

# The Austin College 2023 Annual Security & Fire Safety Report

Including Statistics for the 2020, 2021, and 2022 Calendar  
Years



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# **Part 1: The Austin College** **Annual Campus Security** **Report**

## **Introduction**

The Austin College Annual Security Report is submitted in accordance with the Higher Education Opportunity Act of 2008 (HEOA), the amended Higher Education Act of 1965 (HEA), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act or the Clery Amendment). This report contains changes which were signed into law on March 7, 2013 as the Campus Sexual Violation elimination Act (“Campus SaVE”), part of the re-authorization of the Violence Against Women Act (the “VAWA”). Campus crime, arrest and referral statistics included in this report are prepared in cooperation with the Sherman Police Department and the Student Affairs Division of Austin College. In order to comply with the Act, some items listed in the statistics may have occurred off campus, in close proximity to the institution. This report includes the Annual Campus Fire Safety Report, and may be found in it’s entirety in the following locations and formats:

- PDF Format on the Austin College Web Site at:  
<http://www.austincollege.edu/campus-life/police/>.  
This link will be distributed by e-mail to the entire campus community at the start of each fall semester.
- Printed copies will be made available upon request at the Campus Police Office, Jackson Technology Center, Room 100.

## **Campus Security & Personal Safety**

### **The Campus Police Department**

The Austin College campus is patrolled by Officers of the Austin College Campus Police Department. The department consists of full time Police Officers who are certified through the Texas Commission on Law Enforcement (TCOLE). One or more officers are on duty 24 hours a day, seven days a week, year-round.

All campus police officers are fully commissioned under the provisions of Section 51.212 of the Texas Education Code, and have full law enforcement authorities (including making arrests) throughout all property owned and controlled by Austin College. All officers are graduates of a police academy, and must attend in-service courses to maintain their Police Officer certification as mandated by the State of Texas.

Officers are responsible for a full range of public safety services including all crime reports, investigations, medical and fire emergencies, traffic accidents, enforcement of laws regulating alcohol, the use of controlled substances, weapons and all other incidents

requiring police assistance. Officers are also committed to serving the campus community by providing specific services that both enhance the safety of the members of the community and improve quality of life by minimizing the effect of unexpected circumstances. Those services include Campus Escorts, Motorist Assists, and Lock-Out requests at Bryan Apartments, Johnson “Roo” Suites, The South Flats at Brockett Court, North Flats and the Village on Grand. Campus Police encourages anyone who must walk alone during hours of darkness to call 903-813-2555 to request an Officer to meet them at their location and escort them to their campus destination safely.

## **Interagency Cooperation**

The Austin College Campus Police Department maintains a close working relationship with the Sherman Police Department, Grayson County Sheriff’s Department, state and federal law enforcement agencies and all appropriate elements of the criminal justice system. Assistance and support from these agencies can be obtained immediately. Since the main campus of Austin College is positioned entirely within the City of Sherman, crime trends and suspect information are routinely exchanged between the two departments in an effort to solve crimes, and build better cases against the perpetrators. The department’s ability to function as an independent law enforcement agency enables it to provide a sensitive, measured approach to all situations requiring police assistance while still maintaining the authority of the College.



# Austin College Campus Police & Sherman Police Department Memorandum of Understanding

## **Non-Terminal Agency Agreement**

This document constitutes an agreement between SHERMAN POLICE DEPARTMENT hereinafter called the Terminal Agency, and AUSTIN COLLEGE POLICE hereinafter called the Non-Terminal Agency.

The Terminal Agency agrees to provide the Non-Terminal Agency with access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and associated systems on a 24-hour, 7 day per week basis.

The Non-Terminal Agency agrees to abide by all laws of the United States and the state of Texas, and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other systems now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes.

The Terminal Agency reserves the right to suspend service to the Non-Terminal Agency, which may include canceling of records entered for the Non-Terminal Agency, when applicable policies are violated. The Terminal Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected.

In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non-Terminal Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Terminal Agency and to immediately notify the Terminal Agency of any changes in the status of those reports, to include the need for cancellation, additions, deletion or modification of information. The Terminal Agency agrees to enter, update and remove all records for the Non-Terminal agency on a timely basis, as defined by NCIC.

In order to comply with NCIC hit confirmation requirement the agencies agreed to the following:

If wanted person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency must deliver to the Terminal Agency the original warrants to be held on file until such time as the record is canceled/cleared.

If property and missing person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency must deliver case reports to the Terminal Agency to be held on file until such time as the records is cancelled/cleared.

If the records are to be entered with the Non-Terminal Agency's ORI, the Terminal Agency agrees to immediately forward all request for hit confirmation that might be received at the terminal to the Non-Terminal Agency. The Non-Terminal Agency agrees to comply with the NCIC hit confirmation policy.

If the Non-Terminal Agency is a non-24 hour agency, the records must be entered with the Terminal Agency's ORI, and case reports and original warrants must be held at the Terminal Agency for hit confirmation purposes.

In order to comply with NCIC Validation requirements, the Non-Terminal Agency agrees to perform all validation procedures as required by NCIC on all records entered through the Terminal Agency.

Criminal History information obtained from the TLETS terminal of the Terminal Agency will be handled according to TCIC/NCIC guidelines by the Non-Terminal Agency.

Either the Terminal Agency or the Non-Terminal Agency may, upon thirty days written notice, discontinue this agreement.

To the extent allowed by the laws of the State of Texas, the Non-Terminal Agency agrees to indemnify and save harmless the Terminal Agency as well as the DPS, its Director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non-Terminal Agency or its employees in the exercise of the enjoyment of this Agreement.

The Terminal Agency agrees to make available to the Non-Terminal Agency all TLETS/NLETS and TCIC/NCIC publications and policies as are available to it so that the Non-Terminal Agency may comply with the policies of TLETS/NLETS and TCIC/NCIC.

This agreement becomes effective on the 2 day of APRIL, 2020

In witness whereof, the parties here to cause this agreement to be executed by the proper officers and officials.

Terminal Agency

Print Name: ZACHARY FLORES

Signature: [Signature]

Title: CHIEF OF POLICE

Date: 04/02/20

Non-Terminal Agency

Print Name: KELLE KENNEDY

Signature: [Signature]

Title: CHIEF OF POLICE

Date: 4-2-2020



## **Community Responsibility**

The security of members of the College community is of vital concern to the Austin College Administration and especially the Campus Police Department. However, students, faculty and staff must actively accept responsibility for doing their part to maintain a safe environment. All members of the College community have a responsibility to themselves and to others to use due care for their safety and to comply with all local, state and federal laws and the college's regulations for the protection of others.

Failure to take precautions or maintain an awareness of the environment and surroundings may result in increased crimes. Campus Police will continue to develop and implement security measures, but these measures cannot succeed without the personal support of faculty, staff, students and visitors. The Austin College Police Department is committed to providing quality service and protection to the campus community while working within the framework of its authority and resources. Community members are encouraged to contact Campus Police to report crimes as soon as they are observed or detected.

## **AC Alert Emergency Notification System**

AC Alert is an emergency notification system provided to all Austin College students, faculty, and staff. It is provided by Blackboard Connect and is designed to help facilitate emergency communication by voicemail, email, and text messages. The safety of the students, faculty, and staff at Austin College is very important. For this reason, Austin College has chosen to develop an emergency notification system. This system allows the College to send a message to you quickly by cell phone (including text messaging), landline, and email to alert you to emergency situations at Austin College. The information you provide will only be used in an Austin College emergency situation. Students are required to confirm and update their AC Alert Emergency Notification Information during course registration each semester. If the information is not updated by the 12th class day of the semester, a fine of \$25 per week will be assessed until the record is completed.

The delivery success is only as accurate as the contact information you provide to us. If this information changes throughout the year, please go to your Webhopper page and click on AC Alert Emergency Info.

## **Reporting Emergencies, Criminal Activity, Or Requesting Officer Assistance**

Members of the campus community are encouraged to immediately notify Campus Police or the appropriate law enforcement agency whenever they witness an offense being committed. In this type of situation, immediate reporting and response increases the opportunity for intervention and apprehension. For crimes that have already been

committed, quick reporting will still assist Officers in protecting the crime scene and gathering evidence.

### Important Phone Numbers:

Campus Police            903-813-2555 (or Ext. 2555 from a campus phone)  
Sherman Police Dept. 903-892-7290  
Emergency            911 (All 911 calls are routed to the Sherman Dispatch  
Office for Police/Fire/Ambulance)

When the Campus Police Office is unoccupied, phone calls to 903-813-2555 (X-2555) are routed to the patrol officer(s) by way of a radio patch system. Other phone numbers assigned to Campus Police will not relay to the radio patch system when the office is unoccupied. For this reason, community members should always consider this number as the primary contact number for the Department. Depending on circumstances surrounding the phone calls answered by radio, the responding Officer may request a callback number so that the information can be received via cell phone or landline.

Reporting an incident may be handled in one of several ways. Individuals who want to report alleged criminal action, suspicious activities or emergencies that occur on campus may do so by calling Campus Police at the number listed above. This procedure is recommended if the caller is observing current activity or the suspect's direction and mode of travel, along with current information that will assist in the intervention or apprehension of an individual. There are a number of Emergency Phones around campus that may be utilized if no other phone is currently available. Community members may also choose to visit the Campus Police Office located in the Jackson Technology Center to make a report in person. This procedure may be preferred whenever a report is of a sensitive or complex nature, or possibly requires a written statement as part of the investigative process.

Requesting immediate assistance from any officer on patrol is also an option.

When a report of suspicious activities or a crime in progress of a major offense is received, Austin College Police Department will dispatch an officer immediately to investigate the suspected criminal activity. Responses include, but are not limited to:

- Dispatching one or more officers.
- Preparing any needed investigation reports.
- Arresting and filing charges, depending upon the circumstances of the offense.
- Referring alleged offenders to appropriate campus agencies for action.

For less serious crimes that have already occurred, Officers may respond immediately when time permits, or make arrangements to meet at a later time if there are more pressing circumstances requiring immediate attention.

Offenses occurring off-campus should be reported to the appropriate law enforcement agency. If they are off campus but within the City limits of Sherman, Sherman Police Department can be reached at 903-892-7290, press 1 to be connected to dispatch.

## **Notification Of Crime To The Campus Community**

Efforts are made to advise the campus community about campus crimes and crime related problems on a timely basis. These include the Campus Police Crime Log, the College's student newspaper, Special Crime Alerts and, in extreme situations, Crime Bulletins that are distributed through the campus voice mail system or e-mail.

### **The Crime Log**

A Crime Log of incidences occurring on campus will be maintained at the Campus Police Department. This log is a public record document and may be viewed upon request.

### **Neighborhood Alerts**

Neighborhood Alerts are for trends occurring in the Sherman community within close proximity of the Austin College campus. When such alerts are issued, students may not have been affected, but could be a target of a similar crime because they live in close proximity to the area where such a crime occurred.

### **Crime Alerts**

Crime Alerts are notification by e-mail and postings regarding crime trends and particular security risks. Once a security issue or crime trend is identified, notifications are prepared and distributed to alert the community. Depending on the circumstance, distribution may go to a specific residence hall, all students, or the entire campus community.

### **Crime Bulletins**

Crime Bulletins are similar to Crime Alerts, but are for situations that are more serious in nature. They may be issued whenever a major crime risk is identified. It may be after a single specific crime has been committed, or after a major security risk has been identified.

# Austin College Emergency Operations Plan





AUSTIN  
COLLEGE

## Emergency Operations Plan

### **PROMULGATION STATEMENT**

The Emergency Operations Plan (EOP) outlines standard emergency response protocols for Austin College. The EOP is written in support of emergency management, safety preparedness, and is built upon the National Response Framework as scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities. This plan and contents within shall apply to all college personnel participating in mitigation, safety preparedness, response, and recovery efforts. Furthermore, tasked organizations supporting EOP guidelines may maintain additional procedures or guidelines and actively participate in the training, exercise, and maintenance needed to support this plan.

The EOP was prepared by Austin College staff and approved by senior leadership, thereby enabling activities contained within this document to be performed within campus capability. Furthermore, this EOP has been made available to external agencies that may be affected by its implementation.

This EOP is also accessible via the Austin College website.

## **APPROVAL AND IMPLEMENTATION**

This Emergency Operations Plan (EOP) was prepared by Austin College to develop, implement, and maintain a viable all hazards response capability and to establish a comprehensive approach to providing consistent, effective, and efficient coordination across a spectrum of activities.

This plan shall apply to all college personnel participating in mitigation, preparedness, response, and recovery efforts. Furthermore, the EOP may be applied to any college sponsored events, whether on or off campus, and all public or private college-sanctioned activities.

This plan addresses emergency response activities on the Austin College campus in Sherman, Texas. It does not address emergency response activities at the lake campus.

Austin College Campus Police & Safety shall be responsible for plan oversight and coordination with applicable stakeholders, with assistance from Institutional Marketing & Communications. This EOP is based on the “all-hazards” concept and plans for natural and man-made disasters and incidents. The plan is flexible in that part of the plan or the entire plan may be activated based on the specific emergency and decision by College senior leadership.

## **PURPOSE, SCOPE, SITUATION AND ASSUMPTIONS Purpose**

The purpose of the Austin College Emergency Operations Plan (EOP) is to outline the College's approach to emergency operations and to enable local, state and federal coordination. It provides general guidance for emergency management activities. The EOP and its contents describe the College's emergency response organization and assigns responsibilities for various emergency tasks.

Additionally, the EOP describes capabilities and resources, as well as establishes responsibilities and operational processes, to help protect the College from natural and manmade hazards, to save lives, to protect public health, safety, property, and the environment; and to reduce adverse psychological consequences and disruptions.

Although emergencies, disasters and catastrophic incidents typically result in impacts far beyond the immediate or initial incident area, the EOP provides a framework to enable the management of cascading impacts and multiple incidents, as well as, the prevention of and preparation for subsequent events.

This EOP is aligned with Sherman's Emergency Management Program. It is the responsibility of those referenced in this plan to integrate their departmental procedures, guidelines, and emergency management activities, such as task performance and organization, while also participating in training, exercises, plan integration, and maintenance needed to support a collective process.

Additionally, the EOP

- Outlines the duties and responsibilities of Austin College personnel.
- Empowers employees in an incident to act quickly and knowledgeably.
- Informs key stakeholders on their roles and responsibilities before, during, and after an incident.
- Provides other members of the community with assurances that Austin College has established guidelines and procedures to respond to incidents/hazards in an effective way.
- Provides guidance for emergency operations and the utilization of all available college resources for the protection of lives, property, and the continuance of college operations in an emergency.

## **Scope**

This plan and all contents contained herein shall apply to all campus personnel. An incident or event affecting the college may also impact the surrounding community; therefore, this plan and all contents contained herein shall support Sherman's Emergency Management Program and any supporting Memorandums of Understanding (MOU).

The scope of the EOP applies to incidents and/or events of all sizes, including those that exceed the College's response services and capabilities, and may result in mutual aid activation, multijurisdictional response, and/or emergency operations center activation.

The College's EOP outlines the expectations of personnel, roles and responsibilities, direction and control systems, internal and external communications, training and sustainability of the EOP, authority

and references as defined by local, state, and federal government mandates, common and specialized procedures, and specific hazard vulnerabilities and response/recovery.

### Situation Overview

Austin College ranks among the nation's oldest academic institutions in virtually all categories and is a major stakeholder in the local, state, and national disaster arenas.

Austin College is at risk for many hazards, some of which have the potential for disrupting the College community and causing widespread damage and casualties, because of its geographic location, population concentration, high-rise buildings, rail, air and highway traffic, and other risk factors.

HAZARD TYPE	LIKELIHOOD OF		ESTIMATED IMPACT TO	
	OCCURANCE		PUBLIC HEALTH & SAFETY	PROPERTY
Man-Made Hazards				
Acts of Violence (Active Shooter, Bomb Threats, etc.)	Low		High	Low
Civil Disorder	Low		Medium	Low
Cyber Security	High		Low	High
Utility Disruption	Low		Medium	Medium
Hazardous Materials Release	Low		Medium	Low
Structural Fire	High		Low	Medium
Terrorism	Low		High	Medium
Natural Hazards				
Dam Failure	Low		Low	Low
Flood	Medium		Low	Medium
Hail	Low		Low	High
Hurricane	Low		Low	Low
Infectious Disease Outbreak	Low		Medium	Low
Thunderstorms	High		Low	Low
Tornado	Low		Medium	High
Winter Storm	Low		Low	Low

Note: All categories designated as either Low, Medium, or High.

