



MIDWESTERN

STATE UNIVERSITY™

Annual Security and Fire Safety Report

for

Main Campus and Study Abroad – London

Annual Security Report

for

MSU Regional Simulation Center

(Contains crime statistics for calendar years 2016, 2015 & 2014)

3410 Taft Boulevard
Wichita Falls, Texas 76308

<http://www.mwsu.edu>

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Table of Contents

Clery Act Overview	3
University History	4
MSU Police Department	5
Reporting Criminal Activity	7
Campus Security Authorities	10
Campus Facilities Access and Security	16
Domestic Violence, Dating Violence, Sexual Assault and Stalking	21
Substance Abuse Policies	27
Campus Policy Statements VAWA	33
Missing Persons Protocol	65
Fire Safety Report (Contains statistics for 2016, 2015 and 2014)	67
Crime Statistics Reporting	74
Clery Crime Statistics (Contains statistics for 2016, 2015, and 2014)	80

CLERY ACT

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, also known as the “Clery Act,” is the landmark federal law, originally known as the Student Right-To-Know and Campus Security Act of 1990, which requires colleges and universities across the United States to disclose information about crime on and around their campuses. Because the law is tied to participation in federal student financial aid programs, it applies to most institutions of higher education, both public and private, and is enforced by the U.S. Department of Education.

The "Clery Act" is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her dorm room on April 5, 1986. Jeanne's parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime advocates and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990."

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery.

The Clery Act requires institutions of higher education to prepare, publish, and distribute a report concerning crime and fire statistics, and security and fire policies, on an annual basis through appropriate publications, mailings or computer networks, to all current students and employees, and all prospective students and prospective employees upon request.

This report complies with the provisions as codified: 1) United States Code Title 20, Chapter 28 Section 1092(f) as amended in 1992 and 1998, 2) United States Code of Federal Regulations, Title 34, Chapter VI, Part 668, Section 668.46, and 3) Texas Education Code. Copies of this report may be obtained from the Midwestern State University Police Department or by visiting the Midwestern State University Police Department Webpage located at: <https://mwsu.edu/Assets/documents/police/2016-2017-asfsr-report.pdf>

For more information about the Clery Act, please visit: <http://www2.ed.gov/admins/lead/safety/campus.html>, or contact the U.S. Department of Education at (202) 708-8179.

University History

Since its founding in 1922, Midwestern State University has grown from a local junior college to a regional state university serving a wide and varied public.

Created in 1922 as Wichita Falls Junior College, the second municipal junior college in Texas, its earliest home was in Wichita Falls High School with which it shared both the building and faculty. Later, a legislative act and a vote of the people of Wichita Falls set up a separate tax district to support the junior college.

In 1937, the college acquired a new, forty-acre campus of its own on the south side of town. Rising above pastures and wheat fields was the recently finished Hardin Building, an impressive Spanish colonial structure which was presided over by a lofty bell tower. Also in that year the college was renamed Hardin Junior College in honor of Mr. and Mrs. John G. Hardin.

During World War II, the establishment of Sheppard Field, later renamed Sheppard Air Force Base, added to the college's public. Since that time, air base personnel and their families have been continuing participants in the campus academic programs.

The post-World War II years brought more change in the school's mission and in its name. In 1946, the senior college division was added and accordingly the name was altered to Hardin College. In January 1950, the name changed to Midwestern University, the junior college division remaining Hardin Junior College. In these years, wider recognition came to the school. In March 1948, the University became a member of the Association of Colleges and Secondary Schools. In January 1959, the University added a Graduate School which received full approval from the State Board of Education in August of that year.

A further change in the school's status came September 1, 1961 when, by action of the 56th Legislature of the State of Texas, Midwestern University became part of the Texas Colleges and Universities System and the junior college division was dissolved. In 1975, the Texas Legislature changed the name to Midwestern State University.

From its beginnings as a municipal junior college housed in a high school building, Midwestern has become a state university whose campus of 179 acres and 48 buildings offers a wide variety of academic programs in liberal and fine arts, mathematics, sciences, business, and applied sciences.

Midwestern State University is the only university in Texas to become a member of the Council of Public Liberal Arts Colleges (COPLAC). The Council champions the cause of liberal arts education of superior quality in the public sector.

Midwestern State University current enrollment is 6080 students: 5330 are undergraduates and 750 are graduates. There are more than 100 student organizations on the campus: 14 nationally affiliated fraternities and sororities. Midwestern offers 43 Undergraduate programs and 24 Graduate programs to its students. Midwestern State University is accredited to award associate, baccalaureate, and master's degrees by:

**Commission on Colleges of the Southern Association
of Colleges and Schools**

1866 Southern Lane
Decatur, Georgia 30033-4097
Phone: 404-679-4501

Midwestern State University operated three separate campuses (defined by the Clery Act) in 2016. Those three campuses consisted of:

Midwestern State University – Main Campus
3410 Taft Blvd.
Wichita Falls, Texas 76308

Midwestern State University – (Regional) Simulation Center Campus
917 Midwestern Parkway
Wichita Falls, Texas 76302

Midwestern State University – Study Abroad – London
Queen Mary University of London
Mile End Road
London, E14NS

Note: The London campus operates for approximately one month each year; usually during the month of July.

All policy statements included in this report pertain to all campus locations unless otherwise stated.

University Police Department

Operating 24/7, the Midwestern State University Police Department is located at 2517 Hampstead Lane, Wichita Falls, Texas. The University Police Department was established circa 1969 to provide police services for what was then known as Midwestern University.

The Midwestern State University Police Department is a full service police agency. The Department is engaged in all facets of law enforcement. The Department provides around-the-clock police protection for students, faculty/staff and visitors. It also provides crime prevention seminars for numerous groups on campus.

The Midwestern State University Police Department is the primary agency for reporting and investigating criminal activity occurring on the Midwestern State University campus. Officers patrol the Wichita Falls campus 24 hours each day, 365 days a year. The police department provides immediate response to all police, fire and medical emergencies. Accidents involving automobiles and bicycles are also investigated. Where appropriate, criminal cases are forwarded to the Wichita County District Attorney's Office or the Wichita County Justice of the Peace

Court for filing. Additionally, all criminal cases involving Midwestern State students are referred to the Office of Student Judicial Programs for review and possible disciplinary sanctions for violations of the Student Code of Conduct.

Currently the Midwestern State Police Department consists of 15 full time employees and five part time employees. 14 are sworn Texas peace officers and five are state-licensed telecommunications operators. All peace officers and telecommunicators regularly receive training to insure compliance with licensing requirements.

Police Authority

Midwestern State Police Officers are duly sworn and licensed Texas Peace Officers and are commissioned by the Midwestern State University Board of Regents pursuant to the Texas Education Code, Section 51.203, entitled "Campus Peace Officers". Each officer is armed and possesses full police powers, including powers of arrest, to enforce state and local laws, as well as University policies. The Department's primary area of responsibility for the provision of law enforcement services includes the main campus and the Regional Simulation Center, both located in Wichita Falls; however, the Department has jurisdiction in any county in which Midwestern State University owns, controls or leases property. The Department ensures that each officer complies with the training and standards set out by the Texas Commission on Law Enforcement (TCOLE). All officers receive the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment.

The President of Midwestern State University is authorized to provide law enforcement officers to assist other governmental entities, counties or municipalities in time of dire need. This is a mutual pact between Midwestern State University and the City of Wichita Falls. Midwestern State University Police Department has for years reported the University's crime index to the Federal Bureau of Investigation, UCR Section, through the Texas Department of Public Safety. MSU POLICE DEPARTMENT files its own criminal cases with the District Attorney of Wichita County and constantly works with area law enforcement on criminal cases and to share information.

Police Department Mission Statement

The mission of the Midwestern State University Police Department is to support the mission of the University by providing a safe academic environment for persons and property of Midwestern State University. This will be accomplished through the detection and apprehension of criminals, the utilization of community oriented policing and crime prevention based programs in an attempt to improve the quality of life on campus and to reduce the fear of crime.

Inter-Agency Police Services and Assistance Agreements

Due to the sophisticated resources required to properly investigate certain crimes, specifically those involving organized crime, mass violence and terrorism, the Midwestern State University Police Department will arrange in certain circumstances for the assistance of outside law enforcement agencies such as the Wichita Falls Police Department, Wichita County Sheriff's Office, the Criminal District Attorney's Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, Federal Bureau of Investigations, United States Secret Service,

Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as other local, state and federal agencies. The University Police Department maintains professional working relationships with each of the listed agencies, and routinely trains with other agencies to ensure a timely, efficient and effective response to all crimes occurring on campus. Additionally, Inter-Local Cooperation Agreements between the City of Wichita Falls and Wichita County provide a mechanism for cooperation in coping with emergencies when Midwestern State University is unable to provide the necessary resources.

