear as time passes—getting a sexual assault exam as soon as you can increase the chances of collecting this evidence. Your immediate medical needs and referrals for follow-up care will also be addressed at the time of your visit to the hospital.

### OPTIONS FOLLOWING AN ACT OF SEXUAL MISCONDUCT

A member of the Huston-Tillotson University community, who is the victim of sexual misconduct, has knowledge of another person being the victim of sexual misconduct or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct as defined by this policy, is urged to make a formal report to the police and the appropriate campus administrator.

Whether or not the individual makes a formal report, all victims of sexual misconduct are urged to seek appropriate help, which may include a medical evaluation, and obtain information, support and counseling, either on or off-campus. Victims should use the resources listed in this policy to assist them in accessing the full range of available services.

#### **A. Medical Treatment**

A person who is the victim of sexual misconduct is urged to seek appropriate medical evaluation as promptly as possible.

For life-threatening conditions, call 911.

Individuals may be treated at various medical facilities across the city. Below is the name of a conveniently located hospital.

University Medical Center

Austin, TX 78701

Phone: 512.324.7000

#### **B. Medical-Legal Evidence Collection**

A person who believes he/she is the victim of sexual misconduct (particularly rape, forcible oral copulation or sodomy) is encouraged to request a collection of medical-legal evidence. The collection of evidence entails

interaction with police and a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or civil action.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### C. Obtaining Information, Support, and Counseling

Whether or not one makes a formal report, a person who is the victim of sexual misconduct is encouraged to obtain information, counseling, and support. Counselors at a variety of agencies, both on and off-campus, can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and/or filing a report with authorities. Information, support, and advice are available for anyone who wishes to discuss issues related to sexual misconduct, whether or not an act of sexual misconduct has actually occurred, and whether or not the person seeking information has been assaulted, accused of an act of sexual misconduct or is a third-party.

The degree to which confidentiality can be protected depends upon whether Huston-Tillotson University has a legal duty to respond to the allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed.

Faculty & Staff: Employee Assistance Plan (EAP) 1.800.343.3822

Students: Huston-Tillotson University Counseling and Consultation Center 512.505.3046

Community Resources: Austin Police Department Victim Services 512.974.5000

[www.ci.austin.tx.us/police/victim.htm](http://www.ci.austin.tx.us/police/victim.htm)

SAFEPLACE-Ending Sexual and Domestic Violence

512.267.7233

[www.safeplace.org](http://www.safeplace.org)

National Sexual Violence Resource Center (NSVRC)

877.739.3895 Toll Free

[www.nsvrc.org](http://www.nsvrc.org)

Rape, Abuse & Incest National Network (RAINN) 800.656.HOPE

[www.rainn.org](http://www.rainn.org)

#### **D. Formally Reporting An Act of Sexual Misconduct**

Huston-Tillotson University has policies and procedures in place for confidential reporting by faculty, staff, and students of ethics-related issues such as sexual misconduct. A person who is the victim of sexual misconduct has knowledge of another person being the victim of sexual misconduct or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct is urged to make a formal report to:

The designated campus administrator; and

Local law enforcement authorities.

Huston-Tillotson University Campus Safety 512.505.3010 or 512.505.3011

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, ( Davage-Durden Student Union , 512.505.3037 by calling, writing or coming into the office to report in person and Campus Public Safety (if the victim so desires.)<sup>3</sup> Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

Whether or not a witness or victim elects to report an act of sexual misconduct or the warning signs of sexual misconduct to the police, he or she should make a formal report directly to:

Faculty and Staff: Human Resources Director

900 Chicon St., Austin, TX 78702

PH: 512.505.3015

Students: Dean of Student Affairs  
900 Chicon St., Austin, TX 78702  
PH: 512.505.3036

Another means of confidential reporting that is available to faculty and staff of Huston-Tillotson University is the Campus Conduct Hotline. It is a confidential, independent call-in service that provides a simple, anonymous way for employees to alert the institution's administration of problems that are occurring within the campus community. Employees are encouraged to call the Campus Conduct Hotline if they experience or observe any of the following: Sexual Harassment/Misconduct, Discrimination, Fraud or Crime, Code of Conduct Violations, Workplace Hostility, Unethical Practices, Fraudulent Financial or Business Practices, Safety or Facility Risk Issues, Security, and Internet Policy Abuses, etc. Any complaint along with the University's response is distributed to the Chairman of the Board of Trustees.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off-campus as well as additional remedies to prevent contact between a complainant<sup>4</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Campus Safety Department or local law enforcement. Students and employees should contact the Campus Safety Department or the Title IX Coordinator.

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

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Incident Being Reported	Procedure Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs. delayed report), the institution will provide the complainant with access to medical care</li> <li>2. The institution will assess the immediate safety needs of the complainant</li> <li>3. The institution will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for the local police department</li> <li>4. The institution will provide the complainant with referrals to on and off-campus mental health providers</li> <li>5. The institution will assess the need to implement interim or long-term protective measures, if appropriate.</li> <li>6. The institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. The institution will provide a "No trespass" directive to the accused party if deemed appropriate</li> <li>8. The institution will provide written instructions on how to apply for Protective Order</li> <li>9. The institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution</li> <li>10. The institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. The institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. The institution will assess the immediate safety needs of the complainant</li> <li>2. The institution will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for the local police department</li> <li>3. The institution will provide written instructions on how to apply for Protective Order</li> <li>4. The institution will provide written communication to the complainant on how to preserve evidence</li> <li>5. The institution will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. The institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. The institution will provide a "No trespass" directive to the accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. The institution will assess the immediate safety needs of the complainant</li> </ol>

	<ol style="list-style-type: none"> <li>2. The institution will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for the local police department</li> <li>3. The institution will provide written instructions on how to apply for Protective Order</li> <li>4. The institution will provide written communication to the complainant on how to preserve evidence</li> <li>5. The institution will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. The institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. The institution will provide a "No trespass" directive to the accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. The institution will assess the immediate safety needs of the complainant</li> <li>2. The institution would assist the complainant with contacting local police if the complainant requests AND the complainant provided with contact information for the local police department</li> <li>3. The institution will provide written instructions on how to apply for Protective Order</li> <li>4. The institution will provide written notification to the complainant on how to preserve evidence</li> <li>5. The institution will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. The institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. The institution will provide a "No trespass" directive to the accused party if deemed appropriate</li> </ol>

### **Assistance for Victims: Rights & Options**

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

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;

- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

### ***Accommodations and Protective Measures Available for Victims***

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Huston-Tillotson will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures, or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should Can If the victim wishes to receive assistance in requesting these accommodations, she or he should contact Campus Security Department or the University's Title IX Coordinator or the Dean of Student Affairs either in person or by e-mail. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Campus Security Department or the University's Title IX Coordinator or the Dean of Student Affairs.