### Planning Assumptions

The Austin College EOP is based on the following planning assumptions and considerations as presented in this section.

- Any employee of Austin College may be tasked by this EOP.
- External resources may be requested to assist the College if the nature of the incident overwhelms local capability.
- Incident management activities will be initiated and conducted in accordance with the National Incident Management System (NIMS).
- Local emergency response resources will be available in emergency situations affecting the College.
- It is possible for a major disaster to occur any time and any place in or near the College. In some cases, timely dissemination of warnings and increased readiness measures may be possible. However, many disasters can, and may, occur with little or no warning.

- College officials and representatives recognize their responsibilities for the safety and wellbeing of students, faculty, staff, and visitors, and assume their responsibilities in the implementation of this EOP.
- Proper implementation and understanding of these guidelines through training and exercising will reduce or prevent disaster-related losses.
- The local police and fire departments will respond where support agreements or mutual aid agreements exist.
- Emergencies on the College campus may involve multiple responding departments and agencies which could include, but not be limited to, Campus Police, Student Life, Academic Affairs, Marketing and Communications, and other appropriate College, city, county, state and federal agencies.
- In most cases, Austin College campus police will assume Incident Command, depending on the type of emergency.
- Hazardous conditions may follow any major disaster thereby increasing the risk of injuries and death.
- Casualties will be transported to local area hospitals.
- Other College agencies or system components operating on the campus shall coordinate their emergency actions with this EOP.
- Regardless of the threat or type of emergency, it is possible that the following results may be encountered:
  - Death, injury, or illness of people and/or animals
  - Interruption or disruption to transportation
  - Interruption or disruption to normal communications
  - Interruption or disruption to utilities and other essential services
  - Congregation of large numbers of people at the scene, at central locations, at shelters, etc.
  - Significant numbers of people being displaced, requiring some, or all of the following: evacuation, shelter, feeding, welfare, and other assistance
  - Structural damage to streets, buildings, utilities, and other property
  - Contamination of food, water, personnel, vehicles, property, and other substances
  - Shortages of essential items
  - Periods of civil unrest or disorder, including looting, rioting, mob scenes, violence, etc.
  - Initial confusion of the affected population, with probable delays in response due to disaster incidents
  - Extensive need for public information
  - Disruption of business activities
  - Other

### **CONCEPT OF OPERATIONS General**

It is the responsibility of the College to protect life and property from the effects of disasters within its own jurisdiction. Austin College has the primary responsibility for initial emergency management activities. Information located in this section is designed to give an overall picture of incident management. It will primarily clarify the purpose, and explain the College's overall approach to an

emergency (i.e., what should happen, when, and at whose direction) to include the division of local, state, federal, and any intermediate interjurisdictional entities. Top priorities for incident management are to:

- Save lives and protect the health and safety of students, faculty, staff, visitors, responders and recovery workers
- Ensure security of the College
- Protect and restore critical infrastructure and key resources
- Conduct law enforcement investigations to resolve the incident, apprehend the perpetrators, and collect and preserve evidence for prosecution and/or attribution
- Protect property and mitigate damages and impacts to individuals, the community, and the environment
- Facilitate recovery of individuals
- Recover operations

This EOP is based on the “all-hazards” approach. The plan is flexible in that part of the plan or the entire plan may be activated based on the specific emergency and decision by College senior leadership. The College’s concept of operations is that the emergency functions of various agencies/organizations/divisions/departments involved in emergency management will generally parallel normal day-to-day functions or operations. To the maximum extent possible, the same personnel and material resources will be employed in both cases.

Day-to-day functions that do not contribute directly to the emergency response may be suspended for the duration of any emergency. The efforts that would normally be required for those functions may be redirected to the accomplishment of emergency tasks by the department, division, or agency concerned.

The EOP addresses all preparedness activities embedded within the key areas of emergency planning.

### **Phases of Emergency Management**

In the event of an incident, the College will utilize the definitions below that are predicated on an all hazards approach. The College acknowledges that most responsibilities and functions performed during an emergency are not hazard specific. Likewise, these guidelines account for activities pre-incident, incident and post-incident; consequently, key areas are noted as the following:

- **Mitigation:**  
Mitigation is the effort to reduce loss of life and property by lessening the impact of disasters and emergencies. It involves the structural and non-structural measures taken to limit the impact of disasters and emergencies.
- **Preparedness:**  
Preparedness activities serve to develop the response capabilities needed should an emergency arise. Planning and training are among the activities conducted under this phase.
- **Response:**  
Response is the actual provision of emergency services during a crisis. These activities help to reduce casualties and damage, and speed recovery. Response activities include warning, fire response, evacuation, rescue, and other similar operations.
- **Recovery:**  
Recovery is both a short-term and long-term process. Short-term operations seek to restore vital services to the College and provide for the basic needs of students, faculty, and staff. Longterm recovery focuses on restoring the university to its normal pre-disaster, or an

improved, state of affairs. The recovery period is also an opportune time to institute future mitigation measures, particularly those related to the recent emergency.

### **National Incident Management System (NIMS)**

According to Homeland Security Presidential Directive 5 and the U.S. Department of Education, Institutions of Higher Education are among local agencies that must adopt NIMS if they receive Federal grant funds.

The National Incident Management System (NIMS) provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life or property and harm to the environment. This system ensures that those involved in incident response/recovery understand what their roles are and have the tools they need to be effective.

Austin College has adopted NIMS and the use of the Incident Command System (ICS) and in accordance with the U.S. Department of Education guidance, has identified key personnel such as Incident Commander to complete specific courses in order for individuals to meet the organizational NIMS compliance. Austin College will work to provide the training and equipment necessary for an appropriate response.

In a major emergency or disaster, College facilities may be damaged or need to be evacuated, people may be injured, and/or other incident management activities may need to be initiated. These activities must be organized and coordinated to ensure efficient incident management. The Incident Command will be used to manage all incidents and major planned events.

### **Resource Designation Levels**

Most emergencies follow some recognizable build-up period during which actions can be taken to achieve readiness. Actions of specific departments involved in emergency response are detailed in the appropriate sections of these guidelines; however, it is acknowledged that disasters are unique occurrences, which require specific resources dependent upon the type, nature, and extent of the emergency. In this regard, this document is not all-inclusive, nor does it limit or restrict reasonable or prudent actions.

If an incident occurs, the College may immediately determine it to be a Campus Incident, a Community Incident or State Level Incident. The following Resource Designation Levels will be used as a means of delineating resource requirements:

- **Campus Incident**

College response services and capabilities meet the needs of the circumstance without activation or notification of local authorities. Minor injuries to individuals or little damage to facilities may apply.

- **Community Incident**

College response services and capabilities are exceeded by the demands and needs of the circumstance. Local support may be activated for a coordinated response.

- **State Level Incident**

The College's and the community's response services and capabilities are exceeded by disastrous conditions. Mass casualties, severe injuries to persons, and/or severe damage to property exist. Additional support requested from local, state and federal entities.

### **Emergency Operations Plan Activation Authority**

The Chief of Campus Police is the responsible authority for coordinating emergency measures for the College and serves as the **Incident Commander**. If the Chief is unavailable, the Sergeant is backup. The president of the College and other designated personnel will obtain a briefing from the Incident Commander (IC) on the nature of the incident and assessment of the situation. Following the incident briefing and a brief discussion of next steps, the president or designees will brief senior leadership and other essential personnel.

### **Notification and Warning**

Timely warnings of emergency conditions are essential to preserve the safety and security of the College community and critical to an effective response and recovery.

### **Emergency Communication**

Reliable and interoperable communications systems are essential to obtain the most complete information on emergency situations and to direct and control the resources responding to those incidents.

### **Emergency Public Information**

The Chief Marketing and Communications Officer along with the Institutional Marketing and Communications (IMC) division is responsible for communications efforts during an emergency involving the campus. Communications will be coordinated between senior leadership, Campus Police, and essential personnel.

### **Non-Emergency External Communications**

During an incident, the College expects to receive a high volume of calls, emails, social media, and messages seeking information as to the welfare of students, staff, and faculty from concerned parents, relatives, spouses, friends, and loved ones. The surge in volume of calls to the College's main numbers may quickly exceed the system's capabilities. It is essential that message centers and social media are activated and staffed as soon as possible to handle anticipated volume of non-emergency calls related to the incident. Message centers will only release information that has been approved by Institutional Marketing and Communications.

## **ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES Organization**

Emergency Management for Austin College is comprised of the following:

### **• Executive Campus Emergency Preparedness Team**

In the event of an emergency, the Campus Emergency Preparedness Team will convene to handle the procedural logistics and support the Incident Command, which is under direction of the Chief of Campus Police. Meanwhile, Campus Police officers will respond directly to the situation. The following people are members of the Austin College Campus Emergency Preparedness Team:

- Vice President of Student Affairs, Chief Inclusion & Diversity Officer
- Vice President of Academic Affairs, Dean of the Faculty
- Chief of Campus Police
- Dean of Students
- Director of Physical Plant
- Title IX Coordinator (or Deputy Coordinator)
- Chaplain
- Director of Information Technology
- Chief Marketing & Communications Officer

### **College Position Roles and Expected Actions**

Upon learning of an incident occurring on College grounds, the following position roles and actions should guide implementation of the EOP:



- **Administrative Departments (non-academic) shall:**
  - Shall support the activation of the EOP accordingly from the onset of notification of an incident.
  - Shall retain administrative and policy control over their employees and equipment, during emergency operations. However, personnel and equipment may be utilized to support the mission assignments directed by the Incident Commander, or the CEOC. ○ Should begin to formulate a plan to provide adequate time for personnel and crew rest while maintaining continuous relief efforts. *Initial reaction to a major incident may require extended operations with work crews operating in shifts.*
  - Upon CEOC activation, personnel, as assigned, will direct the efforts of their departments or organizations from the CEOC, unless advised otherwise, according to their respective guidelines for emergency operations or standard operating procedures (if applicable) or send a liaison to the CEOC if managing their efforts from a department operation center.
- **Supervisors** should work to emphasize safety of students, faculty, staff, visitors, and the public.

#### **DIRECTION, CONTROL AND COORDINATION**

The **Incident Command Post** is located within safe proximity to the emergency site and is generally responsible for incident response management as follows:

- Serves as a temporary field location for tactical-level on-scene incident command and management.
- Is the on-site headquarters for the Incident Commander (Chief of Campus Police) and officers.
- Serves as a field collection point for tactical intelligence and analysis.
- Provides the initial securing of the perimeter of the area, coordinates the actions of the operating units, and remains operational during the field actions (rescue, response, recovery, etc.) phases, as required.
- **Austin College Campus Police assumes Incident Command/Unified Command in** all civil disturbances, bomb incidents, and terrorist activity operations (local and state police will coordinate with arriving FBI at a suspected terrorist event).

#### **Campus Emergency Operations Center (CEOC)**

Upon activation, the CEOC becomes the centralized communication and coordination facility for Austin College emergency response.

The CEOC is the key to successful coordinated efforts and responsible for supporting the Incident Commander and consequence management actions. The CEOC, if applicable:

- Serves as the central meeting and gathering location for critical management and support personnel, and serves as the incident support operations and resource center.
- Facilitates the flow of communication and coordination between the different operating agencies, different levels of government, and the public.
- Supports the Incident Commander by mobilizing and deploying resources as requested.
- Assembles accurate information about the incident and provides situational analysis • Issues community-wide warnings and alerts

- Communicates and implements policy-level decisions from the Executive Policy Group
- Organizes and implements evacuation
- Obtains local, state, and federal assistance as needed.

**Community Emergency Operations Center (CEOC) and Incident Command Post (ICP) Interface** A clear division of responsibilities between the ICP and the CEOC (if activated) during an emergency is critical to an effective and timely operation. A general division of responsibilities is outlined below. A division of responsibilities may be modified based upon unique specific incidents and operations. If an incident warrants additional resources, the Incident Commander would initiate activation of the Community Emergency Operations Center (CEOC). Upon activation of the CEOC for a College incident, the College President, or designee, may serve as the CEOC Manager.

#### **EOP PLAN DEVELOPMENT AND MAINTENANCE**

The EOP utilizes existing program expertise and personnel to provide mitigation, preparedness, response and recovery efforts of post event consequences. While also following the principles of the National Incident Management System (NIMS) and the Homeland Security Exercise and Evaluation Program (HSEEP) the EOP addresses response, training, exercises, equipment, evaluation, and corrective action practices.

Austin College Campus Police shall oversee and/or coordinate with applicable partners the following EOP actions:

- The EOP shall be reviewed regularly and modified as necessary by Campus Police and senior leadership, as designated by the president. Final results of the reviews and any changes to the EOP shall be presented to senior leadership. The plan will be submitted for signatures every three years or sooner if significant changes are proposed.
- Each College unit or department identified as having a role in this EOP is responsible for communicating the content of the EOP to their staff.

#### **EOP RECORD OF DISTRIBUTION**

Austin College distributes an email annually to all students, faculty, and staff with information about emergency procedures and links to the electronic version of this Emergency Operations Plan.

This plan is publicly available on the Austin College website.





## **Crime Prevention Programming**

Crime Prevention Programs on personal safety and theft prevention are coordinated through Campus Police, Student Life Office (SLO), the Mentors in Violence Prevention (MVP) Program, and various other groups on campus. Individuals and groups wishing to host a program should contact one of these areas to make arrangements for the specific topic being considered. Each Fall, “The Shadow” program is held as a contest between the four traditional Residence Halls. Each Jan Term, the Sexual Harassment and Rape Prevention (S.H.A.R.P) Program is presented.

The Campus Police presents programming for leaders of campus organizations on campus security procedures and practices. The Campus Police and Safety department is also planning on adding a presentation each fall for all new students.

## **Security And Maintenance Of Campus Facilities**

### **Non-Residential Facilities**

Non-residential facilities at Austin College follow routine opening and closing schedules. During weekday business hours, the College (excluding housing facilities) will be open to employees, students, parents, contractors, guests and invitees. Business Hours are generally defined as 8:30 am to 5:00 pm, Monday through Friday.

During evening and weekend hours, access to most academic facilities (for classes, meetings, review sessions, etc.) will be by card access only, unless the event is open to outside guests. Abell Library, Craig Hall, IDEA Center, the Wright Campus Center, Ida Green, and Mason/DFP are the only buildings that are routinely open during evening hours. Emergency situations may necessitate changes or alterations to any building schedules, and will be communicated to the campus community via postings, e-mail, internet, or other communication methods as deemed necessary at the time.

### **Residence Halls**

Residence Halls remain locked 24 hours a day, and are accessible by card access or key only. Except for scheduled breaks, occupants will have 24-Hour card access to the residence hall they occupy. Resident Access to the traditional residence halls during scheduled breaks will be limited to only those who receive approval through the Area Coordinator. Approved student guests may be given limited card access during approved “Guest Access Hours” only. The Guest Access approval does not extend through the scheduled break periods. Guest Access may be revoked by a SLO Professional Staff Member or a Campus Police Officer at any time depending on the circumstances, once a concern has been brought to their attention.

## Maintenance Issues

Campus Police Officers patrol the campus in an effort to assure a high level of physical security. As a regular part of their patrol duties, they also submit maintenance requests regarding any safety problems such as defective lighting, inoperative doors or locks, broken sidewalks, steps and handrails and any other condition which might detract from one's personal wellbeing. All such conditions can be reported by the college community to the Physical Plant Department Hot Line, 903-813-2006, or through e-mail to [physicalplant@austincollege.edu](mailto:physicalplant@austincollege.edu). Campus Police can be notified at 903-813-2555 regarding issues that require immediate attention after regular business hours.

## **Emergency Response**

The Austin College Emergency Response Guide includes information on response procedures as well as contingency and continuity plans for the campus, whether those situations require shelter in place or evacuation procedures. Various campus personnel and departments are trained to assist with those plans, drills are conducted and alert systems are tested to verify proper operation.

All Campus Police Officers have completed the FEMA ICS-100 Course in Incident Command. When a serious event occurs on campus, the Officers of the Campus Police Department are usually the first to respond. Officers will contact the appropriate campus staff and departments to assist. Depending on the type of incident, if needed, Campus Police will seek assistance of Sherman Police, Fire, and Ambulance Services. Other local, state or federal agencies could be summoned and involved in responding to the incident as well. Once on the scene, all summoned departments and agencies will work together to manage the incident.