The working relationships with other agencies, in addition to criminal investigation, includes coordinated efforts in providing law enforcement services during athletic events, events at the Wichita Falls Independent School District Stadium and other special events occurring off campus. Other agencies with which the University Police Department maintains close working relations include United Regional Medical Center Security, the Wichita Falls Rape Crisis Center – First Step, the Wichita County Youth Detention Center, Women's Protective Services and Children's Protective Services.

Midwestern State University Police learn of off-campus crimes from other local agencies when those agencies request assistance or when they pass on information that may be of mutual interest. Because the police department's primary jurisdictional response area does not extend to the premises of off-campus student organizations, its role in investigating such criminal activity is generally limited to information sharing, cooperation and coordination with other investigating agencies upon request.

There are or are no written agreements or memorandums of understanding regarding the investigation of criminal incidents between MSU and the local police department. MSU Police generally investigate all criminal incidents that occur on campus and have the ability to request support from local, state or federal resources, if deemed necessary and appropriate.

Reporting Crimes and Emergencies at the Main and Simulation Center Campuses

Reporting Criminal Activity

All criminal incidents as well as emergencies and accidents should be reported to the Midwestern State University Police Department immediately. In-progress crimes, crimes of violence and emergencies should be reported immediately to the university police, via 911. While individuals are encouraged to report all criminal activity to the university police department immediately, other avenues for crime reporting include reporting crimes to designated campus security authorities, as well as to police by using the anonymous reporting portal via the MSU Police website.

Crimes or other emergencies occurring within the primary jurisdiction of, and reported to, the University Police Department will prompt an immediate response from a university police officer. The responding officer's initial focus will be to cease the criminal activity, investigate the activity, and report the activity via a police report. Major incidents will prompt a more robust response, including a response by investigators, administrators, and possibly additional law enforcement agencies. After the situation is stabilized, if warranted, additional response steps would include a comprehensive criminal investigation, by trained police investigators.

On-campus Crimes and Emergencies - Members of the MSU community are encouraged to accurately and promptly report crime and emergencies to the University Police Department, including when the victim of a crime elects to, or is unable to, make such a report. Students and employees should report criminal offenses for the purpose of assessing the crime for potential distribution of a timely warning notice and the annual statistical disclosure.

Students, faculty, staff and visitors of the main MSU campus or Regional Simulation Center campus should dial 911 from any campus phone to summon the Midwestern State University Police Department. Non-emergency calls should be placed to the Midwestern State University Police Department administration number at (940)397-4239. If you are calling from a campus phone, you may just dial 4239. Residence Hall students are also encouraged to report crimes to their Resident Assistant on-duty, Hall Director or Housing Director.

Off-campus Crimes and Emergencies – Students, faculty, and staff in the Wichita Falls area should dial 911 to notify the Wichita Falls Police Department or Wichita County Sheriff Department of off-campus crimes and emergencies. The call will be directed to the appropriate law enforcement agency. You will need to provide them with your name, location, telephone number, nature of the situation, and any other information they request.

Remember to always be ready to provide:

- Name, telephone number and location.
- Describe the incident clearly and accurately.
- Do not hang-up! Allow the dispatcher to end the call.

Special Note: Texas State Law requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at the Student Health Services) when they provide medical services to a person they know or reasonably suspect of suffering from wounds inflicted by a firearm or that are a result of an assault or other abusive conduct.

Reporting Crimes and Emergencies at MSU Study Abroad – London -

Reporting Criminal Activity

All criminal incidents as well as emergencies and accidents should be reported to the Midwestern State University Study Abroad Staff immediately, as well as the Queen Mary University of London (QMUL) Security Desk, located at the bottom of France House. In-progress crimes, crimes of violence and emergencies should be reported immediately to the QMUL security staff, via France House, or by calling the local Metropolitan Police Force, at 999. While individuals are encouraged to report all criminal activity to the study abroad program staff and/or QMUL security immediately, other avenues for **non-emergency** crime reporting include reporting crimes to designated campus security authorities, as well as to MSU police by using the anonymous reporting portal via the MSU Police website.

Crimes or other emergencies occurring within the primary jurisdiction of, and reported to, the QMUL London security staff will prompt an immediate response from a university security

officer. The responding officer's initial focus will be to cease the criminal activity, investigate the activity, and report the activity via a police report, as necessary. Major incidents will prompt a more robust response, including a response by investigators, administrators, and possibly additional law enforcement agencies. After the situation is stabilized, if warranted, additional response steps would include a comprehensive criminal investigation, by trained police investigators.

On-campus Crimes and Emergencies - Members of the study abroad community are encouraged to accurately and promptly report crime and emergencies to the Program Staff and QMUL Security staff, including when the victim of a crime elects to, or is unable to, make such a report. Students and employees should report criminal offenses for the purpose of assessing the crime for potential distribution of a timely warning notice and the annual statistical disclosure.

Students, faculty, staff and visitors of the study abroad program should dial 999 from any phone to summon the local Metropolitan Police Department. Non-emergency situations should be reported to the QMUL Security Desk, located at the bottom of France House. Additionally, study abroad, students, faculty, and staff are also encouraged to report crimes to the Program Director.

Off-campus Crimes and Emergencies – Students, faculty, and staff in the London metropolitan area should dial 999 to notify the London Metropolitan Police Department of off-campus crimes and emergencies. The call will be directed to the appropriate law enforcement agency. You will need to provide them with your name, location, telephone number, nature of the situation, and any other information they request.

Remember to always be ready to provide:

- Name, telephone number and location.
- Describe the incident clearly and accurately.

Confidential Reporting

The MSU Police Department encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. As police reports are public records under state law, The MSU Police Department cannot hold reports of crime in confidence. Crime victims are still encouraged to make a confidential report to one of the trained and designated Campus Security Authorities. At minimum, crime victims will receive important counseling and referral information. Confidential reports are counted and disclosed in the annual crime statistics for the University and are also considered with regard to the issuance of timely warning notices.

Anonymous Reporting

The purpose of an anonymous report is to possibly take steps to promote safety. In addition, MSU can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. An Anonymous Report may be made at: <https://webforms.mwsu.edu/TakeSurvey.aspx?SurveyID=m2LJ452&>.

Note: Counselors (but not Directors) with Student Counseling Services, Student Health Services, and other groups providing professional counseling services are not considered “Campus Security Authorities”, but as a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into official responses by law enforcement, and inclusion into the annual crime statistics.

Noncampus Criminal Activity

The MSU Police Department does not track, monitor or routinely receive notice of law enforcement proceedings against students for offenses that occur off campus other than by collecting the required statistics on crimes that occur at specified noncampus locations as required by the Clery Act. Students visiting noncampus student organizations, such as fraternity and sorority houses and other gathering places should promptly report all crimes to the local police department or county sheriff’s office.

MSU has officially recognized student organizations that own or control housing facilities outside of the MSU core campus. If Wichita Falls PD is called by a citizen to respond to one of those locations, Wichita Falls PD will typically notify MSU Police Department to respond with them or they will notify MSU Police Department after they have responded to inform MSU of the situation. However, Wichita Falls PD does this out of courtesy and is not “required” to notify or involve MSU Police Department when they respond to a call involving private property.

In the event that reports of off campus criminal offenses committed by students, faculty or staff are received by the University Police Department or a designated Campus Security Authority from an outside law enforcement agency, the reports will be referred for appropriate disciplinary action and will be included into applicable statistics as required.

The University Police Department will assist any outside law enforcement agency when request for assistance is received regarding students, faculty or staff.

Campus Security Authorities (CSAs)

While individuals are encouraged to report all criminal activity to the MSU Police Department immediately, other avenues for crime reporting includes reporting crimes to designated campus security authorities. Campus Security Authorities receive crime reports and forward those reports to the police department to ensure proper statistical reporting and for consideration of timely warning notice issuance.

The following positions are designated as Campus Security Authorities for purposes of Clery Act compliance and are the preferred recipients of crime reports in lieu of police officials:

Main MSU Campus and Regional Simulation Center

Dr. James Johnston, Provost and Vice President for Academic Affairs
Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management
Dr. Margaret Brown Marsden, Dean, College of Science and Mathematics
Dr. Jeff Stambaugh, Interim Dean, Dillard College of Business Administration

Dr. Jeff Killion, Interim Dean, Robert D. & Carol Gunn College of Health Sciences & Human Services

Dr. Martin Camacho, Dean, Fain College of Fine Arts

Dr. Samuel Watson III, Dean, Prothro-Yeager College of Humanities and Social Sciences

Dr. Matthew Capps, Dean, West College of Education

Dr. Kathryn Zuckweiler, Dean, Dr. Billie Doris McAda Graduate School

Mr. Matt Park, Dean of Students

Mr. Dail Neely, Director of Student Conduct

Mr. Kyle Williams, Interim Athletic Director

Ms. Kristi Schulte, Director of Residence Life

Ms. Tera Humphreys, Associate Director of Residence Life

Mrs. Dawn Fisher, Director of Human Resources

Mrs. Angie Reay, Director of the Wellness Center

(Note: As contact persons may change periodically due to changes in employment or duty assignments, please contact the Midwestern State University Police Department at (940)397-4239 if you have questions about current Campus Security Authorities.)