## Adjudication of Violations

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy, and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for a good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to to (AN ADVISOR MAY ONLY CONSULT AND ADVISE HIS OR HER ADVISEE, BUT NOT SPEAK FOR THE ADVISEE AT ANY MEETING OR HEARING.);
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

### **Preliminary Investigation and Report –**

The Office of the Dean of Student Affairs will notify the student in writing that he/she must make an appointment for a preliminary meeting within five days of the date of the written notice. Failure to schedule or attend this preliminary meeting will automatically result in the issuance of formal charges, as described below.

The Conduct Officer will hold a preliminary meeting with the accused student to review the report as well as ascertain the accused student's perspective of the incident. The Conduct Officer will refer the student to the Code of Conduct. Copies of the Code is available on-line at the HT website and in the office of the Dean of Student Affairs. A copy may be provided upon request. In this meeting, the accused student will be asked to decide whether or not he/she wishes to accept responsibility for having violated the Code.

If a student accepts responsibility for having violated the Code and thereby waives the option of the hearing, the student shall have the following options as to how sanctions will be determined:

1. The student may have the Conduct Officer decide the appropriate sanction(s). The sanction(s) awarded shall be stated in writing and placed in the student's file; or
2. The student may choose to meet with another Conduct Officer to have that person recommend appropriate sanction(s).

This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file. If a student does not accept responsibility for having violated the Code, the Conduct Officer will conduct an investigation to determine if the matter will proceed to formal charges or if it can be disposed of administratively by agreement of the parties involved on a basis acceptable to the Conduct Officer. The Conduct Officer shall issue an investigative report and findings at the conclusion of his/her investigation. The Conduct Officer will render the findings to the accuser and the complainant simultaneously. The report shall include whether the matter should proceed to formal charges.

### **Formal Notice of Charges:**

If the matter is not resolved, the Conduct Officer will then meet with the accused student and present the student with a letter stating the formal charges. A copy of the documents relevant to the case will be given to the accused student and the complainant at least seven days in advance of the hearing. These formal charges will be referred for a hearing, and a copy of

documents relevant to the case will be forwarded to the appropriate hearing body.

The student shall have the following options for a hearing:

1. The student may choose a hearing with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s) if any; or
2. The student may choose a hearing with the University Conduct Council serving as the hearing panel and to determine the appropriate sanction(s), if any.
3. The complainant and the accuser have the right to be assisted by an advisor, including an advisor they choose at their own expense.
4. The complainant and the accuser have the right to access and review any information that will be used in the hearing.
5. The complainant and the accuser will be advised of the date, time, and location of a hearing, when scheduled. Both may attend and participate.

This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file. If an accused student fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the University Conduct Council.

Interviews may be conducted, evidence collected, unauthorized items confiscated and photos were taken for review by Public Safety. Violations of law may result in immediate police intervention.

### **Incident and Complaint Review –**

All reports and complaints are reviewed by Campus Safety, the Dean of Students, and/or the Dean of Students designee (i.e. Residence Life staff) in a timely fashion. A final report may be delayed pending a further investigation by Campus Safety administrators, including but not limited to additional interviews and closed-circuit TV footage review.

### **Hearing Decisions – Conduct Officer and University Conduct Council –**

The Conduct Officer shall deliberate and decide whether the accused student/organization has violated the Code. These hearing bodies determine whether a violation occurred based on whether there is a preponderance of the evidence. The hearing body may decide that the student/organization is in violation of a less serious offense than that originally charged. A determination that a student has violated the Code requires a simple majority vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of any previous disciplinary proceedings in which the student/organization was found in violation. On the basis of the hearing and the student's/organization's previous record, a decision will be made regarding sanctions by a simple majority vote. In case of a tie, the Chair shall cast the deciding vote.

Whether the Conduct Officer acts as the hearing official, a written decision will be issued in a reasonable time after the date of the hearing. This decision shall include:

1. a statement of charges;
2. a summary of facts in the case;
3. the decision;
4. a brief statement of the hearing body's reasoning and if a violation is found; and
5. sanction(s). This decision is confidential and should only be provided to the Dean of Student Affairs.

All decisions of the University Conduct Officer shall be reviewed for completeness by the Dean of Student Affairs. If the Dean of Student Affairs was the investigating Conduct Officer for a case, the Council's decision would be reviewed for completeness by the Provost and Vice President for Academic and Student Affairs. The respective Dean of the College or School in which the student was enrolled will be advised of any decision resulting in a sanction of suspension or expulsion.

The accused shall receive written notice of the outcome of the hearing as described above and will also receive information on the option of an appeal. To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing.

Whether or not criminal charges are filed, the university<sup>5</sup> or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

***Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking***

**Procedures for Reports of Alleged Dating Violence, Domestic Violence, Sexual Assault, and Stalking Against a Student**

**1. How to File a Disciplinary Complaint Under this policy**

A student who feels they have been the victim of sexual misconduct should contact the Title IX Coordinator. Students may also provide notice to the Campus Safety Department or the Office of Student Affairs. Any notice of possible sexual misconduct to these offices and any other Responsible Employee or Campus Security Authority (all faculty and most staff) will trigger a notice to the Title IX Coordinator. The student can find the Student Sexual Misconduct Policy and Regulation and the Sexual Misconduct Reporting Form in the Student Handbook Policies and Procedures (7.2.28 Sexual Misconduct).

**2. How the University Determines Whether This Policy will be Used**

Once the Office of Title IX and Clery Compliance has received notice of possible sexual misconduct, the office will begin an initial investigation to determine if the Student Sexual Misconduct Policy is applicable to the alleged misconduct and, if so, will begin a more thorough investigation. If the alleged misconduct does not fall within the jurisdiction of the Student Sexual Misconduct Policy, the issue will be sent to the Director of Student Affairs as a possible violation of the Student Code of Conduct.