The Emergency Response Guide and other helpful information is available on the Austin College Web Site at, <https://www.austincollege.edu/campus-life/police/campus-emergencies/>, and is publicized to the campus community annually as part of the school's Clery Act compliance efforts. Various other departments and entities on campus have response and contingency plans that outline in greater detail the responsibilities of that particular department. These include, but are not limited to Athletics, Library Services, Physical Plant, the Sciences, Housekeeping and Dining Services.

All members of the Campus Community are encouraged, through the annual distribution of various documents, printed and/or electronic, as well as through the use of notices on Bulletin Boards, to notify Campus Police of any situation or incident on campus that involves a significant emergency or dangerous situation. In turn, Campus Police has a responsibility to respond to such incidents to determine the validity and scope of the threat, determine its risk to the health and safety of the campus community, and to assist those adversely affected by the threat. In situations where a valid threat is identified, Federal Law requires that the institution immediately notify the campus community, or appropriate segments of the community that may be affected by the situation. This communication is

relayed to the campus community by the Office of the Director of Public Affairs, who collects the information from the Campus Police Department or the Campus Crisis Committee. This communication will also, where applicable, provide information on where to find updates regarding the threat.

## **Notification to the Austin College Community about an Immediate Threat**

The Office of Public Affairs and the Campus Crisis Committee receive information from various offices/departments on campus, such as the Campus Police Department, Student Life, Environmental Health and Safety, etc. When the Office of Public Affairs or Campus Crisis Committee 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 AC Community, they will collaborate to determine the content of the message and will use any or all of the systems available, to communicate to the AC Community, or the appropriate segment, if the threat is limited to a particular building or segment of the population. The Office of Public Affairs and the Campus Crisis Committee 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 (ACPD, Sherman Police, Fire, Ambulance, or other possible entity), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the AC Community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the AC Community. These methods of communication may include campus e-mails, emergency text messages that can be sent to a phone or PDA, and emergency alert messages on the college's web site. The college will post updates by any or all of the methods available, as those updates are received or pertain to the AC Community.

## **Procedures For Testing Emergency Response And Evacuation**

Timed Evacuation Drills are held each Fall and Spring Semester in the Residence Halls, and at Roo Suites. Timed Evacuation Drills are also performed annually in the Academic and Nonresidential Buildings. Full documentation of the Drills is kept on file at the Campus Police Office. Through these drills, the AC Community learns the location of the emergency exits within the buildings they occupy, and are provided guidance about the direction they should travel when exiting the facility at the time of the Evacuation Drill. In actual long term evacuation situations, AC Community members would be given instruction on alternate locations to meet, receive further instruction, etc. depending on the situation requiring the evacuation. Residence Hall and Apartment Complex Drills are monitored by Campus Police and SLO Staff. The Nonresidential Facility Drills are

monitored by Campus Police and Physical Plant Supervisors and Technicians, with the assistance of other Physical Plant Staff.

Lockdown (Shelter in place) Simulation Drills are monitored by Campus Police and each building's assigned Emergency Lockdown Personnel. Reports are prepared by participating departments, which identify immediate concerns to be addressed or repaired. Service Requests and Equipment concerns are submitted to the Physical Plant or other areas of responsibility.

SLO Staff, including Area Coordinators (ACs), Head Residents (HRs), Resident Managers (RMs), Site Managers (SMs), and Resident Assistants (RAs) receive annual training and ongoing in-service training and act as an ongoing resource for the students living in residential facilities. Fire Drills, Emergency Evacuations, Shelter-in-Place procedures, as well as other residence hall safety topics are a part of the Policy Review in Cluster Meetings and Town Hall Meetings during opening of school.

The City of Sherman tests the operation of the Emergency Notification Sirens at 9 am on the first Wednesday of the month, as long as weather is permitting. These tests include the Severe Weather Alert Tone as well as the College's Lock-Down Siren Tone. These tests can either be an audible test where the siren is completely activated, or a silent test where each remote siren's response to specific commands is tested, but the sirens are not heard. An E-mail notification is sent to the campus community on the Monday or Tuesday before the Siren test process takes place.

## Shelter-in-Place Procedures

There are situations, such as during a Tornado Warning, a major natural gas leak or other possible situation, where sheltering in place may be safer or at least provide less of a safety risk than evacuating. To "shelter-in-place" means to make a temporary shelter of the building you are in, until it is determined to be safe to resume normal activities.

Shelter-in-Place alerts may come from any form of emergency notification procedure available, and from any source, including ACPD, SLO Staff, other employees of the institution, or local, state, or federal government.

No matter where you are on campus, basic precautions for sheltering in place are the same. Basic Shelter-in-Place steps include:

- Staying in the building you currently occupy.
- If outside, seek shelter in the building closest to your location.
- Collect needed shelter-in-place supplies and a telephone for use in an emergency.
- Close and lock any open windows in your immediate area.
- Go to an interior room or hallway, away from exterior doors and windows.
- Turn off any air conditioners, heaters and fans. If possible, close any air vents that have controls on them.
- Make a list of the people with you. Contact, or have another close by person to contact ACPD, to let them know where you are sheltering.



- If available, turn on Radio or Television to listen for further instruction.
- Try to stay as comfortable as possible until ACPD or other authorized personnel advise that it is safe to leave.

## **Off Campus Criminal Activity**

The Austin College Student Life Office (SLO) is the campus entity immediately responsible for contact with student organizations. Campus Police does not provide law enforcement services to off-campus residences. Off-campus criminal activity within the City of Sherman is monitored and recorded by the Sherman Police Department. Sherman Police may call on Campus Police anytime their assistance is needed. SLO and Campus Police maintain a close working relationship with the Sherman Police Department. This cooperative approach addresses situations as they arise as well as future concerns.

## **Missing Student Policy**

Higher Education Act Reauthorization with Higher Education Opportunity Act – 2008 Section 485(j) requires all institutions of Higher Education that participate in any Title IV program and provide on-campus housing to students to establish both a Missing Student Notification Policy and Official Notification procedure for handling missing persons that apply to missing students reports of student who reside on campus.

Missing student policy is defined as any currently registered student of Austin College who has not been seen by friends, family members or associates for 24 hours, and whose whereabouts have been questioned and brought to the attention of a member of the College community. The College will initiate an investigation when notified that a student; who resides in a campus residence hall, is missing, with no reasonable explanation for his/her absence. The investigation will include gathering of all information including: discussions with friends and roommate, meal and card access use around campus, use of social networking sites if possible, and contacting them by phone or text.

In the event of a missing student residing on campus, the Vice President for Student Affairs or a designee will notify the designated contacts regarding the situation. In the event the student does not reside in a College residence hall, the appropriate local police authorities will be notified by Campus Police and an investigation will be initiated.

Each fall, new and continuing students will be provided with an opportunity to denote the confidential contact person. If a student has not reached their 18th birthday at the time they are reported missing for 24 hours, then the student's custodial parent or guardian will be notified by the College.

*Revisions and clarifications will be published as experience with the law and institution's policy warrants.*

## **Firearms On Campus**

All firearms are prohibited on Austin College campus property. The possession, storage, or use of any firearm, (openly carried or in a concealed manner) or weapon is strictly forbidden. In accordance with Section 411.2031, Texas Government Code, and after consultation with the campus community, Austin College determined to prohibit handgun license holders from carrying concealed handguns on campus.

### **Statutory Notice Prohibiting Concealed Handguns on the Austin College premises by License Holders**

All students, employees, outside contractors, and visitors holding a valid license issued by the State of Texas to carry a handgun are forbidden from entering in or on the Austin College premises with a concealed handgun and are given the following statutory notice with which they must comply:

#### **Concealed Handguns Prohibited**

Pursuant to section 30.06 penal code (trespass by license holder with a concealed handgun), a person licensed under subchapter h, chapter 411, government code (handgun licensing law), may not enter this property with a concealed handgun.

#### **Openly Carried Handguns Prohibited**

Pursuant to section 30.07 penal code (trespass by license holder with an openly carried handgun), a person licensed under subchapter h, chapter 411, government code (handgun licensing law) may not enter this property with a handgun that is carried openly.

#### **Prohibido Entrar Con Armas De Fuego Ocultas (Pistolas)**

Conforme a la Sección 30.06 del código penal (traspasar portando armas de fuego ocultas) personas con licencia bajo del sub-capítulo h, capítulo 411, código de gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultas.

#### **Prohibido Entrar Con Armas De Fuego Al Aire Libre (Pistolas)**

Conforme a la Sección 30.07 del código penal (traspasar portando armas de fuego al aire libre licencia) personas con licencia bajo del subcapítulo h, capítulo 411, código de gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego al aire libre.

#### **The Only Exceptions Are:**

- a. A regular employee of Austin College (whose primary purpose at Austin College is employment related) who holds a valid handgun license issued by the state may store or

transport a lawfully possessed firearm or ammunition in a locked, privately owned or leased motor vehicle on the Austin College premises, per Section 411.2032(b), Texas Government Code.

- b. Austin College Regulations allow members of the College community to bring shotguns or rifles on campus provided they are stored at the Campus Police & Safety Office under lock and key. The owner may retrieve the weapon(s) at any time if the owner is taking them off campus.
- c. Law enforcement officers and other officials authorized by state law.

## **Alcohol Violations**

The possession, sale or the furnishing of alcohol on the Austin College Campus is governed by Austin College, Sherman City Ordinances and Texas State Law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the Texas Alcoholic Beverage Commission (TABC) and enforcement is the responsibility of the Austin College Campus Police Department. In addition to state laws, campus policies regarding possession and consumption are further defined in the AC Environment. Individuals, organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the college. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment.

The Pouch Club is a licensed facility and is allowed to sell beer and wine for consumption specifically within the boundaries and provisions set forth by the Texas Alcoholic Beverage Commission License held by the club.

Possession and consumption by anyone under the age of 21 is prohibited by law. The following Texas Alcoholic Beverage Code Offenses are Class C Misdemeanors, and are punishable by fine not to exceed \$500.00.

106.02	Purchase of Alcohol by a Minor
106.025	Attempt to Purchase Alcohol by a Minor
106.04	Consumption of Alcohol by a Minor
106.05	Possession of Alcohol by a Minor
106.07	Misrepresentation of Age by a Minor

Penalties for these Offenses are enhanced after the 2<sup>nd</sup> conviction, and may result in confinement and suspension of the person's driver's license.

It is also unlawful for another person to sell, furnish or provide alcohol to a person under the age of 21 (TABC 106.03 and 106.06). Such Offenses are Class A Misdemeanors and are subject to a fine not to exceed \$4000.00, and/or confinement in jail not to exceed one year.

## **Drug Violations**

Austin College has been designated a “Drug Free” campus and much of the campus is positioned within the Jefferson Elementary School “Drug Free School Zone” because of our close proximity to the campus, as defined by state law. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the AC Campus Police Department.

Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment.

## **Services Available On-Campus**

### **Alcohol & Drug Education Programs**

The Student Affairs Division offers a number of services and educational programs on-campus to provide help for alcohol and drug problems. These include the following:

**Support Groups:** Campus community members are encouraged to contact Counseling Services if they are interested in starting a support group on-campus or participating in one.

**Assessment:** The Director of Counseling (located in Adams Center) coordinates referrals for students to off-campus services for assessment of alcohol and drug dependencies.

**Intervention:** Information on intervention techniques is available to College community members through Health, Wellness and Counseling Services.

**Education and Prevention:** At Austin College, we pride ourselves on providing an enlightening college experience, which demands a safe and healthy student environment. We utilize an online interpersonal violence prevention program, *Not Anymore* from Vector Solutions (formerly Student Success). This program is an innovative, engaging, and informative course designed to promote a healthier and safer campus environment for everyone.

This course, created with students for students, is a video-based program that provides critical information about Consent, Bystander Intervention, Sexual Assault, Dating and Domestic Violence, Stalking, Alcohol, Drugs, Tobacco Use, Prescription and Opioid misuse and much more. While first-year students are required as part of their admissions process to visit the site, any member of the Austin College student body who wants to learn in an up-to-date, non-judging manner can visit. *Not Anymore* programming will help you better understand how vitally important these issues are and what you can do to help make your campus safer.

### **What To Do If You Are The Victim Of A Crime...**

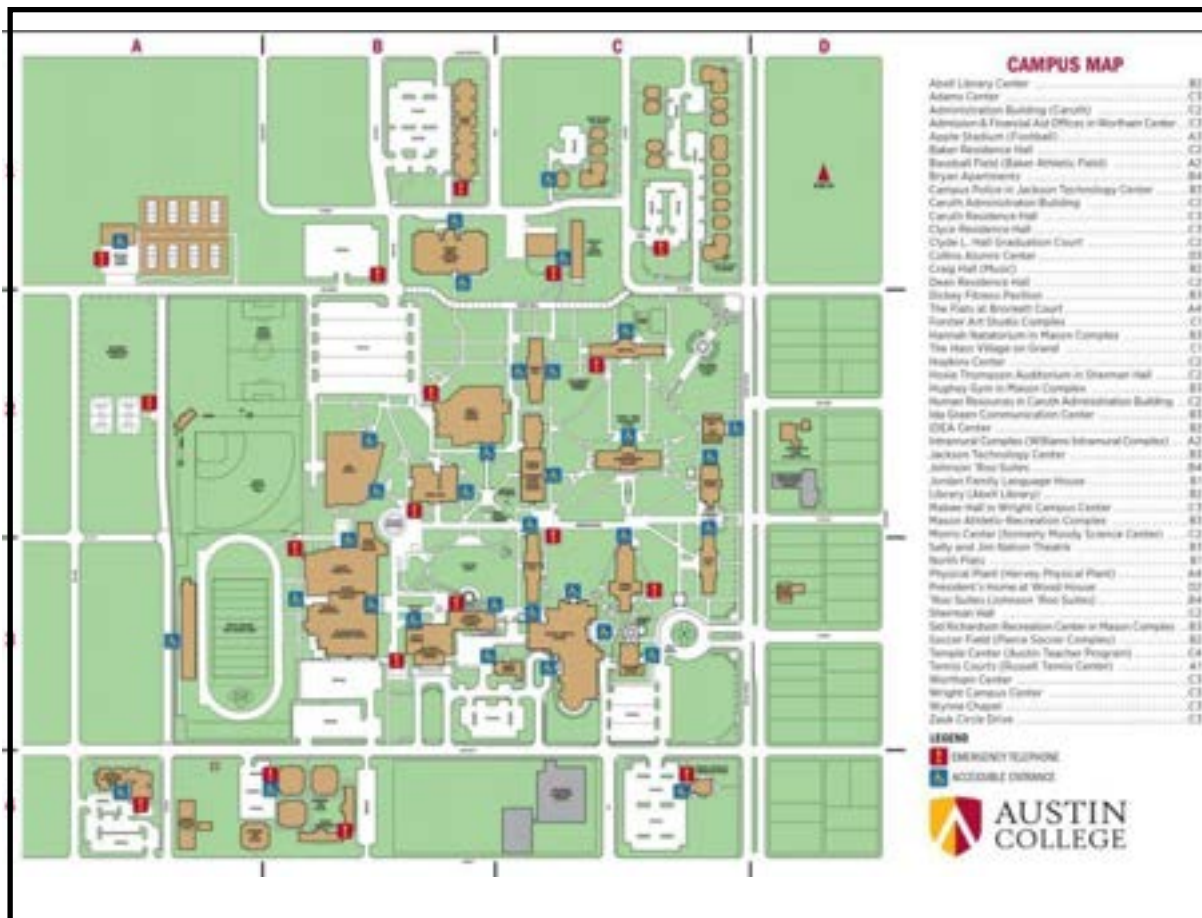
- Contact Campus Police (903.813.2555) as soon as possible. Describe the suspect to the dispatcher and inform him/her of the direction of travel taken by the suspect.

- Remember and report all you can about the suspect and relay that information to the dispatcher. Try to remember race, gender, clothing description, height, weight, color of hair and eyes, any unusual features, jewelry, and description of vehicle.
- Remain on the phone with the dispatcher until told to hang up.