MSU Study Abroad – London

Dr. Michael Mills, Director of International Education

Timely Warning Procedures

The MSU Police Department Chief of Police or a designee will develop timely warning notices for the University Community to notify members of the community about crimes that deemed to pose an ongoing or serious threat to the campus community that occur within the core campus boundaries (which includes on university owned or controlled property on campus and public property that is within or immediately adjacent to the campus) and in non-campus properties as defined by the Clery Act. Although not required by Federal Law, timely warning notices may also be distributed for crimes that occur at areas outside of the Clery Act geographic areas, if the crime is deemed to pose an ongoing or serious threat to the campus community. The decision to issue a timely warning notice for an off campus crime will be made on a case by case basis depending on an assessment of various factors which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials and the potential direct effect on the campus community.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. A timely warning notice will be distributed when it is determined that the incident may pose an ongoing or serious threat to members of the MSU community. These warnings will be distributed if the incident is reported to the MSU Police Department directly, indirectly (such as through a campus security authority), or by another law enforcement agency.

The department issues/posts Crime Alerts for incidents of

- Murder/Non-Negligent Manslaughter

- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger university community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the MSU Police Department). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- The location of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the Chief or his/her designee

NOTE: The institution will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts. Specific details, such as the exact location, the specific date, etc. could be withheld if releasing that information may compromise law enforcement efforts (such as conducting an investigation, serving a warrant, or conducting an undercover operation, etc.). Names of victims will be withheld as confidential.

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual and it is deemed appropriate to release the information.

MSU Police Department (the Chief or designee) will draft an email containing the proposed Crime Alert and forward it to the Vice President of Student Affairs and Enrollment Management (VPSAEM) for approval. In the event the VPSAEM cannot be reached, the proposed Crime

Alert will be forwarded to the University President for approval. Upon approval of the content, the Chief or designee will then forward the approved notice to the Marketing and Public Information Office. Marketing and Public Information will transmit the email containing the Crime Alert to the university community as a blast email to all students, faculty and staff.

The Chief of Police or his designee may also, if warranted, cause the crime alert to also be disseminated using any or all of the following methods:

- Via the student and staff portals,
- Via Twitter feed,
- Via Facebook, and/or
- MSU Alert system.

In addition, Crime Alerts may also be posted in campus buildings, when deemed necessary. When Timely Warning Notices are posted in campus buildings, they are printed on orange paper and posted in the lobby/entrance area of the affected building(s) for seven days.

Crime Alerts are filed in the case jacket with the corresponding incident report. If the department does not maintain an incident report regarding the crime(s) that caused the timely warning, a copy of the Crime Alert will be maintained in Clery records, in the Police Chief's office.

The department does not issue Crime Alerts for the above listed crimes if:

- The department apprehends the subject(s) and the threat of imminent danger for members of the university community has been mitigated by the apprehension.
- If a report was not filed with MSU Police Department or if the Department was not notified of the crime in a manner that would allow the department to post a "timely" warning for the community. A general guideline will be that a report that is filed more than five days after the date of the alleged incident may not allow the Department to post a "timely" warning to the community. This type of situation will be evaluated on a case by case basis.

In addition to timely warning notices, the MSU Police Department may also issue Crime Alert Bulletins any time the department forms the opinion that a crime, or series of crimes, poses an on-going risk to the campus community. This includes crimes against persons and property which do not necessarily constitute an "emergency".

Emergency Notification Procedures

MSU ALERT is an emergency notification system that gives Midwestern State University the ability to send urgent and emergency information quickly by email and / or text message. By enrolling in MSU ALERT, subscribers will be able to receive urgent information from university officials. MSU ALERT is a free service to all MSU students, faculty and staff.

Faculty, staff and students are automatically enrolled in MSU ALERT. However, faculty, staff and students do need to go into their accounts and add their personal cell phone number so they can receive emergency messages via text. Go to the MSU Police Department Page: <https://mwsu.edu/msualert/index>. When listing your phone number, include area code and NO hyphens.

MSU ALERT is powered by e2Campus OMNILERT - a national mass notification solutions provider. Contact information you provide to the MSU ALERT service will only be used for delivering emergency information through e2Campus. E2Campus also has strict "Zero Spam" and usage policies to protect subscribers.

In the event an emergency or dangerous situation is believed to exist, campus officials, primarily first-responders of the university police department, will work to confirm the situation. If an emergency or dangerous situation that may immediately threaten the health or safety of students or employees on campus is confirmed by first responders, the highest-ranking police officer (normally the Chief of Police) will consult with the VPSAEM to determine whether the situation requires the initiation of an emergency notification, the content of the notification, and what segment of the campus should be notified, if the threat is limited to a particular building or segment of the population. Midwestern State University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system. MSU will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus. If, however, in the professional judgment of the Chief of Police and the VPSAEM, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the officials may choose to forego initiating such notification.

Once a decision has been made to initiate the emergency notification system, the Chief of Police or his/her designee will cause the notification to be sent without delay via various medias to the appropriate targeted audience. The notification will be sent by the Chief of Police or his designee (normally, the MSU Police Dispatch Office). The notification may be delivered by text, email, social media sites (MSU Alert system) and/or on campus loud speakers. Face to face communication may also be used if necessary. Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm). Emergency notifications that are initiated will be routinely updated, until the emergency situation has ceased. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the MSU homepage and/or social media.

The emergency notification system will be tested at least twice a year, but is usually tested at the beginning of each semester (including summer). The tests may be announced or unannounced tests. The tests are documented. The emergency response brochure is on the MSU Police Department website at <http://www.mwsu.edu/police> under the Related Links Area menu.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the

emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

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

General Emergencies and Evacuation Procedures

Midwestern State recognizes that, at any time, an emergency can occur which may require that students, faculty and staff take steps to prevent the loss of life or the destruction of property. Such emergencies include natural disasters, weather related incidents, fire, chemical spills, medical incidents involving injuries or illness, civil disturbances, bomb threats and violent crime. Midwestern State also recognizes the particularly high cost of violent crimes and the disruptive effects that they have on our community.

MSU maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

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

On an annual basis Midwestern State University officials conduct a variety of emergency response drills designed to mitigate potential threats to the welfare of the campus community. These drills are designed to include scenarios which require that participants utilize both in-shelter and evacuation procedures.

Each member of the Midwestern State community is encouraged to participate in safety exercises and to become familiar with recommended safety practices. When the University becomes aware of an emergency or dangerous situation, university officials will work together on events involving an immediate threat to the health or safety of students or employees (weather related, active shooter, HazMat spill, etc.) that may affect the university community, the Chief of Police and the VP for Student Affairs and Enrollment Management will consult one another and make a determination as to the extent of the emergency. If evacuation is necessary, the following procedures should be followed:

1. Be aware of all the marked exits from your area and building and refer to the emergency evacuation posters located near the elevators.
2. The evacuation order will be delivered by use of the MSU Alert system, the loud speaker system, the fire alarm system, or a combination of any or all of these methods. Every alarm should be treated as an emergency.
3. To activate the building alarm system, break or remove the protective cover on the fire alarm cover and pull the handle on one of the red boxes located in the hallway.

4. When the building evacuation alarm is sounded or when you are ordered to leave by University Police, walk quickly to the nearest marked exit and calmly ask others to do the same.
5. Assist the disabled in exiting the building, and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairwell and notify University Police of the location.
6. Emergency personnel may assist in evacuation of all building occupants.
7. Outside, proceed to a clear area that is at least 150 feet away from the affected building. Keep walkways clear for emergency vehicles.
8. To the best of your ability, and without re-entering the building, assist University Police in their attempt to determine that everyone has evacuated safely. Departments should pre-determine an assembly point to verify all occupants are safe.
9. A University Police Emergency Command Post will be set up near the emergency site. Keep clear of the command post unless you have important information to report.
10. Do not return to a building until University Police tell you to do so, even if the alarm has ceased.

Campus Facilities Access and Security

Most University facilities are open to the public during the day and some during evening hours when classes are in session. However, building access and security is an important aspect of providing security to all students, faculty, staff and visitors. Midwestern has a number of building access and security policies in place. During the times the University is officially closed, buildings are generally locked and only faculty, staff and some students with proper ID are permitted access. The campus “access control” system provides electronic access to some campus buildings and labs. The system is monitored by the University Student Services. Selected campus academic buildings, and all non-apartment style residence halls are equipped with card key access and door alarms that report to the University Police, University Student Services, and Residence Life. In addition, many offices, labs, computer rooms and other secure areas have alarm systems.