**3. Steps in the Investigatory and Disciplinary Process**

Upon receipt of notice of any allegation of sexual misconduct, the Title IX Coordinator will send a letter via email (or other means) to the Reporting Party verifying receipt of the complaint and informing the student of various support services and the investigatory process. The Reporting Party will be invited to meet with the Title IX coordinator so they can be informed of the investigatory and adjudicatory process and their options under this policy. This meeting may also involve a discussion of any interim measures and accommodations that may be appropriate concerning academic, university housing, and/or university employment arrangements. The Title IX coordinator will gather

initial information and determine whether the information, if true, would constitute a violation of this policy.

At the conclusion of the intake process, the Title IX Coordinator will determine whether there is sufficient information to continue an investigation, and then convey his/her recommendation to the director of student conduct and the office of the general counsel. The Title IX coordinator and director of student conduct, in consultation with the office of the general counsel, will jointly decide whether to continue to a formal Title IX investigation. If the decision is made to proceed with a formal investigation, the Title IX Coordinator will prepare a formal complaint, which will include the name of the Responding Party, the date, location, and nature of the alleged misconduct, and a list of any potential witnesses that may need to be interviewed.

The Title IX Coordinator will provide written notification to the Reporting Party and the Responding Party(ies) via email (or other means) and invite the Responding Party to meet to discuss the complaint. Both the Reporting Party and Responding Party may provide, but is not required, a thorough written narrative of the incident to aid in the investigation. These statements may be used in the adjudication process. If the Reporting Party does not wish to participate in the formal investigation, actions will be taken as outlined in the “Confidentiality and Privacy” section of the Student Handbook. The university may issue an administrative order of mutual no contact or take other reasonably necessary interim measures and/or accommodations as described in the “Accommodation Options” section of the Student’s Handbook in order to provide a safe and nondiscriminatory environment for all parties. The university may also elect to proceed with a formal investigation in the absence of participation from the Reporting Party. At any time, especially in regards to a sexual violence offense, the Reporting Party may file a criminal complaint with campus law enforcement and/or local police, which may result in a criminal investigation.

Victims of sexual misconduct have the right to file or not file a criminal complaint.

The investigation and adjudication will be completed within sixty (60) calendar days from receipt of a complaint (or notice of an alleged sexual misconduct offense). An investigation typically takes 21 to 45 business days to complete. Generally, within 14 business days after completion of an investigation a hearing, if applicable, is scheduled. During this time, the investigator may seek to clarify information and meet with the Reporting Party, Responding Party(ies), witnesses, and/or others. Circumstances may require the university to extend this overall time-frame or any individual time frame discussed in this regulation. Examples of reasons why time-frames may need to be extended include the complexity of the case, delays due to fall/spring/summer/holiday breaks, inclement weather, and other extenuating circumstances. Exceptions to these time-frames will be

communicated to both the Reporting Party and the Responding Party in writing.

At the conclusion of the interviews, the Title IX coordinator will complete both a draft and final Investigation Report, which will include but not be limited to, summaries of all interviews and any relevant evidence (photographs, electronic, and forensic evidence, etc.). The draft investigation report will be distributed to the Director of Student Affairs (and director of human resources, as necessary).

At the conclusion of the investigation, the Title IX coordinator will provide the Reporting Party and Responding Party, respectively and individually, an opportunity to review the draft Investigation Report, which will not include the investigative finding(s), and, for privacy concerns, may be presented in a redacted format to preserve personally identifiable information, as necessary. The parties will not receive an electronic or written copy, nor may they photograph or copy the draft Investigation Report, but they will be permitted to take notes on its content. A Reporting Party and Responding Party may submit additional comments or information to the investigator within five (5) business days of the date of the notice of the opportunity to review the draft Investigation report. This is the final opportunity for the parties to identify any additional relevant information and/or witnesses. Any relevant information and/or witnesses provided by the Reporting Party and/or Responding Party in response to their review of the draft Investigation Report, to include any additional information from further witness interviews, will be included in the final Investigation Report. After reviewing the final Investigation Report, the Title IX Coordinator, Director of Student Affairs, will determine if there is cause under the Student Code of Conduct to schedule a hearing. Should a determination be made not to proceed with the disciplinary process, the interviewer will meet with the Reporting Party to discuss the decision. If a hearing is granted, a written notice will be provided to the Reporting Party and the Responding Party by the Director of Student Affairs. The Reporting Party will be offered the choice of having the matter heard by either the Campus Hearing Board or an Administrative Hearing conducted by the Director of Student Affairs. Both parties will receive a copy of the final Investigation Report (possibly redacted). If a hearing is conducted, the Title IX coordinator can attend the hearing, if requested, to provide testimony regarding the investigation and the Final Investigation Report.

### **Student Conduct Adjudication System and Code of Conduct**

During the student conduct adjudication system, the parties involved in a sexual misconduct case are identified as either “Complainant” or “Respondent.” The university student conduct adjudication system provides a just and equitable process for dealing with alleged violations by students of university rules, regulations, or laws. The system is informal and is intended to educate students, to

help them make responsible decisions, and to be accountable for their actions.

The respondent(s) and the complainant(s) may have an attorney/non-attorney advocate present with them throughout the hearing process and may present witnesses on their behalf and do so to the same extent as the student. The sanction for a student found responsible for a sexual misconduct offense will, at a minimum, be conduct probation, with the maximum penalty being suspension, dismissal, or expulsion from the institution. In severe cases involving forced rape and/or physical injury involving a weapon, the penalty is expulsion. The severity of the offense and the potential for subsequent harm to the complainant/survivor or the community at large weigh heavily in the determination of what sanctions are imposed in such cases. The complainant's identity and all information concerning the offense are held in strict confidence by hearing authorities under the guidelines of FERPA (The Family Educational Rights and Privacy Act). However, the university cannot guarantee confidentiality. Both the Complainant and the respondent shall be informed in writing of the outcome of any campus judicial proceeding or grievance procedure in which sexual misconduct is alleged.