## IMPORTANT PHONE NUMBERS

Emergency	911
AC Campus Police	903-813-2555
AC Student Life Office	903-813-2306
AC Vice President for Student Affairs	903-813-2228
AC Counseling & Health Services Center	903-813-2247
AC College Chaplain	903-813-2210
AC Physical Plant	903-813-2006
AC Title IX Coordinator	903-813-2433
Alcoholics Anonymous-Sherman	903-868-2734
Grayson County Crisis Center	903-893-5615
Heritage Park Hospital	903-813-3700
Texoma Medical Center (TMC) Hospital	903-416-4000
TMC Behavioral Health Center	903-416-3000
The Substance Abuse Council	903-892-9911
Wilson N. Jones Regional Hospital	903-870-4611

## The Reportable Area Of The Austin College Campus As Defined By Clery Amendment Standards



The Clery Amendment specifies how the reportable area surrounding the campus is defined in order to maintain a nationwide standard among all colleges and universities. The shaded area is considered outside of the reportable area of the campus. In addition to the Map above, Clery Amendment reporting for Austin College includes Sneed Prairie, which is owned by Austin College and is used specifically for environmental research.

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

The Annual Security Report was prepared through a collaboration between the following campus members:

- Melanie Oelfke Compliance Officer and Title IX Coordinator
- Joe Kietz, Chief of Austin College Campus Police & Safety
- Liz Washington, Office Coordinator for Campus Police and Safety
- Patrick Miller, Director of Residence Life
- 

The collection of Crime Statistics took place over the month of September. The Compliance Officer reached out to all listed parties to collect the data regarding each of the listed categories. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the crime statistics by using the Campus Conduct Hotline on the AC website.

## **The Annual Crime Statistics, including statistics for the 2020, 2021, and 2022 calendar years**

Austin College provides the following information pursuant to the disclosure requirements of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and The Violence Against Women Reauthorization Act of 2013.

REPORTED OFFENSES	On Campus			Residential Facilities			Non-Campus			Public Property		
	'20	'21	'22	'20	'21	'22	'20	'21	'22	'20	'21	'22
Murder & Non Negligent Manslaughter												
Negligent Manslaughter												
Rape*	4	2		4	2			1				
Fondling			1			1						
Incest												
Statutory Rape (Underage Victim)												
Robbery												
Aggravated Assault				1								
Burglary	1	1	3	1				1				
Motor Vehicle Thefts (Golf Carts)												
Motor Vehicle Thefts (Actual)												
Arson												
Domestic Violence												
Dating Violence	1			1								
Stalking	4	3		3								

ARRESTS FOR												
Weapons Possession										1		
Drug Abuse Violations	1			1						9	1	
Liquor Law Violations		1		12							1	
Domestic Violence												
Dating Violence												
Stalking												
REFERRALS FOR												
Weapons Possession												
Drug Abuse Violations	9	21	28	9	21	28						
Liquor Law Violations	7	18	14	6	18	14						
Domestic Violence												
Dating Violence												
Stalking												



*\*This report includes incidents of sexual assault that meet the criteria for rape that were reported to a counselor whose professional position allows them to maintain confidentiality by law. The persons reporting requested that no further action be taken by the College.*

## **Hate Crime Reporting:**

A Hate Crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Under Clery, reportable bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, disability, gender identity.

There were no reported Hate Crimes for the years 2020, 2021 or 2022.

## **Unfounded Crimes:**

There were no Unfounded Offenses in 2022.

There was one Unfounded Assault with a Deadly Weapon in 2021.

There were no Unfounded Assault with a Deadly Weapon in 2022.

There was one Unfounded Burglary of a Habitation in 2021.

## **Notes Pertaining to the Reporting of Crimes**

### **Campus**

The term "campus" means any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to the institution's educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or other retail vendor).

### **Non-campus**

The term "non-campus building or property" means any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

### **Public Property**

The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, or other thoroughfare, or parking

facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

Public Property Offenses are generally those reported by the Sherman Police Department, to have happened adjacent to the Austin College Campus, as defined by Clery Guidelines. Reported crimes may involve individuals not associated with the institution.

## The Hierarchy Rule

Historically, national crime data reporting shows that offenses of law generally occur singly as opposed to several offenses being committed simultaneously. In regard to this, the Uniform Crime Reporting Handbook states, "The Hierarchy Rule requires that when more than one Part 1 Offense is classified, the law enforcement agency must locate the offense that is highest on the hierarchy list and score that offense involved and not the other offense(s) in a multiple-offense situation." Exceptions to the Hierarchy Rule include justifiable homicide, motor vehicle theft, arson, and offenses that separated by time and place, as well as the reporting of Hate Crimes.

## Unfounded False Or Baseless Complaints

If an agency determines through an investigation of an offense that the complaint is false or baseless, meaning no offense occurred nor was attempted, then the agency must mark it as unfounded once that determination is made. Recovery of stolen property, low value of stolen property, the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a legitimate offense. For Clery reporting purposes, these statistics contain only the offenses that are believed to have actually occurred.

# **Mandatory Training Programs Including education on Prevention and Responses to Sex & Gender Based Misconduct and Drug and Alcohol abuse education programming.**

Austin College has revamped its mandatory training program for both new student and new employees. The College has entered into a new long-term contract with Vector Solutions to updated provide training on an expanded number of topics. All new students and employees are required to take online training modules on important issues. AS well, the Austin College Title IX office provides training to groups on campus over over zoom upon request.

## **Student Training**

### **1. Sexual Violence Prevention**

Sexual Violence in higher education is pervasive, and no institution is immune to the harm caused by sexual assault; dating and relationship violence; sexual harassment; and stalking. However, all students have a part to play in reducing sexual violence on their campus. This course discusses the finer points of consent, provides an overview sexual violence, and empowers students to take action to prevent further harm. Using presenter-led content, personal accounts of interpersonal violence, interactive elements, and scenarios that demonstrate key concepts, this course illustrates how sexual violence prevention goes beyond victims and perpetrators: it affects everyone and requires all of us to take action.

### **2. Sexual Harassment & Stalking Refresher**

Sexual Harassment and Stalking is a concise course that focuses on sexual harassment and stalking, while using peer presenters, survivor and bystander testimonials, video-based scenarios, motion graphics, infographics, animations and more.

### **3. Alcohol & Other Drugs**

Alcohol and Other Drugs is a reality-driven online course designed to educate students on he risks of the abuse of alcohol and other drugs, and to teach successful strategies for handling dangerous situations related to these substances. The course features four modules: Your GPA, Your brain, Your Peers, and Your Life. Each section provides extensive, research-backed evidence of the detrimental effects alcohol and other drugs can have, and how social skills and interactions can help reduce harm associated with these substances. (Featuring Not Anymore content)

### **4. Marijuana: What You Should Know**

The ongoing legalization of medicinal and recreational cannabis has allowed for more research into the effect of cannabis on the brain and how it can impact attention, concentration, and memory.

While the majority of students don't use cannabis, those who do may have questions about its use.

This course offers information to help students make informed decisions about cannabis, how to know when someone's use has become problematic, and how to help a friend who may have a problem with their cannabis use.

#### 5. Personal Skills for a Diverse Campus

This course is about how students can contribute to and get the most out of their educational experience and in any diverse community where they choose to live, learn, and work. We'll cover baseline definitions like, "diversity", "Stereotype", and "microaggressions" as well as concepts like anticipating impact, using up-to-date and inclusive identity terms and ways to stop microaggressions. The topics include: higher education's commitment to diversity and what it means for students, defining diversity inclusively, engaging comfortably with difference, examining assumptions, searching for similarities, anticipating impact and microaggressions and their impact.

#### 6. Prescription Addiction: Stimulants and Depressants

Stimulants and Depressants is a reality-driven course designed to help address student abuse of prescription stimulants ("Study drugs" such as Adderall, Ritalin, and Vyvanse.) Featuring personal insights from numerous former users and abusers of these drugs, the dangerous reality of abuse is presented, along with key advice for avoiding or dealing with addiction to and/or abuse of these substances.

#### 7. Mental Health Awareness

It's important to know that mental illness is common, diagnoseable, and treatable. However, peers are typically unprepared to have important conversations about mental health and may unintentionally keep each other from getting the help they need. This course provides college and university students with a basic overview of mental health awareness, and several ways to help other students. Topics include: mental health facts, warning signs, ways to respond, and creating a positive environment.

### New Employee Training Program

The College is committed to creating a safe and inclusive environment for all employees, students, and community members. To meet this goal, and to comply with various federal and state laws, we require all employees to complete training on certain topics and policies upon hiring, with refreshers every two years. In addition to these courses, new employees must read and send acknowledgment the Sex and Gender Based Misconduct policy and the Reporting of Child Abuse policy. Both of these policies describe prohibited misconduct and employee's Texas state law requirement to report learned of discrimination and abuse. Below is a list and description of each of the required courses for new employees.

## 1. Discrimination Awareness in the Workplace

Although we've long understood that discrimination and harassment are unlawful in the workplace, it's clear from news headlines that it's still prevalent. That's why it's critical that employees understand their workplace policies regarding discrimination and know their roles and obligations. This course is designed to provide basic awareness and understanding of discrimination. This awareness can help employees avoid discriminatory behaviors and build a school culture that reflects inclusivity and respect for all.

## 2. Diversity and Inclusion: Faculty and Staff

Diverse and inclusive higher education institutions offer many benefits to their students, employees, communities and society. It's important to continue education in diversity and inclusion not only to remain in compliance, but also as a best practice. This course provides college and university faculty and staff members with a basic understanding of diversity and inclusion, as well as strategies to help maintain a discrimination-free environment. Topics include: terminology and regulations, identifying problematic behaviors and proactive strategies to increase diversity awareness.

## 3. Title IX and Sexual Harassment Prevention for Employees

Informed faculty and staff are vital to the effective response to and prevention of sexual harassment on campus. This course is designed to provide essential knowledge on Title IX regulations so you can assist students or colleagues when they reach out for help and to give you background on recent laws to help guide your response. Topics covered include why people commit sexual harassment, primary prevention methods, federal requirements, reporting obligations, trauma-informed response, and campus policies and resources.

## 4. Child Abuse: Mandatory Reporting

This course provides background information on the different types of child abuse/child maltreatment. It offers training scenarios for physical abuse, neglect, sexual abuse, and emotional abuse, identifies indicators to assist in abuse and neglect, states the legal responsibilities of reporting and handling disclosures, and uses the Internet, pdf files, and documents to provide specialized reference materials.

## 5. Drug Free Workplace

The goal of this course is to provide employees with an understanding of drug and alcohol abuse in the workplace. This course will review the Drug Free Workplace Act, recognizing the signs of substance abuse and addiction, and knowing your role in fighting substance abuse on the job.

Below you will find the Austin College policy on Sexual Misconduct. This policy explains prohibited misconduct, how to make a report, how to receive support both on and off campus, how to file a formal complaint, and all adjudication procedures related to sexual misconduct. This policy is continually updated to comply with Federal Regulations and Texas state law.

# **Austin College Sex & Gender Based Misconduct Policy**

This policy, dated August 14, 2020, supersedes any policies  
previously adopted and/or published in College handbooks, in the  
operational guide, or on the website.

## **Introduction**

Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, additional federal and Texas state laws and regulations have been adopted to offer further protection to those in higher education (i.e., students, employees, and third parties) from discrimination and harassment based on a person’s sex or gender. Austin College is committed to establishing an environment free of such discrimination and prohibits such acts. This policy has been updated to substantially comply with the Department of Education’s August 14, 2020 Title IX Regulations, & Texas laws H.B. 1735, S.B. 212, & H.B. 449.

Hence, Austin College (the College) will respond in a clearly reasonable way (as defined by Sections 106.44 & 106.45 of the New Title IX Regulations) to Reports & Formal Complaints containing information about actionable sex-and gender-based discrimination occurring in the College’s educational programs or activities in the United States, of which the Title IX Office is given Actual Notice of. These responses are intended to stop prohibited conduct, prevent its recurrence, and address any lingering impact on both participants and the campus community. Any retaliation against, or intimidation of those involved in a misconduct incident, be it those bringing a complaint, those accused, or those participating in the resolution process, is prohibited and will not be tolerated by the College.

Austin College supports persons involved in this process through available support services. The College encourages all parties in Austin College’s Community who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from the Title IX Coordinator, staff in counseling services or health services, the office of the College chaplain, the Grayson County Crisis Center, or to seek other medical attention. Additionally, employees needing support services may seek assistance from the Human Resource Department or the Employee Assistance Program. Nothing in this policy prohibits individuals from reporting crimes to Law Enforcement.

Questions regarding Title IX may also be referred to the United States Department of Education’s Office for Civil Rights, Dallas Office.

U.S. Department of Education 1999 Bryan Street, Suite 1620 Dallas, TX  
75201

Telephone: 214-661-9600

FAX: 214-661-9687; TTD: 877-521-2172

Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

## **Notice of Non-Discrimination**

Austin College is committed to equal opportunity and does not discriminate on the basis of age, color, disability, national origin, race, religion, sex, gender, gender identity, sexual orientation, citizenship status, genetic information, status as a veteran, or any other characteristic that is protected by applicable state or federal law in its operations, employment opportunities, educational programs, and related activities. Austin College is committed to providing individuals with disabilities equal access to the process outlined in this policy. If you need an accommodation in the process, please consult with the Title IX Coordinator.

The Chief Human Resource Officer has been designated by the College as the appropriate person with authority to redress allegations of non-sexual misconduct: discrimination, harassment, & retaliation. All reports or formal complaints must be made to the Chief Human Resource Officer in order for Austin College to have actual notice of the issue and respond in a clearly reasonable way.

Reports of discrimination, harassment, or retaliation must be made to the Chief Human Resource Officer:

Melanie Oelfke, 900 N. Grand Ave., Suite 6I Sherman, TX 75090. Phone:

903.813.2433 and Email: [moelfke@austincollege.edu](mailto:moelfke@austincollege.edu)

Reports may also be submitted to the Chief Human Resource Officer through the Campus Conduct Hotline (CCH) (866-943-5787), or the Online Campus Conduct Reporting tool, both of which are linked at the bottom of every Austin College webpage via “Campus Conduct Hotline.”

If a report is made to anyone else, the reporter risks the possibility that it will not come to the attention of the appropriate College authorities and may, therefore, not be acted upon officially by an Austin College employee with authority to redress the allegations.

Any person may make a report of discrimination, harassment, or retaliation to the Chief Human Resource Officer. Austin College will likely be limited in its response when reports are made by, or against, individuals that are not under Austin College’s control. All persons have the right to contact law enforcement or other resources outside of Austin College’s process.

Once reported to the Chief Human Resource Officer, the College may take any appropriate immediate action, as determined by the College, including Administrative Leave, Emergency Removal, and Supportive Measures.



## 0.1 Title IX (Federal) & Non-Title IX (Texas)

### Compliance

In May of 2020 the United States Department of Education issued new regulations that substantially updated how schools receiving federal funds must respond to allegations of Sexual Misconduct. These rules mandate specific definitions & formalize investigatory & adjudicatory processes which Austin College is required to implement by August 14, 2020. Several of the new Federal provisions either conflict with or go beyond the requirements imposed on Austin College by the Texas legislature.

The New Regulations address this conflict: Section 106.45(b)(3)(i) (“The Recipient must investigate the allegations in a formal complaint. If the conduct alleged by the complainant would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the Recipient’s education program or activity, or did not occur against a person in the United States, then the Recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; such a dismissal does not preclude action under another provision of the Recipient code of conduct.”)

Given this discretion, Austin College remains committed to responding to all allegations of sexual misconduct made by members of Austin College’s community & has incorporated a Non-Title IX procedure into this Sexual Misconduct policy to address allegations that fall outside of Title IX.

If an allegation in a Formal Complaint of Sexual Misconduct is dismissed under the Title IX Process because it occurred outside of either the United States or Austin College’s Educational Program or Activities, or it does not meet the Title IX Harassment definition, then the complainant may submit the Formal Complaint to the Non-Title IX process. All Formal Complaints alleging sexual misconduct must first go through the Title IX Process, before it goes through the Non-Title IX Process.

The State of Texas requires that Austin College’s governing board approve its Sexual Misconduct policy. (H.B. 1735 Section 51.282(a)(2)) As compliance with both the Federal Regulations & the Texas Laws are non-negotiable, this sexual misconduct policy, which incorporates both Federal & State mandates, has been approved by Austin College’s Governing Board for responding to Sexual Misconduct.

Date of Board Approval: Nov. 7, 2020;

## 0.2 Record Keeping

1) *Austin College* must maintain for a period of seven years records of—

- (A) Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Austin College's education program or activity;
- (B) Any appeal and the result therefrom;
- (C) Any informal resolution and the result therefrom; and
- (D) All materials used to train Title IX Coordinators, investigators, decision- makers, and any person who facilitates an informal resolution process. Austin College must make these training materials publicly available on its website.