Residential facilities are only accessible to building residents and their authorized guests and visitors. Residents are helpful if they avoid allowing unknown individuals access to the residential buildings. Residence Life staff monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Security of Campus

University Police Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters.

Lighting improvements are constantly being evaluated. Improvements have included routine maintenance and replacement of defective lights in buildings, parking lots and in areas with heavy landscaping, trees and pathways frequently traveled by members of the campus community. "Blue Light" telephones are located strategically throughout campus. Facilities Services has the responsibility to maintain campus buildings and grounds with a concern for safety and security. Facilities will respond to reports of potential safety and security hazards, such as broken windows, locks and lighting problems. The University Police Department also reports security concerns observed by officers while conducting routine patrol.

Theft and property damage is one of the most common problems in the residential areas; therefore, precautions should be exercised at all times. Residents are encouraged to be watchful and cautious of their surroundings and the presence of unknown persons.

Building Access

A. Regular Building Hours

Regular building use hours will be Monday through Friday from 7:30 a.m. to 9:30 p.m. and on Saturday from 8:00 a.m. to 4:30 p.m. except holidays. This includes all buildings except Clark Student Center, Moffett Library, Bruce and Graciela Redwine Student Wellness Center, Pierce Hall, Killingsworth Hall, Marchman Hall, McCullough-Trigg Hall, Legacy Hall, Sundance Court, Sunwatcher Village, Vinson Health Center, Counseling Center, and Fain Hall which will have special schedules of normal hours filed with the Administration.

B. Student Use

1. No student will be permitted the use of the buildings anytime except those hours listed under Item A unless authorized by a senior faculty or staff member.
2. All students using the buildings must be instructed by the responsible faculty or staff member to be out of the building no later than the building closing time listed under Item A.

C. Resident Hours

Resident hours are self-determined. A telephone is provided on the first floor of each residence hall for the convenience of calling residents after visitation hours. Residence Hall offices will not provide resident students' telephone numbers after visitation hours.

D. Resident Lock and Key Policy

1. Keys Issued to Students – Each student is issued a key to his/her room/apartment at the time he/she checks into University Housing. Each student's ID card is also programmed to provide front door access to their assigned residence hall or Sundance Court. Keys or ID cards issued to a student must not be given to any other individual.
2. Lost Keys – If a student loses his/her key(s) he/she is to immediately inform the Hall Office or Resident Assistant. If the key(s) cannot be located within 48 hours, the student's lock will be changed and new keys issued. At a student's request, locks will be changed immediately. The fee for a lock change is \$75.00 per lock.
3. Lost and Damaged Key Cards – a lost key card jeopardizes the safety and security of the building's residents and must be reported to Campus Card Services, the Hall Office or

Resident Assistant immediately. All lost I.D. cards must now go through the University One-Card office located in the Clark Student Center. Damaged key cards should be turned into the University One-Card office so that a replacement card can be issued. A student may be charged if the card damage occurred through abuse.

It is a violation of University policy for any person or group to obstruct, prevent, or interfere with the free and unobstructed use of any building entrance/exit. Persons who fail or refuse to promptly move or disperse when requested to do so by a University Official, are subject to disciplinary action.

Resident Building Lockout Policy

Students must also carry their university ID card at all times for building access. If the students do not have their ID card to the building, they are considered locked out of the building. If this occurs:

1. Students will be asked to fill out a building lockout form at the building office.
2. Upon a fifth building lockout, students will be required to pay a \$10.00 building lockout fine.

Violation of Illegal Entry/Propped Doors

To ensure the safety and security of the buildings and residents, exterior and stairway doors are not to be propped open.

1. Residents and guests of Sundance Court, Killingsworth Hall, Pierce Hall, and McCullough-Trigg Hall are expected to enter the buildings through the main entrances. The back or side doors are not to be used to enter these buildings.
2. Building windows are never to be used to enter a building, and only in emergency circumstances would they be used to exit a building.

Police patrols routinely check buildings after normal building hours to ensure buildings are secure. University Police and Central Plant monitor all the various security and fire alarms throughout campus.

Crime Prevention and Security Awareness Overview

Crime is a serious problem for which there are no easy answers or solutions. University campuses are not immune to crime; therefore, the prevention of crime is a top priority. All members of the Midwestern State community are encouraged to take responsibility for his/her own safety, and when possible assist others with their safety needs. While the Midwestern State University Police Department may offer advice and assistance, each individual has the primary responsibility for his/her own safety.

The university police department supports a proactive crime prevention effort that works with members of the campus community to create a safe campus environment. Crime prevention and security awareness programs begin with freshman orientation. Topics of discussion include the Student Code of Conduct, academic dishonesty, civility, sexual harassment, sexual exploitation, substance abuse, alcohol and hate violence. Throughout the year, the Midwestern State Police Department gives presentations and workshops regarding personal safety, office & classroom

safety, rape prevention, as well as vehicle and residential security and response to an active shooter.

The institution held two crime prevention and security awareness programs during the 2016-2017 academic year. In these programs, students and employees are encouraged to be responsible for their own security and the security of others.

The University Police Department's efforts to educate the campus community about incidents of crime, the importance of reporting crimes, (especially sex related crimes and violent crime) and the prevention of crime is a "work-in-progress." Numerous employees of the University Police Department, Student Affairs, Student Judicial Programs, Housing and Residence Life, and the Dean of Students, are all active participants in this never ending effort. From freshman orientation to the graduation commencement years later, students are subjected to a continuous array of programs, designed to create a safer campus environment, examples include: sexual assault awareness and prevention, alcohol safety awareness, hate crimes presentations, office and building security surveys, workplace violence prevention, and anti-theft programs, just to name a few.

Educational Safety Programs

Active Shooter Education - The Midwestern State Police Department periodically presents public presentations designed to provide guidance on how to recognize and survive active shooter incidents. The police department has also incorporated the video "Run, Hide, Fight" by the City of Houston and the Department of Homeland Security.

Emergency Management Team – Consisting of members of the university staff, this team is designed to respond to crises that can have a significant effect on the campus and Wichita Falls communities. The team will coordinate the University's response to crises while paying special attention to the safety and security needs of members of the University community. The team will offer counseling, guidance, and appropriate support to students, their families, and University caregivers.

Fire Safety – Midwestern State University has a proactive Fire/Life Safety Program developed and maintained by Risk Management and the Fire Marshal's Office. This program is designed to ensure that all faculty, staff, students, and visitors to the campus are provided with at least the minimum required levels of protection, but often significantly higher levels. Most campus buildings (including residential apartments) are protected by fire sprinklers and smoke alarm systems. Student residents receive fire/life safety handouts at move-in and they are required to participate in fire safety drills.

Residence Hall Programs – Housing and Residence Life in conjunction with other departments on campus offer many programs in the residence halls per year. The program topics include issues such as safety on campus, alcohol use and abuse, healthy relationships, drugs, violence in relationships, and personal management.

Blue Light Emergency Phones - Blue phones have been placed in strategic locations throughout the Midwestern State University campus. When an emergency telephone is activated, the university police department will answer and immediately know the location from which the call is being placed.

Operation ID— Property protection methods, including marking assistance, is available through the Midwestern State University Police Department.

Sexual Assault Awareness Program – Crime prevention program designed to make students aware of how to reduce the chances of becoming a victim of sexual assault. The program will cover the procedures of how to report a sexual assault and necessary investigative procedures. It will also cover preventive measures for other sex related crimes. The program may involve Midwestern State University Police as well as outside guest speakers who will educate students about sexual assault prevention.

University Student Housing— Staff coverage is maintained daily with Residence Life Director, Resident Hall Directors, and Student Assistants when halls are in operation. Police officers and professional staff employed by the Office of Residence Life and the University Police Department make frequent rounds during the evening hours of areas adjacent to the residence halls, (e.g., campus parking lots, outside entrances, main lobbies, etc.) Residence Halls are also secured with electronic locks and card readers to allow residents entry while access is denied to visitors who are not accompanied. Surveillance cameras are also strategically located throughout many of the resident facilities and elevators.

Safety-Related Services

Battery Jump Box Service - The university police department maintains several motor vehicle battery jump boxes for use by students, faculty, staff or visitors. The individual must come to the MSU Police Station and pick the jump box up and use it themselves. An officer will give guidance if necessary.

Criminal Activity Notices— Students and employees may be regularly provided with information regarding non-violent crimes that occur on the campus of Midwestern State University through *The Wichitan* and public safety notices.