### **Conduct Hearing**

The Conduct Hearing Board and administrative hearings will follow the procedures outlined in the Student Handbook. The following additional procedures and rights will be afforded students for cases involving charges of sexual misconduct:

The respondent will have a pre-hearing interview with the Director of Student Conduct or designee, and the complainant will be offered the opportunity to have a pre-hearing meeting with the director of student conduct or designee. Both the complainant and the respondent will have the opportunity to review all evidence submitted for consideration by the Conduct Hearing Board. If the complainant has requested to have his/her identity remain confidential and the university has decided to proceed with the complaint, any documents provided to the respondent will not have any identifying information to the extent possible and consistent with providing the respondent with sufficient information to respond. Complainants who wish to have their identity remain confidential will be notified that the university may have a limited ability to respond to the alleged charges. After an appropriate review of the case, the university will inform the student whether it is possible to ensure confidentiality.

During a Conduct Hearing Board hearing, both the complainant and the respondent will be permitted



to question the testimony of the other party and all witnesses. All questions will be posted to the chair of the Conduct Hearing Board, and if the question is deemed relevant and proper, the chair will echo the question to be answered. Both the complainant and the respondent will be simultaneously notified in writing of the outcome of the hearing and any subsequent appeal hearings. Both the complainant and the respondent will have the right to appeal cases involving sexual misconduct. The complainant and respondent will follow the established policy for appeals of a Conduct Hearing Board or administrative hearing case. In addition, the grounds for appeal in cases involving sexual misconduct are as follows:

The complainant and/or respondent may appeal a decision by the Conduct Hearing Board) using the grounds for appeal listed above. Following any appeal by the complainant and/or respondent may appeal to the President or his/her designee using the grounds listed above. Except for sanctions of suspension or expulsion, the decision of the President or his/her designee will be final and no additional appeals may be filed.

Prior to, during, or following the Conduct Hearing Board hearing or administrative hearing, interim measures may be initiated by the university to minimize the impact on the complainant. These interim measures or accommodations may include but are not limited to a no-contact order, housing relocation, reassignment of academic schedule, and interim suspension. When an interim suspension is imposed, a hearing of the charges against the suspended person(s) shall be held as expeditiously as possible.

The university prohibits any form of retaliation by any party to a Title IX investigation and/or adjudication process. Should any party feel they are being retaliated against by a university student or employee, they should immediately inform the Title IX Coordinator or the Director of Student Conduct.

#### **4. Anticipated Timelines**

The investigation shall proceed as expeditiously as possible, to be completed in 120 days. An investigation may be extended or delayed as necessary for a good cause and to ensure the integrity and completeness of the investigation. Reasons for the delay may include concurrent law enforcement activity; to accommodate the availability of witnesses; to account for University breaks, official holidays and closures, illness, or scheduled absences of University personnel involved in the process; to account for case complexities, including the number of witnesses and volume of information

provided by the parties; to accommodate disabilities; the need for language assistance; or other legitimate reasons. The investigator will notify the Complainant and Respondent regularly about the status of the investigation. In cases where the time frame will be extended, the investigator will provide written notice of the delay to both the complainant and respondent, and such notice will explain the reason for the delay.

## **5. Decision-Making Process**

The Conduct Hearing Board will consider all evidence presented and will determine the evidentiary value of all evidence for decision making consideration. All parties and witnesses will be afforded the opportunity and time to be heard; the parties will be allowed to ask questions, although questions for the other party will be provided to the Conduct Hearing Board for determination of relevancy and execution; all documents, photos, text messages, etc., deemed relevant by the Conduct Hearing Board will be considered. The decision of the Conduct Hearing Board must be via the majority vote with the Chair abstaining unless there is a tie.

## **6. Standard of Evidence**

The Conduct Hearing Board will adhere to a Preponderance of the Evidence standard.

## **7. Possible Sanctions**

- o The aim of all discipline is two-fold: first, to develop self-control in the individual, and second, to protect the welfare of the campus community. The emphasis is on rehabilitation and re-education.
- o **Official Warning.** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- o **Restitution.** Appropriate reimbursement for a wrongful act, which resulted in loss, damage, or actual expenses incurred by the university.
- o **Educational Assignments.** This sanction requires that the student complete an assigned task with the purpose of educating the student about the implications, effects, or dangers of their behavior. These assignments can include but are not limited to, work assignments, mandatory mentoring, restorative justice mediations, or other related discretionary assignments as provided by the hearing officer or hearing board.

- o **Area Restrictions.** Exclusion of a student for a designated time period from a facility, such as a gym, the University Center, the residence halls, or other areas on campus.
- o **Loss of Privileges.** Denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of position in a club(s) or student organization(s), suspension from the athletic team or performing group, a prohibition from participation in co-curricular activities, or loss of privilege to park or drive on campus.
- o **Exclusion from On-Campus Residency.** Defined as removing the student's privilege to apply for and/or live in a residential facility for a specified period of time. This sanction should be imposed if the offense(s) for which the student was found responsible merits the student's exclusion from on-campus residency. This decision would be based on evidence that the student's continued presence would interfere with the living/learning atmosphere within the residential community.
- o **Residence Facility Relocation.** Removal of a student from his/her present room or from that residence facility and assigning that student to another room or another residence facility. This would include considerations relative to housing options.
- o **Eviction from an On-Campus Residential Facility.** Removal of a resident from an on-campus residence for a specified period of time. Students who are evicted from an on-campus residential facility are prohibited from returning to or visiting in any on-campus residential facility. Students evicted will not be eligible for a refund of unused room or board.
- o **No Contact Directive.** A no-contact directive may be assigned in order to facilitate any university inquiry into an incident and/or be assigned as a sanction. Generally, no-contact is defined as having no direct or indirect contact between two or more students at any time. This includes, but is not limited to, communication that is considered written, electronic, verbal, or physical. Written and electronic communication is understood to include all electronic means of communication, including but not limited to e-mail, instant messaging, social networking sites, text messaging, etc. Verbal communication is understood to include phone calls, voicemails, etc. A no-contact directive may include additional restrictions and terms.
- o **Conduct Probation.** The student continues in attendance; however, (s)he is in danger of suspension for any breach of good conduct during the period of conduct probation. Further (s), he may not hold

any general elective office while on conduct probation. A copy of the probation letter is placed in his/her file in the office of Student Affairs.

- o **Community Work/Service.** Community work/service assigned to a student shall commence within one week and shall be completed within 40 days of the penalty. The maximum number of voluntary work hours that may be assigned is 75. The community work/service must be supervised by a UNCP employee and it may be case or offense related.
- o **Suspension.** The student is excluded from the university, both academically and socially, for a stated period. The student may request to be readmitted at the end of this period of suspension; however, readmission is never automatic. A copy of the suspension letter is placed in his/her file in the Student Affairs Office.