2) For each response required under Title IX, Austin College must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, Austin College must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Austin College's education program or activity. If Austin College does not provide a complainant with supportive measures, then Austin College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Austin College in the future from providing additional explanations or detailing additional measures taken.

## 0.3 Mandatory Training

- 1) All individuals designated by Austin College as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2) Austin College ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in this policy, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 3) Austin College ensures that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in this policy.
- 4) Austin College ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 5) Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes and promote impartial investigations and adjudications of formal complaints of sexual harassment.

The Training materials are available on the Austin College Title IX webpage under the heading, "Title IX Training".

## 0.4 Requesting an Accommodation

Requests for accommodation (ADA, Section 504) should be made to the Title IX Coordinator. The Coordinator will work with the appropriate college authority to determine what reasonable accommodations may be provided.

Individuals that believe they need a translator or Language Assistance throughout the Title IX or Non-Title IX process may contact the Title IX Coordinator

## 0.5 Reasonably Prompt Time Frames

*0.7(a) Investigation* - The investigation of a Formal Complaint will be concluded within 90 business days of the filing of a Formal Complaint.

*0.7(b) Grievance Process, including Appeal* – The entire grievance process outlined in this policy, including any appeal, will generally be completed in no more than 165 business days. This time frame is subject to change.

*0.7(c) Appeal* – 21 Business days

## 0.6 Requesting an Extension of Time

Any party who wishes to request a temporary delay in the grievance procedure or the limited extension of time frames must submit a written request to the Title IX Coordinator that details why that party is requesting the delay/extension. The party filing the request must demonstrate good cause for the delay/extension to be granted.

The Title IX Coordinator will make a determination regarding the request for delay/extension. If the request is denied, the requesting party will receive notice of the decision and the reasons why the request was rejected. If the request is granted, both parties will receive written notice of the delay/extension and the reasons for it.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Delays caused solely by administrative needs, for example, would be insufficient to satisfy this standard.

Even where good cause exists, Austin College may only delay the grievance process on a temporary basis for a limited time. A respondent (or other party, advisor, or witness) would not be able to indefinitely delay a Title IX proceeding by refusing to cooperate.

The grievance process can proceed to conclusion even in the absence of a party or witness.

# 1 — Sexual Misconduct Policy

The Federal mandates established by Title IX and the Campus SaVE Act reaffirm that students, employees, and third parties have the right to be free from discrimination based on their gender, sex, sexual orientation, and gender appearance/expression. All procedures regarding such incidences can be found herein.

## 1.1(a) Scope of Title IX Policy

This policy applies to Austin College students, employees, and third-parties participating in Austin College's education program or activity as defined in 34 C.F.R. § 106.44(a): Locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

## 1.1(b) Scope of Non-Title IX Policy

This policy applies to Austin College students, employees, and third parties both on and off campus, as well as in cyberspace. Off-campus coverage of this policy includes incidents that occur within the College's operations including incidents that occur outside the United States such as employee-led trips, study-abroad sites, internship sites, service-learning sites, college-owned properties & when the conduct substantially affects a person's education or employment with the College or poses a risk of harm to members of the Austin College community.

## 1.2 - Prohibited Misconduct Defined

Conduct that is prohibited and encompassed by this policy includes sexual harassment, sex and gender discrimination, sexual assault, rape, stalking, and relationship abuse (including domestic and dating violence). These acts are also a violation of federal and state law (including Title IX, Title VII, the Campus SaVE Act, and the Violence Against Women Act). These acts are prohibited in any sex or gender configuration (i.e., between the same or differing genders), regardless of sex and gender identity, or in any power configuration. Individuals found responsible for violating these policies will face sanctions that are commensurate with the severity of the policy violation, ranging from warning to expulsion or termination of employment.

Many of the behaviors outlined in this policy may be felony or misdemeanor crimes in addition to violations of this policy. Victims are encouraged to explore legal options for prosecution if they desire. Austin College will conduct its own investigation and resolution process for a Formal Complaint, regardless of whether the alleged misconduct is also being pursued through the criminal justice system. Acts of harassment or sex- and gender-based discrimination may vary in severity and include the following categories listed in sections 1.21 – 1.29.

## Title IX Sexual Misconduct Policy Violation

### 1.21 Title IX Sexual Harassment

All allegations of prohibited misconduct defined under section 1.21 are subject to the resolutions processes articulated by the 2020 Title IX Regulations codified in this policy in sections 1.7 or 1.8(a).

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

#### *1.21.1 Quid Pro Quo, Sexual Harassment*

Quid Pro Quo Harassment means an employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

#### *1.21.2 Davis Standard, Sexual Harassment*

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

#### *1.21.3 Clery/VAWA Offenses, Sexual Harassment:*

##### 1.21.3(a) - Sexual Assault

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program:

- (A) "Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- (B) "Fondling" means 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 or because of his/her temporary or permanent mental incapacity.
- (C) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(D) “Statutory Rape” means sexual intercourse with a person who is under the statutory age of consent.

(Citation: 20 U.S.C. 1092(f)(6)(A)(v), Defined at 34 CFR 668.46)

Sexual assault can be committed by persons of the same sex as well as those of different sex. Students, employees, and third parties should understand that forced or unwanted sexual intercourse or sexual contact (as defined above), whether it involves a stranger or an acquaintance, is sexual assault. The severity of the violation is the same whether the responding participant is a stranger or known to the reporting participant.

#### 1.21.3(b) - Dating Violence

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of: 1) length of the relationship, 2) the type of relationship, and 3) the frequency of interaction between the persons involved in the relationship.

#### 1.21.3(c) - Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person 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 receiving grant monies, or by any other person against the an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of Texas. (Citation: 34 U.S.C. 12291(a)(8))

#### 1.21.3(d) - Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. (Citation: 42 U.S.C. 12291(a)(30)) For guidance purposes regarding this definition:

(A) 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.

(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. (Citation: 34 CFR 668.46)

Stalking can occur between strangers, individuals who know each other, or individuals who are or were previously in a relationship. Stalking behaviors may include unwanted following or

watching, unwelcome gifts, or communications in person, in writing, or through the use of technology. It also includes accessing personal information to monitor a person's activity.

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## Non-Title IX Sexual Misconduct Policy Violations

Sections 1.22 – 1.29 define misconduct involving non-Title IX Sexual Harassment and violations of college policy that do not fall under the 2020 Title IX Regulations definition of Sexual Harassment. Allegations of these violations will be handled through the non- Title IX resolution process articulated in sections 1.7 or 1.8(b).

### **1.22 Non-Title IX Sexual Harassment**

Non-Title IX Sexual Harassment means 1) unwelcome, sex based verbal or physical conduct that:

- (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities of Austin College

For Employees of Austin College, Sexual Harassment may also mean an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- (A) submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
- (B) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment;
- (C) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (D) the advance, request, or conduct has the purpose or effect of creating an offensive working environment.

Examples of sexual of harassment under Title IX or otherwise for all community members may be: repeated unwelcomed sexual conduct or advances that may take the form of inappropriate sexual or suggestive comments, sounds or jokes; unsolicited touching that falls outside of the Sexual Assault definition.



## 1.23 Retaliation

- 1) No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.
- 2) Austin College will keep private the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, [20 U.S.C. 1232](#), or FERPA regulations, [34 CFR part 99](#), or as required by law, or to carry out the purposes of [34 CFR part 106](#), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.
- 3) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited.
- 4) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance under this part does not constitute retaliation prohibited, provided however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## 1.24 Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. This behavior may fall under either the Title IX NonSexual Assault Sexual Harassment standard or the Non-Title IX Sexual Harassment standard. There are many degrees and types of sexual exploitation. Examples of sexual exploitation are described below.

- Photographing or taping someone (via audio or video) involved in sexual activity, or in a state of undress without their consent or knowledge constitutes prohibited sexual exploitation (even if a person consented to the sexual activity or the state of undress, photographing or taping someone without their knowledge goes beyond the boundaries of that consent).

- Disseminating photographs or video/audio of someone involved in sexual activity or in a state of undress without their knowledge or consent constitutes a separate and additional act prohibited by this policy.
- Voyeurism, which is the act of observing a person involved in sexual contact/activity or in a state of undress without their knowledge or consent, is prohibited by this policy.
- Inducing intoxication/incapacitation for the purpose of sexual activity (i.e., offering drugs, alcohol, or other substances to a person with or without their knowledge with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity) is a violation of this policy. This type of conduct constitutes sexual exploitation regardless of whether any sexual activity takes place.

### **1.25 Intentional Presentation of False Information**

Participants in both the Title IX & Non-Title IX process must present, in good faith, truthful and accurate information to those involved in ensuring a fair process. Knowingly making false statements or presenting inaccurate information is unacceptable and may result in a separate disciplinary action regarding that conduct. Please note that filing a report or providing information which a participant or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute the intentional presentation of false information.

### **1.26 Violation of Supportive Measures**

An employee or student's failure to comply with the terms of Supportive Measures directives is a violation of Austin College policy.

### **1.27 Employee Failure to Report or False Report**

It is a violation of Texas Law & Austin College policy for an employee who is required to make a report to not make a report to the Title IX Office. The State of Texas has determined that an employee commits an offense if: 1) they are required to make a report & knowingly fails to make a report; or 2) with the intent to harm or deceive, knowingly makes a report that is false. These offenses are classified as Class B Misdemeanors, which can be upgraded to a Class A Misdemeanor at trial. As is required by Texas Law, Austin College shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed the offense of not making a report they knew of or making a false report.

### **1.28 Interference with Processes under this Policy**

Any person who interferes with the Grievance Processes under this Policy is subject to disciplinary action up to and including dismissal or separation from the College. Interference with a Grievance Process may include, but is not limited to:

- (1) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (2) Removing, destroying, withholding, or altering documentation relevant to the Grievance Process; or

### **1.29 Employee – Student Relationships**

Sexual, romantic, or dating relationships between employees and students are inconsistent with the mission of the College and inappropriate because they carry a risk of damaging the student's educational experience and the faculty or staff member's career. The College thus prohibits sexual, romantic, or dating relationships, even of a consensual nature, between employees and currently enrolled students. Enrolled students who are employed by College are considered students for consensual relationships.

There are exceptional circumstances in which the spouse or partner of a faculty or staff member is a student at the College. This policy does not apply in such circumstances. The Dean of the Faculty or the appropriate vice president is the administrative officer who determines whether a circumstance is exceptional.

## **1.3 – Process Definitions & Provisions**

### **1.31 Academic Freedom**

Austin College is committed to principles of free speech and upholding the tradition of academic freedom. This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. The proper exercise of academic freedom does not include harassment or discrimination as defined by this policy.

### **1.32 Administrative Leave**

The Process by which Austin College places a non-student employee respondent on administrative leave during the pendency of a grievance process.

### **1.33 Confidentiality**

Because breaches of confidentiality compromise the ability of Austin College to investigate and resolve claims of harassment and discrimination, the Title IX Coordinator will attempt to protect the confidentiality of harassment and discrimination proceedings to the extent reasonably possible. On campus, complete confidentiality cannot be guaranteed. Limited Confidentiality may be available when a concern is shared with a College-designated limited reporter employee (defined in Section 1.42.3) and when the concern does not involve a continuing threat of serious harm to self or others as determined by the Title IX Coordinator.

### **1.34 Consent**

Consent is clear, active, and affirmative permission to act, either by words or actions. The person who initiates sexual activity is responsible for obtaining the other person's consent for that activity each and every time. The existence of a dating relationship, or prior intimate relationships, does not imply consent, and once consent has been given, it can be withdrawn at any time. Consent can never be unreasonably assumed or implied. The absence of "no" or silence does not mean that consent has been given. Additionally, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

#### ***1.34.1 - When Consent cannot be Obtained***

Consent cannot be obtained when any of the following circumstances are used:

- a) Physical violence, meaning that a person is exerting control over another person through the use of physical force. Examples of physical force include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- b) Threats, meaning words or actions that would compel a reasonable person to

engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

c) Intimidation, meaning an implied threat that menaces or causes reasonable fear in another person. A person's size alone does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g. blocking access to an exit).

d) Coercion, meaning the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes a clear decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider: (a) the frequency of the application of the pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure. Coercion includes continued pressure after an individual has made it clear that they do not want to engage in the behavior.

e) Consent is not present when an individual is incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because that person lacks the capacity to understand the "who, what, when, where, why, or how" of a sexual interaction. This includes a person whose incapacity results from a disability, sleep or lack thereof, involuntary physical restraint, unconsciousness, or use of alcohol or other drugs. Every individual may manifest signs of incapacitation differently; typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional distress, vomiting, or incontinence. The impact of alcohol and other drugs varies from person to person, and if there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being impaired by alcohol or other drugs is not a defense to any violation of this policy, including failure to obtain consent. In evaluating consent in cases of alleged incapacitation, the College seeks to determine 1) if the person initiating sexual activity knew that the other participant was incapacitated and 2) if not, would a reasonable person have known that the other participant was incapacitated. If the College determines that either of these statements are true, consent was absent.

f) Consent is never present if an individual is under the legal age of consent (17 in the State of Texas).

### **1.35 Emergency Removal**

The Process by which Austin College may remove a respondent from the College's education program or activity on an emergency basis, provided that the Title IX Office undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the

allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **1.36 Parental Notification**

Austin College retains discretion on a case-by-case basis in determining if, and when, it will be appropriate to contact a student's parent(s) or guardian(s). Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a Title IX action and should refer them to the Title IX Coordinator or their designee and this policy for questions.

### **1.37 Process Participants**

#### *1.37.1 - Title IX Coordinator*

This individual is responsible for the oversight of this policy and the Enforcement of Supportive Measures & Sanctions.

#### *1.37.2 - Reporting Participant*

An individual who provides notice to the College that they have experienced one or more acts of sexual misconduct. If necessary, the College can assume the role of reporting participant.

#### *1.37.3 - Complainant*

An individual who is alleged to be the victim of conduct that could constitute sexual harassment or any of the violations defined in this policy.

#### *1.37.4 - Respondent*

Any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or any of the violations defined in this policy. *1.37.5 - Witness*

The reporting and responding participants have the right to identify any individuals who may be witnesses to the conduct alleged in a formal complaint. Participants may provide an explanation the witness's relevance to this investigation at the time the witnesses are identified to the investigator(s). Participants should be aware that it is possible for both reporting and responding participants to list the same people as witnesses on their behalf. Witnesses are expected to cooperate and speak the truth. Witnesses should not be intimidated, threatened or improperly influenced in any way by either participant or through other individuals (e.g. friends, family members, attorneys, social media, etc..).

The investigator(s) will attempt to interview any witnesses identified by the participants that the investigator(s) deems to be relevant to the resolution of the complaint. As members of Austin College's community, students and employees are expected to cooperate with and participate in the investigation process. Witnesses may also be a Party Advisor.

### *1.37.6 - Party Advisor*

Each Complainant & Respondent in a sexual misconduct investigation is entitled to one Party Advisor of their choosing to perform cross examination at the Live Hearing & accompany and assist them throughout the campus resolution process. The Party Advisor can be a friend, family member, attorney, faculty member, witness, or any other individual a participant selects who is willing, eligible, and available. Other than serving as a witness & conducting Cross Examination at the Live Hearing (in the Title IX Formal Resolution Process), a Party Advisor may not be otherwise involved in the process.

Participants are entitled to be accompanied by their party advisor in all meetings and interviews at which participants are requested to be present. The party advisor may help their participant prepare for each meeting. At a Title IX Formal Resolution Live Hearing the Party Advisor is permitted to ask the other party & any witnesses all relevant questions and follow-up questions, including those challenging credibility. If a party does not have an advisor present at the live hearing, Austin College will provide without fee or charge to that party, an advisor (not required to be an attorney) to conduct cross-examination on behalf of that party. Party Advisors may not answer questions for the party they are advising during an Investigation, Live Hearing, or other meeting. Party Advisors may not give the opening or closing for the party they are advising during the Live Hearing (Title IX Formal Resolution Process).

All party advisors are subject to the same campus rules, whether or not they are attorneys. Party advisors who step out of their role or otherwise violate this policy during the campus resolution process will be subject to removal as a party advisor.

The College expects the party advisors to adjust their schedules to allow them to attend College meetings, interviews, or other necessary events when scheduled. Accommodations for participation may be considered (e.g. phone, Skype).

Participants must inform the Title IX Coordinator of the identity of their party advisor.