Lock-Out Services - The university police department will provide vehicle unlock services upon request to anyone on campus who has locked themselves out of their motor vehicle. If a student locks themselves out of their dorm room or apartment, the student must contact Residence Life personnel.

Off-Campus Emergency - Students, faculty, and staff should dial 911 to contact the Wichita Falls Police Department, or the appropriate law enforcement agency. Non-emergency calls off campus and within the City of Wichita Falls should be placed to (940)761-5000. Students may also want to notify other residents and/or the landlord.

On-Campus Emergency - Students, faculty and staff should DIAL 911 to notify the Midwestern State University Police Department. Non-emergency calls on campus should be placed to the University Police Department administration number at (940)397-4239. Residence hall students are also encouraged to report crimes to their Resident Assistant and/or Residence Life Director.

Police Officers - Armed sworn police officers patrol the campus 24 hours a day, 365 days a year on a shift basis. The Midwestern State Police Department has an authorized strength of 15 personnel of which ten are commissioned police officers. The number of staff serving on any particular shift will vary depending on availability and the needs of the campus.

Safety Lighting— Lighting has been placed in strategic locations on campus. When individuals notice that exterior lights are not working they should report the location to the Department of Facilities Services at (940)397-4742.

Student Counseling Center – This service can assist individuals who are victims of crime, and may be contacted at (940)397-4618. Additionally, students may use this resource to have a place to go for counseling services, mental health issues, depression and other issues that may affect their ability to cope within the campus community.

Security Escorts – The university police department will provide security escorts for students, faculty, staff or visitors upon request.

Domestic Violence, Dating Violence, Sexual Assault and Stalking

Definitions

Crime of Violence - The institution will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for this purpose.

Sexual Harassment - Sexual harassment includes but is not limited to unsolicited, deliberate, or repeated sexual flirtations, advances or propositions, display of sexually suggestive pictures or objects, and/or offensive or abusive physical contact of a sexual nature. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature will be a violation of university policy and will constitute sexual harassment when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or education.
- B. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.
- C. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive

employment, educational, or living environment. This article is consistent with the institutional policy on sexual harassment (MSU Policies and Procedures Manual 4.161).

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

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

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

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

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students. Midwestern State University maintains a policy of zero tolerance for sexual misconduct regardless of the sexual orientation or gender identity of individuals engaging in sexual activity. Members of the university community, guests and visitors have the right to be free from sexual violence. The University Sexual misconduct policy includes the violations of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act;

Dating Violence: Violence between those in a continuing relationship of an intimate or romantic nature with one another. The existence of such a relationship shall be determined with

consideration of:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.;

Domestic Violence: Violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating or had cohabitated with the victim as a spouse or intimate partner, or a person similarly situated to a spouse, adult or youth victim protected by domestic or family violence laws.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition:

1. 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.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consent is clear sexual permission and can only be given by one of legal age. Consent can be given by word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Individuals who consent to sex must be able to fully understand what they are doing. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." For example, when alcohol or other drugs are used, a person will be considered unable to give valid consent if the person is inebriated, blacked out, unconscious, or cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

Primary Prevention and Awareness Programs

Midwestern State University will not tolerate crimes related to dating violence, domestic violence, sexual assault and stalking. All necessary action, both criminal and administrative, will be taken against any student who violates any provisions of the criminal laws of Texas, the MSU Code of Student Conduct or MSU policies and procedures related to dating violence, domestic violence, sexual assault and stalking. Awareness programs are designed to increase the students, faculty and staff awareness of prevention techniques and tactics, how to report an incident and how to intervene safely as a bystander.

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in 2016:

Think About It - All new Midwestern State University undergraduates under the age of 25 and non-distance education students must complete a comprehensive online training program from LawRoom, Inc. called “Think About It.” During this program, students examine the interconnected issues of healthy relationships, alcohol, hooking up, alcohol and drug use, personal safety, and sexual violence through a variety of interactive, realistic scenarios and guided self-reflection. “Think About It” takes about 2.5 hours to complete. The program must be completed prior to students’ ability to register for subsequent term courses. New graduate students, distance education students, and undergraduates age 25 or older are made aware of and invited to complete the program, but not required.

The University offered the following **primary prevention and awareness programs** for all **new employees** in 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Campus SaVE Act	Daily	Online	SA, DoV, DaV, S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Ongoing Prevention and Awareness Campaigns

The University offered the following **ongoing awareness and prevention programs** for **students** in 2016:

MWSU 1233 – College Connections - College Connections is a 3 hour elective course designed to assist new students in their transition to the university. It is offered to all incoming freshmen and required of all conditionally admitted freshmen. One of the topics covered in this class is healthy relationships. Students sit in groups at tables where they interact, discuss topics, and form small communities. Discussions of healthy relationships include: verbal, emotional, and sexual abuse; dating violence; stalking and boundary issues. The focus is on making healthy choices, emphasizing positive decision-making. Information on community and campus resources is provided.

Student Affairs – Office of Student Conduct - For minor incidents when students are found responsible for violating the University Code pertaining to alcohol, drug, or sexual misconduct, they are sanctioned to complete a variety of educational programming or awareness training designed to help prevent the recurrence or recidivism of future conduct of a similar nature.

Safe Spring Break - An event held on campus with various campus departments participating. Departments include Counseling Center, Police Department, Wellness Center, Vinson Health Center, Student Development & Orientation and Residence Life. Topics covered at this event include prevention of dating and domestic violence, stalking, how not to be a victim, proper reporting procedures and bystander intervention.

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Campus SaVE Act	Every 2 years after initial training.	Online	SA, DoV, DaV, S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Bystander Intervention and Risk Reduction

Tips like these tend to make victims feel blamed if a sexual assault occurs. It is never the victim’s fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

1. An individual’s personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
2. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
3. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
4. The victim feels trapped or unable to be assertive and is raped or assaulted.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. Make your limits known before things go too far.
2. Give clear messages. Say “yes” when you mean yes and “no” when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor “NO” clearly and loudly, like you mean it.
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
7. Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
8. Be forceful and firm when necessary. Don’t be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
9. Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow “politeness” to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
10. Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

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

1. Do not make assumptions about:
 - a. Consent;
2. Someone’s sexual availability;
 - a. Whether a person is attracted to you;
 - b. How far you can go; or

- c. Whether a person is physically and mentally able to consent to you.
3. Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
4. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
5. Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
7. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
8. On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
9. Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

REFERENCES

Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. Retrieved July 26, 2010, at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1146>.

Alcohol Policy

Alcoholic beverages are not allowed on campus except in Bridwell Courts, Sundance Court and Sunwatcher Village apartment residences (see the current edition of the *Housing and Residence Life Handbook* for the specific policy guidelines regulating the use of alcoholic beverages in university housing) and at social functions which have been registered and approved through the Dean of Students office. Open containers are not allowed in public areas.

Guidelines

1. State Law regarding the use of alcoholic beverages must be observed. Violations of State law include the following:
 - a. Consumption of alcohol by an under-aged drinker.
 - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
 - c. Public intoxication.
 - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. Beverages at approved student organization events must be distributed by a TABC licensed third party vendor. A copy of the vendor's current license must be on-file with the Clark Student Center office prior to event approval.

3. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday-Thursday.
4. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking paths, and all other open-air spaces on the campus.
5. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
6. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
7. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.

Substance Abuse

In accordance with the Drug Free Schools and Campuses Drug Prevention Program Certification, MSU has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities. MSU recognizes the importance of information about drug and alcohol abuse. Therefore provided here for the benefit of each student and employee are standards of conduct and legal and disciplinary sanctions for unlawful possession or distribution of illicit drugs and alcohol abuse. Drug and alcohol abuse counseling and referral are available at the MSU Counseling Center. Additional information, both on the effects of specific drugs and alcohol and drug counseling resources in Wichita Falls and surrounding areas, is available in the Counseling Center and the Vinson Health Center.

Use, possession, distribution, manufacture, sale or administration to another of illegal drugs including all controlled substances, and other substances that are the object of an offense under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) is prohibited. MSU prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. The MSU Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

A. Legal Sanctions

Students or employees found in violation of any university rule or any local state or federal law regarding the use, possession, or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act, and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action. The most common state law violations and their consequences are:

OFFENSE	TYPE	PENALTY
Alcohol Consumption or Possession (Secs.106.04 and 106.05.)	Misdemeanor 1st Violation 2nd Violation	\$25 to \$200 Not less than \$500 but not more than \$1000
Purchasing for or Furnishing Alcohol to a Minor (Sec. 106.06.)	Misdemeanor	\$100 to \$500
Public Intoxication (Texas Penal Code, Sec. 42.02)	Misdemeanor	Up to \$500 fine
Drug Possession	Varies according to the drug possessed	Up to \$10,000 fine and 5 – 99 years in prison

Penalties for drug possession are governed by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act. Specific penalties may vary depending on the type and amount of drug.