#### ***8. University-Initiated Protective Measures***

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented and if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.<sup>6</sup> Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Huston-Tillotson University.

#### **Sanctions**

Sanctions are based upon the circumstances of the incident, the seriousness of the matter, and the conduct history of the student or organization. Sanctions may include suspension or expulsion, depending on the gravity of the violation. Sanctions are expected to be comparable to similar violations.

Possible sanctions may include but are not limited to, expulsion, suspension, removal from campus, cancellation of a contract and/or termination. Other members of Huston-Tillotson University's community who are not subject to an explicit judicial procedure, upon a finding of a violation, shall be subject to adverse actions such as removal from campus, cancellation of appointment/contract or any other means necessary to address the behavior.

The following sanctions, singularly or in combination, may be imposed upon any student or the organization found to have violated the Code:

1. Warning: A notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action;

2. Probation: A written reprimand for violation of specified regulations. Probation may be either University probation and/or residence hall probation. For student organizations, probation may include social probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period.

University probation signifies if there are additional violations, a student may place his/her status at the university in jeopardy. Residence hall probation signifies if there are additional violations, a student may place his/her housing status in jeopardy. Such decisions may have a severe financial impact;

3. Loss of Privileges: Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the University in any way, use of campus facilities, denial of University recognition, or denial of parking privileges;

4. Restitution: Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement;

5. Educational Sanctions: Work assignments or service to the University or community;

6. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified. This Code provides that the Dean of Student Affairs may impose temporary, permanent, or

immediate suspension at a time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of him/herself, other persons or property;

7. Suspension: Separation of the student or organization from the University for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified;

8. Expulsion: Permanent separation of the student or organization from the University; and

9. Other: Other sanctions as deemed appropriate by a hearing body or Judicial Officer.

Sanctions are based upon the circumstances of the incident, the seriousness of the matter, and conduct history of the student/organization. Conduct sanctions (6) Residence Hall Suspension, (7) Suspension, and (8) Expulsion shall be entered permanently on a student's record. Sanction (2) University. Probation shall be entered on a student's record for the term of the probation.

### **Confidentiality**

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and, as previously mentioned in this document.

Victims may request that directory information on file with the College be withheld by request to the Registrar Office.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

## **Protective Measures**

Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or by the Institution.

Huston-Tillotson University will comply with Texas law in recognizing orders of protection. Any person who obtains an order of protection from the State of Texas or any reciprocal state should provide a copy to Campus Security and the Office of the Title IX Coordinator. A complainant may then meet with Campus Security to develop a Safety Action Plan, which is a plan for campus security officers and the victim to reduce the risk of harm while on campus or to come and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home, etc.) The College cannot apply for a legal order of protection, no-contact order, or restraining order for a victim from the applicable jurisdiction(s).

Type of Order:	Who Can File For One:	Court:	Based On:
<b>Domestic Violence Civil Protection Order – up to 5 years, can be renewed**</b>	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> </ul>	Domestic Relations Court – where the victim lives, where the abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident

	<ul style="list-style-type: none"> <li>• Same-sex couples are eligible</li> </ul>		must be)
<b>Stalking Protection Order - up to 5 years, can be renewed**</b>	Any person who is a victim of stalking. No relationship with a stalker is required.	Common Pleas Court - where the victim lives (if family or household member can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
<b>Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**</b>	Any person who was a victim of a sexually oriented offense  No relationship with the offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact
<b>Juvenile Protection Order – until abuser reaches age 19</b>	Victim of abuse by a person who is under age 18, or the victim’s parent or other house hold member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

The University may issue an institutional no-contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student,



employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking, which may include some or all of the following actions: reasonable academic accommodations, on-campus housing reassignment, a "no contact" order between the accused and the victim, transportation and working conditions, if reasonably available. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, The University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations). At the victim's request, and to the extent of the victim's cooperation and consent, college offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact campus security or the college Title IX coordinator either in person or by email. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact Campus Security, the Title IX Coordinator, faculty, staff, or the Dean of Student.

## **Protective Orders**

### **What is a Protective Order?**

A protective order is a civil court order issued to prevent continuing acts of family violence.

Family violence is basically defined as any act by one member of a family or household intended to physically harm another member, a serious threat of physical harm, or the abuse of a child.

Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not).

### **How Can a Protective Order Help?**

A protective order may prohibit the offender from:

- committing further acts of family violence
- harassing or threatening the victim, either directly or indirectly by communicating the threat through another person
- going to or near a school or day-care center that a child protected under the order attends

In some situations, a protective order may also include orders to: prohibit transfer or disposal of property, establish possession and visitation of a child, pay child or spousal support for a period not to exceed one year, attend mandatory counseling, and vacate the residence or other specified property, if certain conditions are met.

These additional provisions are not criminally enforceable. A person who violates them is not immediately arrested, but may be taken to civil court, found in contempt, fined, and jailed.

### **Who is Eligible for a Protective Order?**

If the court finds that family violence has occurred and is likely to occur again, a court shall render a protective order. To obtain a protective order, the victim and the offender must be (1) related by blood or marriage, (2) living together, or previously lived together, or (3) have a child together.

A person who has a divorce pending is eligible for a protective order. The protective order must be filed in the court in which the divorce is pending.

### **How Can I Get a Protective Order?**

You can apply for a protective order through the district or county attorney, a private attorney, or through a legal aid service program. The application must be filed in the county in which you or the offender lives. There are no minimum time limits to establish residency, and protective orders are available in every county in Texas.

### **Who May File for a Protective Order?**

1. An adult member of the family or household; or
2. any adult for the protection of a child; or
3. a prosecuting attorney; or
4. the Department of Human and Regulatory Services.

The person who is the alleged victim of family violence is considered to be the "applicant."

### **What Information Do I Need to Provide?**

When you apply for a protective order, you must supply the following information:

1. The name of each applicant (victim) and the county where each applicant (victim) resides;
2. the name, address, and county of residence of each individual who has committed family violence;
3. the relationship between the victim(s) and the offender;
4. a request for one or more protective orders.

The victim should file for the order as soon after the incident has occurred as possible. Additionally, if other incidents of family violence have occurred, the victim needs to provide this information to the attorney who files the protective order application.