Participants and the party advisor must provide timely notice of a change in party advisors to the Title IX Coordinator. Prior to attending any interviews, the party advisor will be required to agree to confidentiality/non-retaliation, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. A party's advisor may choose to withdraw from their role during the process for any reason. A party advisor must provide notice to the Title IX Coordinator when they withdraw from their role.

### *1.37.7 - Process Advisor*

The College maintains a list of limited reporter employees who are trained to assist participants understand this policy and the resolution processes. These individuals are appointed by the College. They will report the incident to the Title IX Coordinator; however, they are not required to report personally identifiable information about the reporting or responding participants.

#### *1.37.8 - Investigator*

The Individual assigned by the Title IX Coordinator to investigate a Formal Complaint of Sexual Misconduct. These individuals will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Office will ensure that all investigators receive training on the definition of sexual harassment in § 106.30, the scope of Austin College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Investigators have received training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train these individuals do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

#### *1.37.9 - Decision Maker*

The individual assigned by the Title IX Coordinator to ask relevant questions at the hearing & decide if cross examination questions are relevant at the live hearing, & to make determinations regarding responsibility. These individuals will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Office will ensure that all decision makers receive training on the definition of sexual harassment in § 106.30, the scope of Austin College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Title IX Office will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Materials used to train these individuals do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

#### *1.37.10 - Clerk*

The individual assigned by the Title IX Coordinator to assist all participants in the Formal Resolution process with scheduling. This person may also enforce the decorum rule at the live hearing in a Formal Resolution, and may be the investigator.

#### *1.37.11 – Support Person*

All parties may have a support person accompany them to all interviews & meetings. Support Persons may also be a party's advisor. Support Persons are never allowed to answer for, or speak on behalf of the party they are supporting. Support Persons may confer quietly and briefly with the person they are supporting as needed in a meeting. The Support Person can be a friend, family member, attorney, faculty member, or any other individual a participant selects who is willing, eligible, and available. Support Persons may not otherwise be involved in the process.



All Support Persons are subject to the same campus rules, whether or not they are attorneys. Support Persons who step out of their role or otherwise violate this policy during the campus resolution process will be subject to removal as a Support Persons. The College expects the Support Persons to adjust their schedules to allow them to attend College meetings, interviews, or other necessary events when scheduled. The College does not typically change such scheduled meetings to accommodate a support person's ability to attend. Other accommodations for participation may be considered (e.g. phone, Skype).

Participants must inform the Title IX Coordinator of the identity of their Support Person. Participants and the support person must provide timely notice of a change in support person to the Title IX Coordinator. Prior to attending any interviews, the support person will be required to agree to confidentiality/non-retaliation, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. A support person may choose to withdraw from their role during the process for any reason. A support person must provide notice to the Title IX Coordinator when they withdraw from their role. Support Persons that are not also serving as a Party Advisor will not receive evidence or the Investigative report for review.

### **1.38 Relevant Evidence**

The Formal Resolution Process will provide an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. All credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

1) Relevant Evidence is defined as evidence:

- Tending logically to prove or disprove a fact of consequence or to make the fact more or less probable and thereby aiding the trier of fact in making a decision.
  - Having a significant and demonstrable bearing on the matter at hand.
  - Affording evidence tending to prove or disprove the matter at issue or under discussion.
- “Relevant.” *Merriam-Webster.com Dictionary*, Merriam-Webster.

2) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

3) Legally Privileged information (Attorney/client, Dr./Patient) & legal/medical records are not relevant & may not be used or asked about unless voluntarily released by the party and relevant.

### **1.39 Student Amnesty**

Students may be concerned about reporting sexual misconduct believing that their own behavior might subject them to disciplinary action (e.g., if a reporting participant or witness is underage and was using alcohol or drugs at the time of the incident).

Witnesses and reporting participants should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether the witness or reporting participant was using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Austin College will seek to make the sexual misconduct allegation the primary focus of any investigation or disciplinary action. The College may not pursue disciplinary action against reporting participants, witnesses or a third party for disclosure of their own personal consumption of alcohol or drugs at or near the time of the incident provided that any such violation did not harm or place the health and safety of any other person at risk. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol or drugs (or by any other means) cannot give consent to sexual activity.

## 1.4 — Reporting Sexual Misconduct

Individuals may choose to seek action or assistance both on campus as well as through surrounding community resources. The following are examples of reasons that one might choose to report an incident of alleged misconduct to:

- To receive support in coping with an incident.
- To make Austin College aware of behavior in case it is part of a larger pattern.
- To help prevent similar incidents from happening in the future.
- To seek information about taking formal action against someone.
- To seek information about educating someone about their behavior through use of the College's Title IX process and procedures.

Reports should be filed with the Title IX Coordinator or Deputy Coordinator (if applicable):

Title IX Coordinator  
Melanie Oelfke  
Director of Wellbeing and Human Resources  
Administration Building, Room 211  
900 N. Grand Ave., STE 6I  
Sherman, TX 75090  
Telephone: 903.813.2433  
Email: [moelfke@austincollege.edu](mailto:moelfke@austincollege.edu)

After a report of Sexual Misconduct has been filed with the Title IX Office, the Title IX Coordinator &/or Deputy Coordinator will:

- 1) Discuss the availability of supportive measures to the Reporting Participant,
- 2) Explain the process for filing of a Formal Complaint
- 3) Explain the Formal Resolution & Informal Resolution process.
- 4) Assess the nature and circumstances of the allegation;
- 5) Address any immediate concerns about the physical safety and emotional well-being of the participants;
- 6) Notify the reporting participant of the option to notify law enforcement;
- 7) Provide the reporting participant with information about the range of available on- and offcampus resources;
- 8) Describe the range of interim measures and remedies for security and support.

Once reported to the Title IX office, Supportive Measures are available as appropriate to the reporting party with or without the additional step of going through an Informal or Formal resolution.

A report is not a request for an investigation or adjudication, these are triggered by the filing of a Formal Complaint.

Reports to anyone other than the Title IX Coordinator & the Deputy Title IX Coordinator does not qualify Austin College as having Actual Knowledge of Sexual Misconduct.

Submitting a Report of Sexual Misconduct does not guarantee any particular result.

## 1.41 Student & Alumni / Third-Party Reports

All Students & Third Parties wanting to make a report of sexual misconduct may do so in the following ways:

- 1) In person or through mail to the Title IX Coordinator, Melanie Oelfke, 900 N. Grand Ave., STE 6I Sherman, TX 75090.
- 2) Through email to the Title IX Coordinator, Moelfke@austincollege.edu
- 3) Over the phone to the Title IX Coordinator, 903-813-2433
- 4) Online non-anonymously through the Sexual Misconduct Communication Form, available on Austin College's Title IX webpage. -
- 5) Online anonymously through the Campus Conduct Hotline link at the bottom of every Austin College webpage.
- 6) To a Limited Reporter Employee (Section 1.42.43), with the individual understanding that the employee must report at the minimum the type of harassment disclosed (the employee may give more information if students give permission to employee).
- 7) To a non-Limited Reporter Employee (Section 1.42.1), with the student understanding that the employee must report all information non-anonymously to the Title IX Coordinator.
- 8) To a Student Employee Resident Assistant &/or FSL with the student understanding that the Student Employee has the obligation to report all information non-anonymously to the Title IX Coordinator.

## 1.42 Employee Reports (All Faculty & Staff)

### *1.42.1 Non-Confidential Employees*

Under Texas SB 212 all employees of Austin College who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX Coordinator, or Deputy Title IX Coordinator. That report must include all the information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

### *1.42.2 Exceptions to the Employee Reporting Requirement*

- 1) When the person is a victim of sexual harassment, sexual assault, dating violence, or stalking. (Employees are not required to report their own experiences)
- 2) When the disclosure was made at a public awareness event on sexual harassment, sexual assault, dating violence, or stalking, and the event was sponsored by Austin College, or by a student organization affiliated with Austin College.
- 3) Employees that are currently enrolled as students are not considered mandatory reporters under TX SB 212. However, Resident Assistants, First Year Seminar

Leaders, and Jordan Family Language House Teaching Assistants are all required to report sexual discrimination, learned of within the course and scope of their employment, to the Title IX Office.

4) Employees that are designated as Limited-Reporter Confidential Employees.

#### *1.42.3 Limited Reporter Confidential Employees*

These are Employees of Austin College who have been designated by the college as a person with whom students may speak confidentially concerning sexual misconduct covered under this policy, or who receives information regarding such an incident under the circumstances that renders an employee's communications confidential or privileged under other law shall. While required to make a report to the Title IX Coordinator, they must state only the type of incident reported and may not include information that would violate a student's expectation of privacy. The following employees & Process Advisors are designated as Limited Reporters:

Austin College Counselors	John Williams	Melissa Bressler
Counseling Services	College Chaplain	Medical Professional
Adams Center	Wynne Chapel	Adams Center
903.813.2247	903.813.2220	903.813.2247

#### *1.42.4 Confidential Reports to Campus Police Officers*

A Campus police officer who receives information regarding an incident described in Section 1.21 of this policy from an alleged victim who chooses to complete a pseudonym form, shall, in making a report to the Austin College Title IX Coordinator, state only the type of incident reported and may not include the victim's personally identifiable information.

#### *1.43 Timing of Reports*

There is no time limit for the submission of a report alleging sexual misconduct.

#### *1.44 Reporting Sexual Abuse Regarding Minors*

Employees of Austin College are required to report known sexual child abuse or neglect, and suspected sexual child abuse or neglect. To report to DFPS, call the 24- hour, toll-free abuse hotline at 1-800-252-5400 from anywhere in the United States to report abuse or neglect that happened in Texas.

## 1.45 Request to Not Investigate

If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reports to the Title IX Office and requests to not investigate the alleged incident, the Title IX Coordinator or College designated appropriate person will determine whether or not to conduct an investigation by considering the following:

- The seriousness of the alleged incident;
- Whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
- Whether the alleged incident poses a risk of harm to others; and - Any other factors the institution determines relevant.

The Title IX Office will inform the alleged victim of the office's determination as to whether to investigate or not.

The Title IX Office will implement reasonable support measures or other actions to protect the health and safety of the college's community in relation to the alleged incident even when it decides not to investigate the alleged incident.

## 1.46 Importance of Going to a Hospital and Preserving Evidence After Incident

It is important for a victim of sexual assault, sexual harassment, stalking or dating/domestic violence to, as applicable, go to a hospital for treatment and to preserve evidence as soon as practicable after an incident. Most Hospitals have the capability to conduct a SANE (Sexual Assault Nurse Examination) examination in order to preserve evidence.

## 1.47 Right of a Victim to report to Law Enforcement

The victim of a crime has the right to choose whether to report the crime to law enforcement, and may be assisted by the Title IX Office in reporting the crime to law enforcement. The Victim also has the right to choose to decline to report the crime to law enforcement.

## 1.5 - Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Austin College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Academic Supportive measures will be coordinated with and communicated to the faculty member(s) of record and the Academic (divisional) Dean or the Vice President for Academic Affairs. Supportive measures will be confirmed in writing.

Supportive measures may include:

- Counseling,
- Extensions of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Campus escort services,
- Mutual restrictions on contact between the parties,
- Changes in work or housing locations,
- Leaves of absence,
- Honoring an order of protection or a no-contact order entered by a State civil or criminal court. Increased security and monitoring of certain areas of the campus,
- Other similar measures.

The Title IX Office will maintain as private any supportive measures provided to the complainant or respondent, to the extent that maintaining such privacy would not impair the ability of the College to provide the supportive measures.

An employee or student's failure to comply with the terms of interim measure directives is a separate violation of Austin College policy.

The availability of Supportive Measures &/or action taken by Austin College may be limited in instances where reports are made by individuals that are not participating in or attempting to participate Austin College's educational program or activity.

## **1.6 – Formal Complaint**

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator (in a Coordinator Initiated Complaint) alleging sexual misconduct against a respondent and requesting that Austin College investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Section 1.41 of this policy.

### *1.6(a) – Formal Complaint Requirements*

- 1) A Formal Complaint may only be submitted by the individual who is alleged to be the victim of conduct that could constitute sexual harassment or any of the violations defined in this policy
- 2) At the time of filing a Title IX or Non-Title IX formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of Austin College.
- 3) A Formal Complaint may not be filed anonymously. The Complainant cannot remain anonymous or prevent the complainant's identity from being disclosed to the respondent via the written notice of allegation.
- 4) The Formal Complaint should contain all known details about the allegations of misconduct including: date & time, location, parties, what happened, witnesses, & any other information relevant to the complaint.

Following the submission to the Title IX Coordinator or their designee of a signed Formal Complaint:

- 1) The Title IX Coordinator or their designee will review the formal complaint and determine what allegations, if any, must be dismissed or may be dismissed under section 1.62 of this policy. Any dismissal may be appealed by either party using the appeal process outlined in section 1.9 of this policy.
- 2) Any surviving allegations may then be resolved through either the Formal or Informal resolution process, as appropriate.
- 3) The Title IX Office will send out a Notice of Allegations of surviving allegations to all known parties.

### **1.61 Notice of Allegations**

Upon receipt of a Title IX or Non-Title IX formal complaint and approval by the Title IX Coordinator as described below in 1.62, the Title IX Office will provide the following written notice to the parties who are known:

- A) Notice of the College's Sexual Misconduct grievance process;



- B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- C) The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- D) The written notice will inform the parties that they may have a Party Advisor (1.37.6) of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- E) The Written notice will inform the parties that they may have a Support Person (1.37.11) of their choice.
- F) The written notice will inform the parties of any provision in Austin College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- G) If, in the course of an investigation, the assigned Investigator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Investigator will provide notice of the additional allegations to the parties whose identities are known;
- H) The respondent will have a minimum of three calendar days to review the allegations and prepare a response before any initial interview.

## **1.62 Mandatory/Discretionary Dismissal & Consolidation of Formal Complaints**

### *1.62.1(a) - Mandatory Dismissal of Title IX Formal Complaints*

Upon receipt of a Title IX formal complaint, the Title IX Coordinator will review the listed information and make a determination regarding whether the Formal Complaint must be dismissed or may continue through the Title IX process. If the conduct alleged in the Title IX formal complaint: 1) would not constitute Prohibited Misconduct (as defined in this policy under section 1.2, excluding section 1.22) even if proved, 2) did not occur in Austin College's education program or activity (section 1.1(a)), 3) did not occur against a person in the United States, or 4) if the complaint was not filed by a named Complainant (or the Title IX Coordinator) participating in or attempting to participate in the college's education program or activity, then the Title IX Coordinator must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of Austin College's code of conduct if applicable. If there is more than one allegation of misconduct, the trained college designee will make a determination as to each allegation. If any or all allegations in a Formal Complaint are dismissed, all parties will receive notice of the decision and an explanation for the decision. The dismissal of a Formal Complaint may be appealed by either party.

### *1.62.1(b) – Mandatory Dismissal of Non-Title IX Formal Complaints*

Upon the receipt of a Non-Title IX formal complaint, the Title IX Coordinator will review the listed information and make a determination regarding whether the Formal Complaint must be dismissed or may continue through the Non-Title IX process. If the conduct alleged in the Non-Title IX formal complaint: 1) would not constitute Prohibited Misconduct (as defined in this policy under section 1.2, excluding section 1.21.2) even if proved, 2) did not occur in Austin College's operations (section 1.1(b)), or 3) if the complaint was not filed by a named Complainant (or the Title IX Coordinator) participating in or attempting to participate in the college's education program or activity, then the Title IX Coordinator will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Texas Law & college policy; such a dismissal does not preclude action under another provision of Austin College's code of conduct if applicable. If there is more than one allegation of misconduct, the trained college designee will make a determination as to each allegation. If any or all allegations in a Formal Complaint are dismissed, all parties will receive notice of the decision and an explanation for the decision. The dismissal of a Formal Complaint may be appealed by either party.

#### *1.62.2 - Discretionary Dismissal / Complaint Withdraw*

Austin College's Title IX Coordinator may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by Austin College; or specific circumstances prevent Austin College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If a Formal Complaint is dismissed both parties will receive notice of the decision and an explanation for the decision.

Specific Circumstances meriting discretionary dismissal are:

1. When no complainant is identified during the investigation.
2. When a formal complaint contains allegations that are precisely the same as allegations the recipient has already investigated and adjudicated.
3. When the length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint, prevent a recipient from collecting enough evidence to reach a determination.
4. When the complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the complainant's statement in the formal complaint or as recorded in an interview by the investigator.