B. Controlled Drug Violations – Administrative Discipline

1. All violations of federal, state, or local laws, or University rules regarding controlled substances will be referred to the University Police Department.
2. In addition to any action which may or may not be taken by civil authorities when laws, rules or procedures regarding controlled substances are violated, the following sanctions may be imposed by the University through the Office of Student Conduct or Office of Residence Life and Housing.
3. Manufacture, Sale or Distribution of Illegal Drugs:
 - a) First Offense—Possible sanctions include, but are not limited to:
 - i. Suspension or expulsion from university housing or the university;
 - ii. Notification of parents/guardians of students under 21 years of age and older dependent students;
 - iii. Fine of \$200;
 - iv. Notification of law enforcement authorities; and/or
 - v. Other sanctions as determined by the Director of Student Conduct (or designee).
4. For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs: Drug paraphernalia (e.g. bongos), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.
 - a) First Offense—Possible sanctions include, but are not limited to:
 - i. Suspension or expulsion from university housing;
 - ii. Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred;
 - iii. Participation in a drug education activity, at the student’s expense and as determined by the Director of Student Conduct (or designee);
 - iv. Fine of \$100;
 - v. Mandated substance abuse assessment by an approved agency and

- vi. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
 - vii. Authorship of a research/reflection essay;
 - viii. Notification of parents/guardians of students under 21 years of age and older dependent students;
 - ix. Notification of law enforcement authorities; and/or
 - x. Other sanctions as determined by the Director of Student Conduct (or designee).
- b) Second Offense— Possible sanctions include, but are not limited to:
- i. Expulsion from the university;
 - ii. Notification of parents/guardians of students under 21 years of age and older dependent students;
 - iii. Fine of \$200;
 - iv. Notification of law enforcement authorities; and/or
 - v. Other sanctions as determined by the Director of Student Conduct (or designee).

Notification of parents is indicated when the violation involved harm or threat of harm to persons or property; the violation involved an arrest in which the student was taken into custody; the violation resulted in or could result in the student being suspended from the university and/or dismissed from the residence halls; the student has shown a pattern of violations, even if they are minor; or the student who committed the violation became physically ill and/or required medical intervention as a result of consumption of alcohol and/or drugs.

C. Alcohol Violations - Administrative Discipline

When a student violates the University Alcohol Policy or when consumption causes disruptive behavior or results in public intoxication, the following procedures will be followed:

1. All violations of federal, state, or local laws or rules regarding alcohol will be reported to the University Police Department.
2. In addition to any action which may or may not be taken by civil authorities when laws, rules or procedures regarding alcohol are violated, the following sanctions may be imposed by the University through the Office of Student Conduct or Office of Residence Life and Housing.

Minor in Possession/Consumption of Alcohol or Housing Alcohol Policy Violations:

1. First Offense—Possible sanctions include, but are not limited to:
 - a. Participation in an alcohol education activity and/or a Minor in Possession course, at the student's expense and as determined by the Director of Student Conduct (or designee);
 - b. Authorship of a research/reflection essay;
 - c. Fine of \$50;
 - d. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - e. Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second Offense— Possible sanctions include, but are not limited to:
 - a. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
 - b. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
 - c. Authorship of a research/reflection essay;
 - d. Fine of \$100;
 - e. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - f. Other sanctions as determined by the Director of Student Conduct (or designee).
3. Third and Subsequent Offenses— Possible sanctions include, but are not limited to:
 - a. Suspension or expulsion from university housing and/or the university;
 - b. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - c. Other sanctions as determined by the Director of Student Conduct (or designee).
4. Purchasing, Selling or Providing Alcohol to Minors:
 - a. First Offense— Possible sanctions include, but are not limited to:
 - b. Participation in an alcohol education activity at the student’s expense and as determined by the Director of Student Conduct (or designee);
 - c. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
 - d. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
 - e. Authorship of a research/reflection essay;
 - f. Fine of \$100;
 - g. Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
 - h. Eligibility restrictions;
 - i. Suspension from university housing and/or the university;
 - j. Community service hours to be performed at a specific location as determined by the Director of Student Conduct (or designee); and/or
 - k. Other sanctions as determined by the Director of Student Conduct (or designee).
5. Second and Subsequent Offenses— Possible sanctions include, but are not limited to:
 - a. Expulsion from the university;
 - b. Notification of law enforcement authorities;
 - c. Fine of \$200;
 - d. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - e. Other sanctions as determined by the Director of Student Conduct (or designee).
6. Driving Under the Influence/Driving While Intoxicated: Midwestern State University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of intoxicated as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition,

students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

- a. First Offense— Possible sanctions include, but are not limited to:
 - b. Loss of driving and/or parking privileges on campus for a specified period of time;
 - c. Participation in an alcohol education activity and/or a Minor in Possession course, at the student's expense and as determined by the Director of Student Conduct (designee);
 - d. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
 - e. Community services hours to be performed at a specific location as determined by the Director of Student Conduct (or designee);
 - f. Authorship of a research/reflection essay;
 - g. Fine of \$100;
 - h. Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
 - i. Eligibility restrictions; and/or
 - j. Other sanctions as determined by the Director of Student Conduct (or designee).
7. Second and Subsequent Offenses— Possible sanctions include, but are not limited to:
- a. Suspension or expulsion from the university;
 - b. Notification of law enforcement authorities;
 - c. Fine of \$200
 - d. Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - e. Other sanctions as determined by the Director of Student Conduct (or designee).
 - f. All incoming students (Freshman and Transfer) are required to complete an online Alcohol Education course.

D. Alcohol Abuse Prevention

In accordance with Drug Free Schools and Campuses Drug Prevention Program Certification, MSU has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities. MSU recognizes the importance of information about drug and alcohol abuse. Therefore, provided here for the benefit of each student and employee, are standards of conduct, and legal and disciplinary sanctions for unlawful possession or distribution of illicit drugs and alcohol abuse.

To help create a safe educational environment, a new undergraduate student at MSU is required to complete an online program called "Think About It" (available at <https://www.campusclarity.com/login>) during their first semester on campus.

The program is innovative, engaging, and informative and was created with students – for students. During the program, students examine the interconnected issues of healthy relationships, alcohol, hooking up, substance abuse, and sexual violence through a variety of

interactive, realistic scenarios and guided self-reflection. Students will have the opportunity to earn points and badges as they progress through the program. The program promotes a healthier and safer campus environment for everyone at Midwestern State University.

“Think About It” takes about 2 - 2.5 hours to complete. Students can work at their own pace from any computer (requires Flash player) and the student can leave and return to the program at any time; and, when the student returns, the program will open at the place where they left off.

In compliance with the Drug Free Schools and Communities Act, MSU publishes information regarding the University’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for MSU students and employees. A complete description of these topics, as provided in the University’s annual notification to students and employees, is available online at: [https://mwsu.edu/Assets/documents/Student%20Handbook%202016-17%20\(web\).pdf](https://mwsu.edu/Assets/documents/Student%20Handbook%202016-17%20(web).pdf)

Campus Crime Reporting Disclosure

Institutions of higher education that have security or police departments are required to keep a chronological record of each crime and residential fire reported to the department on a daily basis. This chronological record must include several details of each reported crime, such as the date, time, nature, general location, and the disposition of the complaint. Departments are also required to ensure that these records are made open to the public within two business days of the initial report unless such disclosure is prohibited by law, would jeopardize the safety of an individual, compromise an ongoing investigation, or would cause evidence to be destroyed or a suspect to flee. The Midwestern State University Police Department maintains a daily crime log on its website, located at:

https://www.mwsu.edu/police/crimelogs/crimelog_list.asp?a=showall&value=1&

Campus Policy Statements

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Midwestern State University (MSU) prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, MSU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official. The university’s disciplinary processes include a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are

completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. In cases of employee conduct when the accused is a University employee, the University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. In cases of student conduct when the accused is a University student, except in cases of sexual misconduct, sexual harassment, and other forms of discrimination, advisors may be chosen only from within the current Midwestern State University community, unless leave is granted by the Director of Student Conduct for an advisor from outside the community. In instances where civil or criminal court proceedings are currently involving a student party to the complaint or at the discretion of the Director of Student Conduct, legal counsel may be permitted to serve as an advisor in any case. The role of the advisor in both student and employee cases is limited such that the advisor may not make speak for or represent the advisee during institutional meetings or disciplinary proceedings. Advisors may only consult and advise his or her advisee.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the university⁶ or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

⁶ Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party.

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

Employee Policy: Sexual Discrimination and Sexual Harassment

APPLICABLE TO EMPLOYEES ACCUSED OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Policy Statement

It is the policy of Midwestern State University to prohibit discrimination on the basis of sex, including sexual harassment. Sex discrimination and harassment on the basis of sex constitute violations of Title IX of the Education Amendments Act of 1972 and of Title VII of the Civil Rights Act of 1964. Any faculty, staff, or student will be subject to disciplinary action for violation of this policy.