### **What Does it Cost?**

The applicant (victim) or an attorney representing the applicant may not be assessed a fee, cost, charge, or expense by a district or county clerk or by a sheriff, constable or other public official or employee in connection with the filing, serving, entering or for any other service including any fees for dis , modifying, or withdrawing a protective order, certifying copies, comparing copies to originals, court reporter fees, judicial fund fees, transferring a protective order or for any other service related to a protective order.

The court shall require the offender to pay the fees incurred in connection with the protective order unless the offender shows good cause or is indigent.

### **How Long Does it Take to Receive and How Long Does it Remain in Effect?**

Unless a later date is requested by the applicant, the court shall set a hearing date no later than 14 days after the application is filed. If, however, the court finds from the information contained in the application that there

is a clear and present danger of family violence, the court may immediately issue a temporary *ex parte* order. The temporary order is valid for up to 20 days. Final protective orders are effective for up to one year.

### **What Happens if the Protective Order is Violated?**

**Call the police immediately!!** Remember, protective orders do not offer complete protection. No piece of paper can protect you from all instances of violence.

Law enforcement agencies are notified of all protective orders issued in their area, and they are required to maintain a list of those orders. If an offender violates the order and law enforcement is notified, officials will act to arrest the offender and seek to have charges filed. If a person violates the protective order in the presence of law enforcement, the offender must be arrested immediately. In cases involving the violation of a protective order, including an *ex parte* order, the offender may be punished for contempt of court by a fine of as much as \$500 or up to six months in jail or both. In cases of violation, excluding *ex parte* orders, the offender may be punished by a fine of as much as \$4,000 or jail for up to one year or both.

### **What Other Options are Available?**

A Magistrate's Order for Emergency Protection may be issued at the time of a defendant's appearance before a magistrate after arrest for an offense involving family violence or a sexual assault. The order for emergency protection may be issued on the magistrate's own motion or on the request of:

1. the victim;
2. guardian of the victim;
3. a peace officer; or
4. the attorney representing the State.

A Magistrate's Order for Emergency Protection may prohibit the arrested offender from committing any further acts of family violence, communicating with a member of the family or household or the person named in the order, or making any threats or going near the place of employment, household or business of a member of the household or of the person named. The offender may also be restricted from going near a school or daycare facility. The victim does not have to be present in court when the order is issued.

A violation of this order may be punishable by a fine of as much as \$4,000 or by confinement in jail for up to one year or both.

Remember, if someone has physically assaulted or threatened you, contact your local police department or sheriff's office to press charges against that person. Even if you are ineligible for a protective order, you may be able to have the person arrested for assault, criminal trespass, or stalking.

## Helpful Resources

### *On and Off-Campus Services for Victims*

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, (INSTITUTION NAME) will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<b>ON CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	Assist students to deal with their personal and academic concerns to facilitate their success in school and in life.	HTU	512.505.3046 or send an e-mail to <a href="mailto:counseling@htu.edu">counseling@htu.edu</a> .
Health	Internal medicine, women's health, mental health, as well as nutritional counseling.	The Sandra Joy Anderson Community Health and Wellness Center	512.978.8400.
Mental Health	Internal medicine, women's health, mental health, as well as nutritional counseling.	The Sandra Joy Anderson Community Health and Wellness Center	512.978.8400.
Victim Advocacy	None		
Legal Assistance	None		
Visa and Immigration Assistance			Dean of Enrollment Management/
Student Financial Aid			Financial Aid Coordinator
Other	None		

<b>OFF-CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling		Safe Alliance	512.267.7233

Health		Safe Alliance	512.267.7233
Mental Health		Safe Alliance	512.267.7233
Victim Advocacy		Safe Alliance	512.267.7233
Legal Assistance		Safe Alliance	512.267.7233
Visa and Immigration Assistance			
Student Financial Aid			
Other			

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### **Travis County Attorney's Office,**

Website: [www.co.travis.tx.us/county\\_attorney/victim\\_witness/obtaining\\_po.asp](http://www.co.travis.tx.us/county_attorney/victim_witness/obtaining_po.asp)

Phone: (512) 854-9415

Help to get a protective order.

### **Safeplace,**

Website: [www.safeplace.org](http://www.safeplace.org)

24-Hour Hotline: 512-267-SAFE or 927-9616 TTY

Emergency shelter, counseling and other support for survivors of domestic violence or sexual assault.

### **Texas Advocacy Project**

Website: [www.texasadvocacyproject.org](http://www.texasadvocacyproject.org),

Hotlines: Family Violence Legal Line 1-800-374-HOPE

Sexual Assault Legal Hotline 1-888-296-SAFE

Family Law Hotline 1-800-777-FAIR

## **Texas Rio Grande Legal Aid**

Website: [www.trla.org/office/austin](http://www.trla.org/office/austin)

Phone: 512-374-2700 or 1-800-369-9270

Legal representation for low-income people in family law and other civil cases.

Austin Office serves Travis, Williamson, Bastrop, Burnet, Caldwell, Hays, Llano, and Mason Counties.

## **Lawyer Referral Service of Central Texas,**

Website: [www.austnlrs.com](http://www.austnlrs.com)

Phone: 512-472-8303

Callers referred to private attorneys. They have a reduced fee program for low-income callers.

**TexasLawHelp.org** - Free legal forms and information.

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

The Drug and Alcohol Abuse Prevention Program (DAAPP) addresses the unlawful possession, use, or distribution of alcohol and illicit drugs. The policy is in support of 16 The Drug-Free Schools and Communities Act (DFSCA) of 1989 – also known as the Drug-Free Schools and Campuses Act. Students, faculty, and staff may request information about the Drug-Free Schools and Campuses Act, the Biennial Reviews by contacting the Dean of Student Affairs at 512.505.3035.

In compliance with the Drug-Free Schools and Communities Act, Huston-Tillotson University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for HT students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at <https://htu.edu/wp-content/uploads/2015/02/Final-Signed-Biennial-Report-2132015.pdf>

## **Alcohol Policy**

Huston-Tillotson University is committed to maintaining a safe and healthful environment for members of the University community by promoting a drug-free environment as well as one free of the abuse of alcohol. In accordance with the Drug-Free Workplace Act, Tobacco-Free Campus, and the Drug-Free Schools and Communities Act, Huston-Tillotson University strictly prohibits the unlawful manufacture, sale, distribution,

dispensation, possession or use of controlled substances, tobacco or alcohol on University property or as a part of any University activity. Certain University-sponsored events (e.g., Masked Ball Gala, receptions) may permit service and/or consumption of alcoholic beverages by persons who have reached the age of (21) twenty-one or older as complementary to that event. Under no circumstances should a University-sponsored event or event taking place on University property have the consumption of alcohol as its primary focus. All faculty, staff, and students must comply with this policy as a condition of their employment or enrollment. Faculty and staff members are prohibited from reporting to work under the influence of alcohol, chemicals, or drugs, including legally obtained prescription drugs, which impair one's ability to perform normal work activities.