#### *1.62.3 - Consolidation of Complaints*

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **1.63 Timing of Formal Complaints**

There is no time limit for the filing of a Formal Complaint. However, at the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the Austin College's education program or activity.

### **1.64 Title IX Coordinator Signs the Formal Complaint**

The Title IX Coordinator has discretion to sign a formal complaint. The following are circumstances that the Title IX Coordinator will take into account when making the decision to sign a Formal Complaint: the complainant's wishes, whether a complainant's allegations involved violence, use of weapons, threats, serial predation, or similar factors.

### **1.65 "Participating in or Attempting to Participate in" Defined**

Austin College only considers currently enrolled students and current employees to meet this definition.

## 1.7 - Informal Resolution Process

Where appropriate, the informal resolution process can be used to resolve allegations of sexual misconduct or interpersonal violence by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without implementing a formal resolution process. An informal resolution process may also include a remedies- based process (mediation), which allows both participants to come to a mutual agreement regarding the resolution of the complaint. Informal resolutions may reach agreements between the parties, facilitated by the Title IX Coordinator or their designee, that include continued supportive measures but that also could include disciplinary measures, while providing finality for both parties in terms of resolving allegations raised in a formal complaint of sexual harassment.

The Informal Resolution Process may not be used to resolve a Formal Complaint alleging that an employee sexually harassed (1.21) a student.

The informal resolution process may include the range of Supportive measures described above, as well as targeted or broad-based training and educational programming for relevant individuals and groups or any other remedy that will achieve the goals of the College's policy. This process is facilitated by the Title IX Coordinator or their designee. For example, both participants may agree that the permanent application of Supportive measures (e.g. no-contact order) may be sufficient to resolve the complaint. This option is available if the College determines that such a process would be appropriate, and all participants agree to participate.

To enter into the Informal Resolution Process, both parties must provide voluntary written consent after receiving and reviewing the Notice of Allegation, & rules regarding the Informal Resolution Process.

The participants in any informal resolution process will not be required to interact with each other directly. Instead, the Title IX Coordinator or designee will arrange for or facilitate a remedies-based process or other form of mediation between the involved participants who are in different rooms. Once an informal resolution process is complete, both participants will be notified simultaneously/ contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. Either party may withdraw from the Informal Resolution process at any time prior to signing the agreement. If the parties are unable to reach an Informal Resolution agreement, the informal process will end and the Formal Resolution process will begin again. The Title IX Coordinator will inform both parties when one party has withdrawn from the informal resolution. If the parties indicate they are not able to agree to the proposed Informal Resolution(s), the Title IX Coordinator will end the Informal process and notify parties that the Formal resolution process has been initiated.

## 1.71 Administrative Agreement

The Administrative Agreement is an available form of Informal Resolution where the responding participant may elect to accept responsibility for the alleged policy violation through an Administrative Agreement, bringing an end to the Informal Resolution Process. To execute an Administrative Agreement both parties must acknowledge the policy violation, accept the proposed sanction(s), and waive any opportunity for appeal.

At any time prior to the final Informal Resolution/Administrative Agreement either party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Parties that wish to pursue the Administrative Agreement Informal Resolution must notify the Title IX Coordinator in writing of their desire to do so. After the Title IX Coordinator has received both parties written notice of desire to engage in the Administrative Agreement, the Title IX Coordinator will issue a draft Administrative Agreement which includes the acknowledgement of the policy violation, the proposed sanctions as determined by the Title IX Coordinator, and the waiver of appeal. If agreed to by both parties then the Resolution process will end, and the Title IX Coordinator will enforce the agreement.

## 1.8 — Formal Resolution Process

The formal resolution process includes a prompt, thorough, impartial, and fair investigation into and adjudications of the allegations. Throughout the formal resolution process, participants will be treated fairly and equitably. The Formal Resolution Process requires and will provide an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. All credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The Title IX Formal Resolution Process utilizes an Investigation by a trained investigator, & a Live Hearing with Cross Examination of the opposing party and all witnesses performed by the Party Advisor in front of a Decision Maker who is not the investigator. The Non-Title IX Formal Resolution Process utilizes a trained Investigator to prepare an Investigative Report, allows for party review and response to that Report, follow up interviews by the investigator, a decision regarding responsibility made by the Investigator, and sanctions/remedies issued by the Title IX Coordinator.

### 1.8(a) Title IX Formal Resolution Process

The Title IX Formal Resolution Process will follow these steps as articulated in 34 C.F.R. 106.45(5)-(7):

- 1) An investigation to gather all relevant evidence.
- 2) All evidence collected is compiled by investigator and sent to both parties and their advisor. The parties will have 10 days to review and respond to the evidence collected. All responses are sent to the investigator.
- 3) The evidence collected and party responses submitted within the allotted 10 days to that evidence are incorporated into the Investigative Report which will fairly summarize all relevant evidence.
- 4) The Investigative Report will be sent to the parties and their designated Party Advisor. The parties will have at least 10 days to review and respond to the Investigative Report before the Formal Resolution Live Hearing. The Title IX Coordinator will communicate the date, time, & location (or online meeting link) to the parties and their advisors.
- 5) The Live Hearing Decision Maker reviews the Investigative report before the Live Hearing.
- 6) A Live Hearing where the Decision Maker & both party advisors may ask any party & witness relevant cross examination questions as determined by this policy & enforced by the Decision Maker.
- 7) The Publication of a Determination Regarding Responsibility which includes the rational and an outline of any sanctions and/or remedies imposed by Austin College. 8) Applicable appeals process.

## 1.8(b) Non-Title IX Formal Resolution Process

- 1) An investigation to gather all relevant evidence.
- 2) Both parties & their advisors are emailed the evidence collected by the investigator & have 10 days to submit written responses to the Investigator.
- 3) The Investigator creates the Investigative Report out of collected evidence & responses. The Investigative Report will fairly summarize all relevant evidence.
- 4) Both parties & their advisors are emailed the Investigative Report by the investigator & have 10 days to submit written responses to the Investigator.
- 5) The Investigator conducts any necessary follow up interviews or discussions based on party responses to Investigative report.
- 6) The Investigator publishes a Determination Regarding Responsibility which includes the rationale for each decision.
- 7) The Title IX Coordinator will, after reviewing the Investigative Report & consulting with the Investigator as needed, assign sanctions and/or remedies as they deem appropriate.
- 8) Applicable appeals process.

### 1.81 Investigation of Title IX & Non-Title IX Formal Complaints

The formal resolution process includes a prompt, thorough, impartial, and fair investigation into the allegations. Throughout the investigation and process, participants will be treated fairly and equitably. The Title IX Coordinator will assign an investigator(s) who has been trained in the investigation of, and other issues related to, sexual discrimination, sexual misconduct, and interpersonal violence. The investigator(s) shall not have a conflict of interest or bias for or against any participants involved in the potential policy violation. The investigator(s) will undertake an investigation for the purposes of creating an Investigative report that fairly summarizes evidence relevant to the allegations in the Formal Complaint.

#### *1.81.1 Investigation Requirements:*

- 1) It is the responsibility of the investigator(s) to gather the evidence relevant to the formal complaint and the facts raised in the participant's statements, provided that the Investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Investigator obtains that party's voluntary, written consent to do so. Participants should make themselves available to the investigator(s) and can provide information they believe relevant to the investigators.
- 2) Both Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- 3) The Title IX Office will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- 4) The Investigator will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. Austin College will not limit either party's choice or presence of advisor in any meeting or grievance proceeding. Timely notice of a party's Change of Advisors must be made to the Title IX Office. During the Investigation, advisors may not advocate or present on behalf of the participant, they may only confer quietly with their participant as necessary, as long as it does not disrupt the investigation interview. This rule applies equally to both the complainant and the respondent.
- 5) The Title IX Office &/or the assigned investigator will provide to a party & their advisor whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all, investigative interviews, with sufficient time for the party to prepare to participate. Sufficient time for the purpose of an interview under this section is at least 3 days.
- 6) Parties may submit to the Investigator questions they would like asked of any known potential witnesses or parties.

#### *1.81.2 – Compilation of Evidence sent to Parties for Review & Response*

- 6) After all initial interviews are completed & relevant evidence has been collected, the Investigator will send that compilation of evidence to both parties and their advisors for review and response. This Compilation of Evidence contains the evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which Austin College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Parties will have 10 days to submit their responses to the investigator.

#### *1.81.3 – Investigative Report Created, Sent to Parties*

- 7) The Investigator will take the evidence collected, and the parties responses to the Compilation of Evidence sent to Parties to create the Investigative Report.
- 8) The Investigative Report will then be submitted electronically to both parties and their advisors. Both parties will have ten days to review and respond to the Investigative Report. Parties must submit their responses to the Investigator.

#### *1.81.4 – Investigative Report Submitted to Decision Maker*

- 9) After the allotted 10 days, the Investigative Report and the party responses to it will be sent to the Decision maker for review.

#### *1.81.5 – Live Hearing Scheduled (Title IX Sexual Harassment Only)*



**10)** The Title IX Office will communicate with both parties the time, location, and manner of Live Hearing, which will be held at least ten days after both parties are sent the Investigative Report.

#### *1.85.6 – Submitting New Evidence*

**11)** Parties & witnesses may submit new evidence to the Investigator that could affect the outcome of the matter if it was not reasonably known at the time of their interviews, within the 10 days allotted for review and response to the Investigative report under section 1.81.3(8). New Evidence submitted to the Investigator after the 10 days will not be received or discussed at the Live Hearing.

### **1.82 Live Hearing (Title IX Sexual Harassment Only)**

#### *1.82.1 – Hearing Order*

The Live Hearing will proceed as follows:

- 1) Opening Statement by the Decision Maker, Complainant, and Respondent.
- 2) Examination of the Complainant by: Decision Maker, then Respondent Party Advisor
- 3) Examination of the Respondent by: Decision Maker, then Complainant Party Advisor
- 4) Examination of Witness One by: Decision maker, then Complainant Party Advisor, then Respondent Party Advisor. (Step 4 repeats until all witnesses have been examined.)
- 5) Either Party Advisor may request a brief re-cross of an opposing party or any witness.
- 6) Closing Statement by Complainant, then Respondent.

#### *1.82.2 - Digital Hearing Request*

At the request of either party, The Title IX Office must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision- maker and parties to simultaneously see and hear the party or the witness answering questions.

#### *1.82.3 - Cross Examination*

At the live hearing, the decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

#### *1.82.4 - Party Advisors*

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, Austin College must provide without fee or charge to that party, an advisor of Austin College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

### *1.82.5 - Decision Maker Determines Relevant Evidence Procedure*

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. This determination will be made in real time; cross exam questions may not be approved as relevant or not relevant before the hearing. When the Party Advisor objects to the Decision Makers ruling on Relevance, they may make a brief statement to the Decision Maker as to why the question is relevant and doesn't call for privileged information or non-relevant sexual behavior. The Decision Maker will either allow the question or rule it as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions Procedure. Advisors will ask questions under the following procedure:

- The party advisor will ask a question of the applicable participant.
- Before the participant answers a question, the Decision Maker will rule as to whether the advisor's question is relevant to the alleged conduct charges in one of three ways: 1) Relevant, 2) Not relevant, the questions asks about a detail that does not tend to prove or disprove the matter at issue or under discussion, or 3) Not relevant, calls for prior sexual behavior information without meeting one of two exceptions.
- If the Party Advisor asking the question objects to the Decision Makers ruling &/or explanation of the question as not relevant, the Party Advisor may offer a brief statement as to why it is relevant. If this is done the Decision Maker will consider the statement, and make a ruling one way or the other. • If the hearing officer allows the question as relevant, the participant will answer it.

### *1.82.6 - Failure of a Party or Witness to Submit to Cross Examination*

A decision-maker at a postsecondary institution may now consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.

For example, a decision-maker at a postsecondary institution may now consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker at a postsecondary institution may also consider, when relevant, police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even

if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

#### *1.82.7 - Rules of Decorum*

During the Live Hearing, the Clerk &/or Decision Maker(s) will enforce rules of decorum. Parties and their Advisors are forbidden from badgering the other party or any witness. Badgering includes yelling at, harassing, or asking the same irrelevant question multiple times. The Clerk will notify the party or their advisor when they are badgering the witness and will ask the party or advisor to conform their question asking to an appropriate, non-badgering manner. All communication by all participants toward any other participant must be done respectfully.

#### *1.82.8 – Review of Exhibits*

During the Live Hearing, Party Advisors may show relevant videos, pictures, & documents that were included in the Investigative Report & are ruled relevant by the Decision Maker. During their allotted time to examine the applicable participant, the Party Advisor will tell the Decision Maker which exhibit they plan on asking relevant questions about, and then the question procedure listed under section 1.82.5 of this policy will be followed.

#### *1.82.9 – No New Evidence may be introduced at Live Hearing*

Evidence that was not included in the Investigative Report may not be introduced at the Live Hearing. Both parties have the equal right to appeal the Determination regarding responsibility based on the availability of newly discovered evidence that may affect the outcome of the matter.

#### *1.82.10 – Reasonable Time Limit on Hearing / Break*

The Live Hearing will have a reasonable time limit determined by the Decision Maker. The Decision Maker may grant short breaks on their own, or as requested by the parties.

### **1.83 Determination Regarding Responsibility**

- 1) The decision-maker, who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the Decision-maker will apply the preponderance of the evidence standard of evidence. Preponderance of the evidence means more likely than not. This standard is used in all Title IX & Non-Title IX Sexual Misconduct cases.
- 2) The written determination must include—
  - (A) Identification of the allegations potentially constituting sexual harassment as defined in this policy.
  - (B) A description of the procedural steps taken from the Title IX Office of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of Austin College's Sexual Misconduct policy to the facts. Determination of: Responsible, Not Responsible, or Not Enough Information; (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Austin College imposes on the respondent, and whether remedies designed to restore or preserve equal access to Austin College's education program or activity will be provided by the Title IX Office to the complainant; and
- (F) Austin College's procedures and permissible bases for the complainant and respondent to appeal. (Described below)
- (G) The Title IX Office must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that Title IX Office provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (H) The Title IX Coordinator is responsible for effective implementation of any remedies.

### **1.84 Sanctions**

If a participant is found in violation of a college policy, sanctions will be determined by the appropriate official(s) as designated by the College, and may be based on a number of considerations. Such considerations may include: severity, persistence, or pervasiveness of the policy violation; nature of the policy violation, including whether the policy violation included violence; impact on the reporting participant; impact on the responding participant; impact or implications of the policy violation on the larger Austin College community; prior misconduct by the responding participant, including the responding participant's relevant prior disciplinary history at the College; whether the responding participant accepts responsibility for the policy violation; maintenance of a safe, nondiscriminatory, and respectful environment conducive to learning; and any other mitigating, aggravating, or compelling factors. Possible sanctions include one or more of the following:

- Expulsion,
- Suspension,
- Probation,
- Educational Sanctions,
- Revocation or withholding of admission or degree pending completion of other sanctions,
- No Contact Orders,
- Time & place restrictions or bans,
- Housing restrictions,
- Extension of requirements used as supportive measures,
- Community Service
- Loss of Privileges,
- Notation in permanent record,

- Sanctions withheld, such as additional sanctions if deadlines for sanctions are not met
- Restorative justice requirement
- Specific sanctions that must be met before resuming status at Austin College
- Referrals for assessment, such as counseling or medical assessment
- Written warning or reprimand
- Oral warning or reprimand
- Termination of employment
- Other sanctions deemed appropriate by the Title IX Coordinator or designee.

#### 1.84.1 Student Withdrawal or Graduation Pending Disciplinary Charges

If a student is ineligible to reenroll at Austin College for a reason other than an academic or financial reason, Austin College will include on that student's transcript a notation stating that the student is ineligible to reenroll for a reason other than an academic or financial reason.

If a student withdraws or graduates from Austin College pending disciplinary charges that may result in the student becoming ineligible to reenroll in the college, the college will not end the disciplinary process until there is a final determination of responsibility. If, as a result of the process, the student is ineligible to reenroll at Austin College for a not academic or financial reason, a notation stating such will be placed on that student's transcript.

The Transcript Notation may be removed if: 1) the student becomes eligible to reenroll in the college, or 2) the college determines that good cause exists to remove the notation.

## **1.9 - Appeals**

Once written notification of 1) the dismissal of a Formal Complaint or any allegations therein OR 2) the determination regarding responsibility has been issued, both parties have the right to submit an appeal.