Informal Disposition of Complaint

A person who believes he/she is the victim of sex discrimination or sexual harassment is encouraged to seek an informal resolution. All complaints will be considered informal until they are filed in writing through the prescribed formal process.

1. Any member of the MSU community (faculty, staff, or student) having a complaint of sex discrimination or sexual harassment should notify his/her immediate supervisor within ten (10) calendar days of knowledge of the alleged conduct. If the complaint is against the immediate supervisor, the complainant should contact the next higher administrative level. The immediate supervisor for an employee is the university official to whom the employee reports. The immediate supervisor for a student is the chairperson of the academic department where the alleged incident occurred, for incidents that occur within an academic setting, and the dean of students for incidents that occur in a non-academic setting.
2. The complainant's supervisor, dean of students, or department chairperson, receiving the complaint, hereinafter referred to as the administrator, will counsel with the complainant to determine the extent of the alleged sex discrimination or sexual harassment.
3. The administrator will verbally inform the EEO coordinator (director of human resources) that an informal complaint of sex discrimination or sexual harassment has been filed.
4. The administrator will review the evidence presented by the complainant and will determine if there is cause to believe that a sex discrimination or sexual harassment violation occurred.
5. If in the judgment of the administrator a violation did not occur, the complainant will be so advised and given a verbal explanation of the reason for the determination.
6. If it is determined by the administrator that there is sufficient justification to believe that sex discrimination or sexual harassment did occur, the administrator will notify the

If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

respondent that an informal complaint has been filed against him/her and that the complainant wishes to seek an informal resolution. The administrator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to confirm or rebut the charge. Both parties will meet with the administrator, together or separately, and try to reach a mutually agreeable resolution. No formal investigation is involved in the informal resolution process.

7. The administrator shall document the informal process and any informal resolution. Such documentation shall be kept confidential to the extent permitted by law, and shall be retained by the administrator and the EEO coordinator.

Formal Disposition of Complaint

A complaint may be taken through the formal process. An informal resolution meeting shall not be considered a precondition for the filing of a formal written complaint. A formal complaint must be submitted in writing within ninety (90) calendar days of the occurrence of the alleged violation. A complainant shall send a formal written complaint to the appropriate person, hereinafter designated as the investigator.

1. The designated investigator will be:
 - a) the Vice President for Student Affairs and Enrollment Management for a student's complaint arising from incidents which occurred in a non- academic setting,
 - b) the relevant dean of the college for a student's complaint arising from incidents which occurred in an academic setting, or
 - c) the relevant dean of the college or department director (equivalent budgetary unit head), as appropriate, for an employee other than a student.
2. The written complaint must contain the following information:
 - a. complainant's name, address, telephone number, e-mail address,
 - b. name of respondent,
 - c. date(s), place(s), and time(s) of alleged violation,
 - d. detailed description of specific conduct in violation of policy,
 - e. copies of any documents pertaining to the incident(s),
 - f. names of any witnesses to the violation,
 - g. resolution action requested by complainant,
 - h. other relevant information, and
 - i. signature of complainant and date of filing.
3. The investigator will inform the EEO coordinator (director of human resources) that a formal complaint has been filed and provide the EEO coordinator with a copy of the complaint.
4. Within five (5) working days of receipt of a formal written complaint, the appropriate investigator receiving the complaint will send the complainant a written acknowledgement of receipt of the complaint.
5. An investigation will be initiated if it is determined that the formal complaint is complete, timely, and within the scope of the policy. If it is determined that the complaint does not

meet the requirements of this policy and the university will not proceed with an investigation, the complainant will be notified in writing by the investigator. The complainant may appeal the determination to not proceed with the investigation to the complainant's senior administrator, in writing, within ten (10) working days of the notification. If the decision to dismiss is upheld, the decision is final. If the decision is overturned, the investigation will continue.

6. If it is determined that the university will proceed to investigate the complaint, the investigator will give the respondent written notification of the investigation. The investigator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to file a written response within ten (10) working days.
7. The investigator will interview both the complainant and the respondent and persons who are considered to have pertinent factual information relevant to the complaint. Findings will be based on the totality of circumstances related to the incident or conduct and will be considered on the basis of severity, frequency, and nature of the offense. The investigation will be kept confidential and on a need-to-know basis.
8. The investigator will provide a written statement of findings with supporting documentation and a decision for disposition of the complaint to the EEO coordinator and to the senior administrator representing the department of the complainant.
9. The investigator will provide written notification of the decision to the complainant and to the respondent within fifteen (15) working days after the conclusion of the investigation.
10. Decisions involving disciplinary action will be administered in accordance with university disciplinary policies. The supervisor of the respondent will be notified by the EEO coordinator if disciplinary sanctions are imposed upon an employee of the university.

Right of Appeal

If the complainant or respondent is not satisfied with the disposition of the formal complaint, either party may appeal to the president for a grievance hearing.

1. The grievant must send a formal written request for a hearing to the president within ten (10) working days of receipt of the written notification of the disposition of the formal complaint. The request for a hearing must be signed by the grievant. Within ten (10) working days of the date filed, a hearing date shall be set.
2. The president shall appoint an ad hoc committee to review the formal complaint, hear the appeal, and render a decision. The hearing committee shall consist of five (5) persons who are employees of the university, two (2) persons from each classification (faculty, staff, or student) of the principals involved and a chairperson designated by the president. Each principal involved shall have one (1) preemptive challenge.

3. The complainant, respondent, administrator, investigator, and EEO coordinator shall, in advance of the hearing, receive a copy of the written appeal filed with the president. All affected parties shall receive a written notice of the date, time, and place of the hearing. A copy of the written complaint and the appeal will be furnished to the hearing committee.
4. All formal hearings shall be closed to the public except as otherwise required by law. The president's designee shall preside and conduct the business of the hearing. The principals shall have the opportunity to present their cases through testimony, relevant evidence, and witnesses.
5. The chair of the grievance committee shall within five (5) working days of the conclusion of the hearing submit a written report of the committee's decision to the complainant, the respondent, the EEO coordinator, and to the president of the university.

Disposition of Hearing Committee's Decision

The president of the university will receive the committee's report and may review the matter on the record only. Unless the president acts within ten (10) working days following receipt of the committee's written report, the grievance committee's decision is upheld. The decision of the president is final.

Retaliation

Retaliation in any form against individuals who report cases of sexual harassment or sex discrimination, whether those individuals are directly or indirectly involved, is strictly prohibited and will result in appropriate disciplinary action up to and including possible suspensions or termination.

False Charges

False charges of sexual harassment/discrimination, if proven, may result in disciplinary action against the complainant by the university or civil action against the complainant by the respondent if the charges were known to have been false at the time they were made.

Sexual Harassment/Discrimination Awareness Training

Within thirty (30) calendar days of their respective dates of employment, all new employees must receive appropriate training in sexual harassment/discrimination awareness and be given a copy of the university's sexual harassment policy. Such training, which will be conducted by the Human Resources Department, must include the definitions of sexual harassment/discrimination, instruction in how to recognize and report instances of sexual harassment/discrimination, and the penalties for violating the university's sexual harassment/discrimination policies. All university employees must receive this training at least once every two (2) years and there must be a statement signed by the employee acknowledging completion in his or her personnel file

Monitoring

A copy of a sexual harassment/discrimination complaint and a report on the final disposition to remedy the complaint will be filed with the EEO coordinator. It will be the responsibility of the EEO coordinator to conduct appropriate follow-up and monitoring of all sex discrimination and sexual harassment complaints to ensure that recommended corrective actions have been taken and that the offensive behavior has not been repeated

Student Policy: Sexual Misconduct

APPLICABLE TO STUDENTS ACCUSED OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Policy Statement

Midwestern State University maintains a policy of zero tolerance for sexual misconduct regardless of the sexual orientation or gender identity of individuals engaging in sexual activity. Members of the university community, guests and visitors have the right to be free from sexual violence. When an allegation of sexual misconduct is brought to the administration, and an accused student is found to have violated this policy, serious sanctions will be imposed to ensure that such actions are never repeated. All members of the university community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Midwestern State University student sexual misconduct policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy has dual purposes; it serves as a measure to determine, after-the-fact, if behaviors trespassed on community values and as a guide for students on the expectations Midwestern State University has, preventatively, for sexual communication, responsibility and respect.