The University provides information for students and employees regarding illicit drug and alcohol abuse, including standards of conduct, health risks, state and federal penalties.

### **Illegal**

The possession, use, manufacture, sale, or distribution of illegal drugs or other controlled substances by students, faculty, or staff at Huston-Tillotson University is prohibited.

Huston-Tillotson University is committed to taking all actions consistent with individuals found in violation of Texas and/or federal laws pertaining to such substances. Huston-Tillotson University addresses this issue with a program of enforcement, education, prevention, counseling, and referral.

The Campus Safety Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

### **Sanctions and Penalties**

Any employee engaged in such prohibited conduct, or convicted of a crime involving a workplace drug or alcohol violation, will be subject to discipline, up to and including discharge. The University will weigh all relevant facts and circumstances in reaching a decision to discipline. Without regard to, and independent of its decision to impose discipline, the University retains the right to require that an employee who engages in prohibited conduct participate in, and successfully complete, a substance abuse assistance or rehabilitation program. In addition, University employees must report in writing to the Office of Human Resources within five (5) calendar days of any drug or alcohol-related arrest or conviction occurring in the workplace, in the conduct of University business, or in the employee's non-work related activities. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of State or Federal criminal drug statutes. Nothing



contained in this policy statement concerning employees will be construed to limit or in any way restrict the University's treatment of drug and alcohol-related incidents involving any of its employees or students.

### **Penalties Under Texas Law ( HT Student Handbook)**

Manufacture of 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 ("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 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.

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 nor less than ten years and a fine not to exceed \$100,000.

Possession of Marijuana. The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is confinement in 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. 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.

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 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 a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year or both.

The penalties described above are based on applicable Texas statutes and are subject to change at any time by the Legislature and the Governor. Please refer to the applicable State statute for

### **Sex Offender Registration Policy**

The Campus Sex Crimes Prevention Act is a Federal law enacted in October 2002 that provides for the tracking of convicted, registered sex offenders who are either enrolled as students or working at institutions of higher education. The Act amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Under the provisions of this Act, any person who is required to register under a state sex offender registration program must notify the State when the registrant enrolls at an institution of higher education or is employed at such an institution. Additionally, the sex offender registrant must notify the State of any change in enrollment or employment at an institution of higher learning. The State will provide a list of registered sex offenders who have indicated they are either enrolled or employed at the University to Campus Safety.

In accordance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (as amended by the Campus Sex Crimes Prevention Act), the University shall publish a statement in each Annual Campus Safety and Security/Crime Statistic Report where the list of registered sex offenders can be found.

The University encourages members of the campus community who wish to be informed of the identities of registered sex offenders residing in the surrounding area to contact the Texas Department of Public Safety at

<http://www.txdps.state.tx.us>; 512.424.2000; 5805 North Lamar Blvd. Austin, Texas 78752-4422;  
P. O. Box 4087; Austin, Texas 78773-0001

### **(HEOA -Higher Education Opportunity Act) Notification to Victims of Crimes of Violence**

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution

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

## **Criminal Offenses and Definitions**

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

The Clery Act requires your institution to disclose three general categories of crime statistics:  
Annual Reported crime statistics citation.

## **Clery Crimes and Definitions**

### **Part 1 – Primary Crimes**

#### **1. MURDER AND NON NEGLIGENT MANSLAUGHTER**

The willful (non-negligent) killing of one human being by another.

#### **2. MANSLAUGHTER BY NEGLIGENCE**

The killing of another person through gross negligence.

#### **3. AGGRAVATED ASSAULT**

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. Simple assaults are excluded.

#### **4. ARSON**

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

Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is, therefore, the only Clery Act offense that must be investigated before it

can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.

## **5. BURGLARY**

The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

## **6. ROBBERY**

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.

## **7. MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

## **Sexual Assault (Sex Offenses)**

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

## **8. RAPE**

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

## **9. FONDLING**

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

## **10. INCEST**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## **11. Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

## **Alcohol, Drug and Weapon Law Violations**

The Clery Act requires institutions collect statistics for violations of state law and or ordinances for drug, alcohol and weapons violations.

## **12. LIQUOR LAW VIOLATIONS**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## **13. WEAPONS POSSESSION**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

## **14. DRUG ABUSE VIOLATIONS**

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include Opium or Cocaine and their derivatives (Morphine, Heroin, Codeine); Marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

## **HATE CRIMES**

The Clery Act requires institutions to collect crime statistics for hate crimes associated with either the commission of a primary crime or the lesser offenses of larceny-theft, simple assault, intimidation, destruction of or vandalism of a building or property.

## **15. Hate Crimes**

*A 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*, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your *Clery Act* statistics only if they are Hate Crimes.

## **Larceny-theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

## **Simple Assault**

An unlawful physical attack by one person on 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**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to the actual attack. Includes cyber-intimidation if the victim is threatened on Clery geography.

## **Destruction, damage or vandalism of property**

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 of the property.

## **Violence Against Women Act (2013) Crimes**

### **16. Domestic Violence**

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

### **17. Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

## **18. Stalking**

Engaging in the course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) 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.

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Clery Geographic Location Definitions**

The Clery Act requires institutions to disclose statistics for reported crimes based on:

- Where the crimes occurred,
- To whom the crimes were reported,
- The types of crimes that were reported, and
- The year in which the crimes were reported.

An institution must report statistics for offenses according to their occurrence in the following locations, or geographic categories.

### **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; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, 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 Residential Facilities**

Under the Clery Act, an institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics:

The total number of crimes that occurred on campus, including crimes that occurred in student housing facilities; and The number of crimes that occurred in on-campus student housing facilities as a subset of the total.

### **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. Generally, sidewalks and public streets running through campus and sidewalks and public streets adjacent to campus (the sidewalk immediately adjacent, the street, and the second sidewalk across the street are all counted).