### **1.91 Grounds for Appeal**

Appeals may be submitted solely upon the following four grounds:

**1) Procedural Irregularity**

Procedural Irregularity that affected the outcome of the matter;

**2) New Evidence**

New Evidence that was not reasonably available at the time the Investigative Report was published or dismissal was made, that could affect the outcome of the matter; and

**3) Conflict of Interest/Bias**

The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of Interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

**4) Sanction is Disproportionate to the Violation**

### **1.92 Appeal Process**

1) Appeals must be submitted in writing to the Title IX Coordinator within 7 days of the participants receiving either the Dismissal of a Formal Complaint or any allegations therein, or the Decision Regarding Responsibility.

2) Any information that is submitted will be made available to the other participant for review. The other participant may submit a rebuttal of the appeal in writing to the Title IX Coordinator within 7 days of receiving the appeal information.

3) Upon receiving an appeal and rebuttal, if one is submitted, the Title IX Coordinator will refer it to the appropriate appeal agent for review and final decision making. The appropriate appeals agent may one listed below, or one that the College designates.

- Appeals addressing procedural Irregularities in the investigation and resolution process in a way that substantially altered the outcomes of the case shall be referred to an alternate investigator(s) & or decision maker(s) for review and decision making.

- Appeals providing substantive new evidence, which is information that was not reasonably available before the publication of the Investigative Report or dismissal was made & that could affect the outcome of the matter shall be referred to an alternate investigator(s) & or decision maker(s) for consideration and determination of a finding based on the new information.
  - Appeals alleging a Conflict of Interest/Bias by the Title IX Coordinator, Investigator, or decision maker for or against complainants or respondent generally, or the individual complainant or respondent, that affected the outcome of the matter shall be referred to an alternate investigator(s) & or decision maker(s) for review and decision making.
  - Appeals alleging that the sanction is disproportionate to the violation shall be assigned to the following appellate agents for review & decision making:
    - a) The Faculty Hearing Committee or designee if the responding participant is a faculty member,
    - b) The Vice President for Business Affairs or designee if the responding participant is a staff member,
    - c) The Vice President for Student Affairs or designee if the responding participant is a student, or
    - d) An appropriate appeals agent as determined by the Title IX Coordinator if the responding participant is not a member of the groups listed above.
- 4) The College will seek to complete the appeals process within 21 business days unless the College determines in its discretion that more time is required, in which case the participants will be notified of the need for an extension of the 21-day period. The College will provide periodic updates as it deems appropriate.
- 5) The appropriate appeals agent will issue a written decision describing the result of the appeal and the rationale for the result. The Title IX Coordinator or designee will notify the participants simultaneously, to the extent possible, in writing of the appeal agent's decision.
- 6) Finding and sanction decisions made by appeal agent are final.

## **2.0 — Updates to this Policy**

Austin College reserves the right to modify this policy at any time, with or without notice.

### **2.1 Discrimination and Harassment based on Pregnant and Parenting Status**

Austin College prohibits discrimination & harassment against students based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

Students may report discrimination and harassment and seek both academic & non- academic accommodations based on their pregnant or parenting status by contacting the Title IX Coordinator. Students seeking academic accommodations should review their class syllabus (class schedule, project due dates, exam dates) & plan appropriate accommodations in advance with the Title IX Coordinator and their professors. Students seeking to miss regularly scheduled classes or alter assignment due dates based on required medical appointments are encouraged to contact the Title IX Office as soon as possible. Accommodations for pregnant & parenting students will be treated the same as a temporary disability, meaning students may have to provide a doctor's note that explains why a certain accommodation is medically necessary.

Accommodations for pregnant or parenting students may be: a larger desk, frequent trips to the bathroom during class, eating and drinking in class, rides around campus, change in assignment due dates, excused absences, or other appropriate measures as determined by a doctor & Austin College.

End of Policy



# The 2022 Annual Fire Safety Report Including Statistics for the 2022 Calendar Year



AUSTIN  
COLLEGE

## Introduction

The Austin College Annual Fire Safety Report is submitted in accordance with the Higher Education Opportunity Act of 2008 (HEOA), and the amended Higher Education Act of 1965 (HEA). This report as well as the Annual Campus Security Report may be found in their entirety in the following locations and formats:

- PDF Format on the Austin College Web Site at:  
<http://www.austincollege.edu/campus-life/police/>.  
This link will be distributed by e-mail to the entire campus community at the start of each fall semester.
- Printed copies can be obtained upon request at the Campus Police Office, Jackson Technology Center, Room 100.

Fire Safety as well as overall campus safety is handled through a multifaceted approach involving cooperation between Campus Police, the Physical Plant, Student Life, Academic Affairs and outside entities including The Sherman Fire Department, the college's risk management provider and private contractors.

## **PROCEDURE FOR REPORTING FIRES**

Important Phone Numbers:

Campus Police            903-813-2555 (or Ext. 2555 from a campus phone)  
Sherman Fire Dept.    903-892-7290  
Emergency 911 (All 911 calls are routed to the Sherman Dispatch Office for  
Police/Fire/Ambulance)

All fires should be reported to the Campus Police Department. This includes fires that have already been extinguished as well as those that are actively burning. In extreme situations when every second counts, it may be pertinent to call 911 to report the fire directly to Sherman Fire Department as well. Once a fire report has been received, Campus Police will coordinate with all responding personnel and agencies, and will submit reports to the other campus Departments. Since evacuation to a safe location is the top priority, calls to report a fire are only to be made once it is safe for the individual to do so.

For fires within residential facilities, in addition to notifying Campus Police, students should report the fire to their Resident Assistant, Head Resident, Area Coordinator, or the Student Life Office.

Student Life Contact Numbers:

Student Life Office (Business Hours)	903-813-2306		
Baker Hall Office	903-813-2201	Dean Hall Office	903-813-2321
Caruth Hall Office	903-813-2211	Jordan Office	903-813-2091
Clyce Hall Office	903-813-2301		
Brockett Complex Office (Bryan, Roo Suites, Flats)			903-813-3600

# **POLICY STATEMENTS**

## **Fire Drills in Residential Facilities**

Mandatory Evacuation Fire Drills are conducted in the residence hall facilities each Fall and Spring Semester. Fire drills are also conducted at the apartment complexes that are equipped with fire alarm panels. During fire drills, all occupants of the building are expected to evacuate until the completion of the drill. Fines are assessed through Student Life for those who fail to comply.

## **Fire Drills in Non-Residential Facilities**

Fire Drills are conducted in the non-residential facilities as well. In order to provide instruction regarding the expectation for students and building occupants to respond accordingly, a non-specific time frame for Fire Drills in non-residential facilities is communicated to Faculty and Staff sometime the week prior to the actual Fire Drill.

## **Fire Incidents**

All fires that occur on campus are to be reported to Campus Police, regardless of severity. Campus Police will investigate and coordinate with the Physical Plant, Fire Department, and the Departments affected. Campus Police will document each incident, whether intentional or accidental, and maintain a Fire Log of events occurring on campus.

Fire Alarm Systems are to alert occupants to evacuate, and are only to be used in the case of an actual emergency. When an alarm is activated, all building occupants are to evacuate quickly and safely, and may only reenter once it is determined to be safe to do so.

Those who are determined to be responsible for arson or for false alarms by sounding the Alarm as a prank will be held responsible, either through campus judicial procedures or through formal charges to the appropriate outside court. Incidents that are determined to be Arson are also reported in the Annual Security Report Crime Statistics.

## **Inspections**

All Fire Extinguishers, Alarms and Suppression Systems are certified annually by contractors who are licensed by the State of Texas, as required by law. In addition, Fire Extinguishers are checked monthly by Campus Police. Those in Residence Hall public areas are also checked by Resident Assistants while making regular rounds. R. A.'s report

discharged and missing Fire Extinguishers to Campus Police. Discharged Fire Extinguishers are serviced by a licensed contractor prior to being placed back in service. Inspections and Drills in residential facilities will usually occur unannounced.

## **Fire Log**

A Fire Log of incidences occurring on campus will be maintained at the Campus Police Department. This log is a public record document and may be viewed upon request.

## **Fire Safety Training**

Physical Plant Staff and Student Life Staff (Area Coordinators, Head Residents, Residence Managers, Site Managers and Resident Assistants) receive Fire Safety Training annually. In addition, any department, group or organization may request similar training, either by trained campus staff or by a local fire safety professional.

### **POLICIES PERTAINING TO FIRE SAFETY**

(As found in the AC Environment Student Handbook)

#### **Electrical Appliances**

Each electrical circuit in the residence halls provides power for several students' rooms. For this reason, you are encouraged to plug in no more than two appliances per outlet. More than two appliances may result in the circuit overloading and shorting. Many appliances use excessive electricity or, if used incorrectly, may present a fire hazard. For these reasons, the following appliances are not permitted in the residence halls: any appliance requiring 220 volts, hot plates, sandwich makers, "George Foreman" grills, microwaves, portable heaters, air conditioners, any appliance with an exposed heating element and any appliance/device which is determined to be the cause of a circuit overload. Microwaves, "George Foreman" grills, and sandwich makers are approved for Roo Suites, Bryan Apartments, The South Flats at Brockett Court, North Flats and The Village on Grand however, computers, radios, televisions, stereos, hot pots, popcorn poppers, refrigerators no larger than 4.4 cubic feet, clocks, hair dryers and curling irons are permitted in the residence halls.

#### **Fire Hazards**

The use and/or possession of explosives, firecrackers or incendiary devices (including candles and incense) in or near the residence halls presents a fire hazard and is not allowed. Appliances with exposed heating elements (such as toasters and hot plates) are not permitted in the residence halls. Halogen lamps of any kind are not permitted in the residence halls. Furniture, including tables, sofas, lounge chairs, cooking grills, smokers

and other items, are not allowed in the breezeways or landings of Bryan Apartments, Roo Suites or The Flats at Brockett Court because of the safety hazards they create.

## Smoking Policy

Use of Tobacco Products, Smoking, and Vaping

Approved: 3/29/1990

Revised: 7/13/1990, 5/13/1996, 7/13/2000, 11/3/2001, 8/15/2012, 10/1/2019

### Policy Statement

Austin College is committed to creating a culture of wellbeing and offering a safe and healthy environment in which employees, students, and third parties can co-exist.

### Applicability

All employees, students, and third parties are required to comply with this policy, which shall remain in effect at all times.

### Definitions

1. “Tobacco products” include, but are not limited to: cigarettes, cigars, and any other forms of tobacco prepared in a manner that makes the tobacco suitable for chewing, dipping, smoking or any other use.
2. “Smoking” is defined as burning any substance in any device that can be used to deliver tobacco or products to a person inhaling from the device.
3. “Inhalant delivery system” is defined as a device that can be used to deliver nicotine or any other substance in the form of smoke, vapor, or aerosol.

### Policy –

The use tobacco products, e.g., smoking, or inhalant delivery systems, e.g., vaping, are not allowed inside or near any campus facility, including any college-owned rental property, college-owned or rented vehicles.

Individuals who choose to use tobacco products or inhalant delivery systems may do so in designated areas. These areas can be viewed by clicking on the following link: (Designated Areas).

Members of the faculty and staff are encouraged to work together to inform and direct non-compliant individuals to areas designated for such purposes. Alleged violations of this policy may be reported to: Human Resources (employees or third parties), Student Life (students), or the Campus Conduct Hotline (CCH), an anonymous online reporting option. The online CCH can be accessed by clicking on the following the link: (Campus Conduct Hotline).

Failure to comply with this policy by employees may result in disciplinary action from the appropriate college authority. Failure to comply with this policy by third parties may be grounds for removal and/or exclusion from campus by the appropriate college authority.

### Assistance

The college desires to support individuals achieve their highest state of wellbeing. Employees who wish to stop using tobacco products please contact the Director of Wellbeing to obtain additional information.

## Responses

Failure to evacuate in an emergency situation (including drills), or being responsible for any open flame or heating element in a residence hall shall minimally result in the following recommended sanctions:

1st Violation – Letter of Warning and a \$25 fine/item

2nd Violation – College Housing Probation and a \$50 fine/item 3rd

Violation – College Housing Suspension and a \$100 fine/item

Misuse or tampering with fire emergency related equipment (alarms, extinguishers, lights, etc.) shall minimally result in the following recommended sanctions:

1st Violation – College Housing Probation and a \$100 fine

2nd Violation – College Housing Suspension and a \$200 fine

Greater penalties, including suspension or expulsion may be assessed depending on the nature of the violation

## PLANS ADDRESSING FUTURE IMPROVEMENTS IN FIRE SAFETY

Critical needs are reviewed on a continual basis and upgrades are made as specific needs are addressed. Major upgrades and system replacements will occur during planned major facility renovations.

## 2022 FIRE STATISTICS FOR RESIDENTIAL FACILITIES

Residential Facility	Total of Intentional Fires in each Building	Fire Incident Number	Cause of Fire	Number of related injuries resulting in treatment at a medical facility	Number of deaths related to a fire	Value of property damage caused by fire
Baker Hall	0	N/A	N/A	N/A	N/A	N/A
Bryan Apts	0	N/A	N/A	N/A	N/A	N/A
Caruth Hall	0	N/A	N/A	N/A	N/A	N/A
Clyce Hall	0	N/A	N/A	N/A	N/A	N/A
Dean Hall	0	N/A	N/A	N/A	N/A	N/A
Jordan House	0	N/A	N/A	N/A	N/A	N/A
Roo Suites	0	N/A	N/A	N/A	N/A	N/A
The South Flats	0	N/A	N/A	N/A	N/A	N/A
The North Flats	0					
The Village	0	N/A	N/A	N/A	N/A	N/A

## 2022 FIRE SAFETY PROTECTION LEVEL FOR RESIDENTIAL FACILITIES

Facility	Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills each Calendar Year
Baker Hall	Local			X	X	X	2
Bryan Apts.	None			X	X	X	0
Caruth Hall	Local			X	X	X	2
Clyce Hall	Local			X	X	X	2
Dean Hall	Local			X	X	X	2
Jordan House	Monitored			X	X	X	2
			X				
Roo Suites	Monitored		X	X	Community Rm.		2
The South Flats	Monitored		X	X	X		2
The North Flats							
The Village	None	X					
				X	X		0
							0



## 2022 EMERGENCY EVACUATION DRILL DOCUMENTATION

Academic Building Evacuation Drills are announced through an e-mail the week of the event, along with an explanation regarding Fire Safety and expected response during a Drill as well as during an actual Fire Emergency. Academic Building Evacuation Drills generally occur near the end of Jan Term or early Spring Semester. Residential Facility Evacuation Drills are always carried out unannounced.

Facility	Type of Drill	Date	Time Started	Time Reset	1 Announced 2 Unannounced
Baker Hall	Evacuation	3/8/2022	6:03 pm	6:10 pm	2
Caruth Hall	Evacuation	3/8/2022	6:53 pm	7:12 pm	2
Clyce Hall	Evacuation	3/8/2022	6:36 pm	6:42 pm	2
Dean Hall	Evacuation	3/8/2022	6:16 pm	6:24 pm	2
Jordan House	Evacuation	3/8/2022	5:50 pm	5:57pm	2
Roo Suites “C”	Evacuation	3/8/2022	5:59 pm	7:16 pm	2
Roo Suites “D”	Evacuation	3/8/2022	5:59 pm	7:16 pm	2
Roo Suites “E”	Evacuation	3/8/2022	5:59 pm	7:16 pm	2
Roo Suites “F”	Evacuation	3/8/2022	5:59 pm	7:16 pm	2
North Flats	Evacuation	3/8/2022	6:47 pm	7:03 pm	2
SouthFlatsAt Brockett Court	Evacuation	3/8/2022	5:56 pm	6:39 pm	2
Bryan Apts. The Village	No Drills No Drills				

## 2022 EMERGENCY LOCK-DOWN PROCEDURES DOCUMENTATION

During the month of December, “Shelter-In-Place” Drills are held at each individual building, and involve the designated Security Personnel for that building. Campus Police personnel monitor and review the Lock-Down procedure at each building, facilitate discussion among the participants, and answer questions at each location.

01/12/2022 01/20/2022	Lock Down procedures were reviewed with and demonstrated by Emergency Lockdown Personnel at the following locations.
	Abell Library
	Adams Center
	Administration Building
	Craig Hall
	Forster Art
	Hopkins Center
	Ida Green
	IDEA Center
	Jackson Center
	Mason Complex
	Physical Plant
	Sherman Hall
	Temple Center
	Wortham Center
3/25/2022	The after-hours Emergency Response procedure for SLO staff was reviewed and successfully demonstrated.