### **Non-campus**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

The Annual Security Report includes statistics for the previous three years concerning reported crime that occurred on campus; in certain off-campus buildings owned or controlled by the College, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters. This information is provided pursuant to the Student Right-To-Know Act.



### Crime Statistics Information

Primary Crimes	Year	On-Campus	Non-campus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	2	0	0	0	2
	2017	1	0	0	0	1
	2016	1	0	0	0	1
Fondling	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

Burglary	2018	0	0	0	0	2
	2017	2	0	0	0	2
	2016	2	0	0	0	2
Motor Vehicle Theft	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

<b>Arrests and Referrals for Disciplinary Action</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>
Liquor Law Violation Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Drug Law Violation Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Weapons Law Violation Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

Weapons Law Violation Referrals for Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

VAWA Offenses	Year	On Campus	Non- campus	Public Property	Total	Residential Facilities*
Domestic Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Dating Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Stalking	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

*\*Residential Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

## UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2018 calendar year at this campus is 0.

The total number of unfounded crimes for the 2018 calendar year at this campus is 0.

The total number of unfounded crimes for the 2016 calendar year at this campus is 0.

#### **HATE CRIME REPORTING:**

There were no hate crimes reported for this campus in 2016, 2017, or 2018.

#### **Daily Crime Log**

The Campus Safety Department is required to maintain a public log of all crime reported or made aware of. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time, and general location of each crime and disposition of the complaint if known. Information in the log older than 60 days must be made available within two business days. To review the log, contact the Campus Safety at 512-505-3011.

## **ANNUAL FIRE SAFETY REPORT**

On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety- and security-related requirements for institutions. Specifically, it added fire safety reporting requirements for institutions with on-campus student housing facilities. In compliance with appropriate provisions of federal law, Huston-Tillotson is required to make reports available to the campus community and to prospective students and their parents pertaining to fire safety. Institutions maintaining on-campus student housing facilities must collect fire statistics publish an Annual Fire Safety Report and keep a Fire Log.

### **Fire Policies**

#### ***Fire Drills***

##### ***Residence Halls***

One announced fire drill is conducted at the beginning of the fall semester, and one fire drill is scheduled, but not announced, at the beginning of the spring semester. The announced fire drill is designed to give students an opportunity to evacuate the residence hall in a non-emergency situation.

### **Evacuation Procedures**

All residents must leave the building when the alarm sounds for the drill. Failure to do so will result in disciplinary action. Evacuate the building using the established Emergency Evacuation Procedure. Once outside, notify emergency responders of the location, nature, and size of the fire.

Go to a previously designated meeting place:

1. Beard-Burrows Residence Hall evacuates to the student parking lots.
2. Allen-Frazier Residence Hall evacuates to the student parking lots and the grassy area west of Allen-Frazier

### **Procedures Students and Employees Should Follow in Case of a Fire**

If a resident discovers a fire on-campus student housing unit, they are directed to activate a pull alarm, which initiates an audible alarm to notify building occupants and/or the campus dispatch office; evacuate the building and assemble in a designated area, and to contact the Campus Safety Main Gate by cell phone at 512.505.3010 or by contacting Austin Fire Department by calling 9-1-1. Each building has a posted evacuation route map for residents to follow; residents are familiarized with the map when they move into the housing unit each semester.

## **FIRE SAFETY INSPECTIONS**

All fire alarm systems and sprinkler systems are inspected and tested annually. Additionally, all fire extinguishers are inspected and serviced on an annual basis.

### **Fire Log**

The Campus Safety Department is required to maintain a public log of all reported or made aware of. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time, and general location of each crime and disposition of the complaint if known. Information in the log older than 60 days must be made available within two business days. To review the log, you may stop by the Campus Safety Main Gate Booth at 900 Chicon Street, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

### **Policies or Rules on Portable Electrical Appliances, Smoking, and Open Flames**

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

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

Fire safety education programs for all students living in on-campus student housing, and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire, and distribute information on the University's fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them.

Before the start of each semester, all Resident Advisors (RA's) go through training on all dorm rules and procedures.

## OR

Faculty and staff are provided education on fire safety and information on how to report a fire, or evidence of a fire, to whom, and procedures to be followed for non-residential buildings on the campus when a fire alarm signals.

### Reporting Fires

Per federal law, Huston-Tillotson University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911.

Once the emergency has passed, you should notify the Campus Safety Department at 512.505.3010 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the HT community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety Department has already responded, the community member should immediately notify the Campus Safety Department at 512.505.3010 to investigate and document the incident for disclosure in the University's annual fire statistics.

### Future Improvements in Fire Safety

Huston-Tillotson University is committed to providing the safest housing environment for residents in our dormitories. HT will continually work to improve our policies, procedures, training, and drills to provide the safest environment possible for our residents

### Fire Safety Systems in On-Campus Housing

Location	Building Fire Alarm	Fire Panel Location	Local Room Smoke Detection Detectors Hand-Wired	Local Room Smoke Detection (Batteries)	Sprinkler System	Monitor Service	Fire Drills Conducted Annually
Allen-Frazier 900 Chicon	Yes	1 <sup>st</sup> Floor Corridor	Yes	Yes	Yes	24-Monitor	2
Beard-Bourrowes 900 Chicon	Yes	1 <sup>st</sup> Floor Corridor	Yes	Yes	Yes	24-Monitor	2

### Statistics and Related Information Regarding Fires in Residential Facilities: 2018

Residential Facility	Street Address	Total Fires in Each Building	Fire Numbers	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Allen-Frazier	900 Chicon	0	0	N/A	0	0	N/A
Beard-Burrowes	900 Chicon	0	0	N/A	0	0	N/A

### Statistics and Related Information Regarding Fires in Residential Facilities: 2017

Residential Facility	Street Address	Total Fires in Each Building	Fire Numbers	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Allen-Frazier	900 Chicon	0	0	N/A	0	0	N/A
Beard-Burrowes	900 Chicon	0	0	N/A	0	0	N/A



### Statistics and Related Information Regarding Fires in Residential Facilities: 2016

Residential Facility	Street Address	Total Fires in Each Building	Fire Numbers	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Allen-Frazier	900 Chicon	0	0	N/A	0	0	N/A
Beard-Burrowes	900 Chicon	0	0	N/A	0	0	N/A