While the policy is quite detailed and specific, the expectations of this community can be summarized in this simple paragraph: Consent is clear sexual permission and can only be given by one of legal age. Consent can be given by word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Individuals who consent to sex must be able to fully understand what they are doing. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." For example, when alcohol or other drugs are used, a person will be considered unable to give valid consent if the person is inebriated, blacked out, unconscious, or cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

Finally, there is a difference between seduction and coercion; coercion is unreasonably pressuring another person for sex. Coercing someone into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

Violations of the university Sexual Misconduct Policy

Sexual misconduct is a serious offense and such violations are subject to any combination of conduct sanctions. Conduct procedures with individuals found responsible for violation of the nonconsensual sexual intercourse policy face a recommended sanction of university suspension or university expulsion. Refer to the Code of Student Conduct, Section 8: Conduct Procedures, for a full list of conduct sanctions available at the University.

A listing of Midwestern State University sexual misconduct policy violations is below.

a) *Sexual Harassment*: Gender-based verbal or physical conduct that has the effect of

unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or educational environment. There are two types of sexual harassment:

1. *Hostile Environment* includes situations in which there is harassing conduct that is sufficiently severe, pervasive/persistent and objectively offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and objective (a reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all the circumstances. These circumstances could include, but are not limited to:
 - The frequency of the speech or conduct;
 - The nature and severity of the speech or conduct;
 - Whether the conduct was physically threatening;
 - Whether the speech or conduct was humiliating;
 - The effect of the speech or conduct on the alleged victim's mental and/or emotional state;
 - Whether the speech or conduct was directed at more than one person;
 - Whether the speech or conduct arose in the context of other discriminatory conduct;
 - Whether the speech or conduct unreasonably interfered with the alleged victim's educational or work performance;
 - Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
 - Whether the speech or conduct deserves the protections of academic freedom.
2. *Quid Pro Quo* sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in educational or employment action.
 - b) *Nonconsensual Sexual Intercourse* (or attempts to commit the same):
 - Any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, without consent and/or by physical force.
 - c) *Nonconsensual Sexual Contact* (or attempts to commit the same):
 - Any intentional sexual touching, however slight, with any object, by a person upon another person, without consent and/or by physical force.
 - d) *Sexual Exploitation*: Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
 1. Prostituting another student;
 2. Non-consensual video or audio recording of sexual activity;
 3. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one's consensual sexual activity;
 4. Engaging in voyeurism (Peeping Tommerly); and/or

5. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

e) *Dating Violence (per VAWA definition)*: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(1) The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition-

(i) Dating violence includes sexual or physical abuse or the threat of such abuse.

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

f) *Domestic Violence (per VAWA definition)*: A felony or misdemeanor crime of violence committed:

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime.

g) *Stalking (per VAWA definition)*:

(1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for his or her safety or the safety of others; or

(ii) Suffer substantial emotional distress.

(2) For the purpose of this definition--

(i) 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.

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

h) *Retaliation* is defined as any adverse actions (e.g. harassment, Intimidation, revocation, limitation etc) taken against a person because of the person's participation in an

investigation of discrimination or sexual misconduct or their support of someone involved in an investigation of discrimination or sexual misconduct. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational, organizational or employment consequences, ridicule, intimidation, bullying, or ostracism. The university will impose sanctions on any individual found to be engaging in retaliation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, Director of Student Conduct or Director of Human Resources, and will be promptly investigated. Midwestern State University is prepared to take appropriate steps to protect individuals who fear they may be subjected to retaliation.

Furthermore, Midwestern State University prohibits any crimes of sexual assault as defined by the Clery Act.

- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
 - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: The state of Texas defines domestic violence as follows:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or
- (3) dating *violence*, as that term is defined by Section 71.0021.

Dating Violence: The state of Texas defines dating violence as follows:
an act, other than a defensive measure to protect oneself, by an actor that:

- (1) is committed against a victim or applicant for a protective order:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
 - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Sexual Assault: The state of Texas defines sexual assault as follows:

A person commits an offense if the person:

- (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (2) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
 - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
 - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
 - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
 - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
 - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
 - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
 - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter [2](#), Family Code.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
 - (2) "Spouse" means a person who is legally married to another.
 - (3) "Health care services provider" means:
 - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
 - (B) a chiropractor licensed under Chapter [201](#), Occupations Code;
 - (C) a physical therapist licensed under Chapter [453](#), Occupations Code;
 - (D) a physician assistant licensed under Chapter [204](#), Occupations Code; or
 - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter [301](#), Occupations Code.
 - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
 - (A) licensed social worker as defined by Section [505.002](#), Occupations Code;
 - (B) chemical dependency counselor as defined by Section [504.001](#), Occupations Code;
 - (C) licensed professional counselor as defined by Section [503.002](#), Occupations Code;
 - (D) licensed marriage and family therapist as defined by Section [502.002](#), Occupations Code;
 - (E) member of the clergy;
 - (F) psychologist offering psychological services as defined by Section [501.003](#), Occupations Code; or
 - (G) special officer for mental health assignment certified under Section [1701.404](#), Occupations Code.

- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section [250.001](#), Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
 - (2) that:
 - (A) the actor was not more than three years older than the victim and at the time of the offense:
 - (i) was not required under Chapter [62](#), Code of Criminal Procedure, to register for life as a sex offender; or
 - (ii) was not a person who under Chapter [62](#), Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
 - (B) the victim:
 - (i) was a child of 14 years of age or older; and
 - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#).
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#).

INDECENCY WITH A CHILD.

A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:

- (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or
 - (2) with intent to arouse or gratify the sexual desire of any person:
 - (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or
 - (B) causes the child to expose the child's anus or any part of the child's genitals.
- (b) It is an affirmative defense to prosecution under this section that the actor:
- (1) was not more than three years older than the victim and of the opposite sex;
 - (2) did not use duress, force, or a threat against the victim at the time of the offense; and
 - (3) at the time of the offense:
 - (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.
- (b-1) It is an affirmative defense to prosecution under this section that the actor was the spouse of the child at the time of the offense.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

(1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or

(2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

Stalking: The state of Texas defines stalking as follows:

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;

(2) the laws of a federally recognized Indian tribe;

(3) the laws of a territory of the United States; or

(4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Consent: The state of Texas defines consent, in relation to sexual activity, as follows: "Consent" means assent in fact, whether express or apparent.

Consent is clear sexual permission and can only be given by one of legal age. Consent can be given by word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Individuals who consent to sex must be able to fully understand what they are doing. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." For example, when alcohol or other drugs are used, a person will be considered unable to give valid consent if the person is inebriated, blacked out, unconscious, or cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

How to File a Disciplinary Complaint Under this Policy

University officials, depending on their roles at the university, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless the reporting party requests information to be shared. Other resources exist for individuals to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the university nor the law requires them to divulge private information that is shared with them, except in the rare circumstances. The following describes the three reporting options at Midwestern State University:

Formal Reporting: An individual is encouraged to speak to university officials, such as the Title IX Coordinator, Director of Student Conduct, Campus Police, Director of Human Resources, Academic Deans, Athletic Head Coaches, and Vice Presidents to make formal reports of incidents of sexual misconduct. Individuals have the right, and can expect, to have incidents of sexual misconduct taken seriously by the university when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting still affords some privacy to the reporter as only a small group of university officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve the reporting individual's rights and privacy.

Title IX Coordinator
Matthew Park, Associate Vice President of Student Affairs/Dean of Students
Clark Student Center, Room 104
(940) 397-7500

matthew.park@mwsu.edu

Deputy Title IX Coordinator - Students
Dail Neely, Director of Student Conduct/Clark Student Center
Clark Student Center, Room 116
(940) 397-6273
dail.neely@mwsu.edu

University Police
Patrick Coggins, Chief
Hampstead House
(940) 397-4239
patrick.coggins@mwsu.edu

Private Reporting: An individual may seek advice from certain resources who are not required to tell anyone else one's private, personally identifiable information unless there is cause for fear for that person's safety, or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address sexual misconduct, such as hall directors, faculty members, advisors to student organizations, academic advisors, admissions officers, student activities personnel, and many others. If unsure of someone's duties and ability to maintain privacy, ask before you talk to them. They will be able to disclose their reporting requirements to help someone make an informed decision about reporting. Some of these resources, such as resident assistants (RAs), are required to share incident reports with their supervisors. If personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect the privacy of the reporting party to the greatest extent.

Confidential Reporting: For individuals wishing the details of an incident be kept confidential, a person may speak with on-campus counselors, campus health service providers or victim advocates, off-campus rape crisis resources, or off-campus members of the clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center and medical staff in the Vinson Health Center are available to help students free of charge and can be seen on an emergency basis during normal business hours. Through a partnership with First Step, Inc, confidential advocates are also available to students and employees through appointments and on an emergency basis.

Counseling Center
Dr. Pam Midgett, Director
(940) 397-4618
pam.midgett@mwsu.edu

Vinson Health Center
Dr. Keith Williamson, Director
(940) 397-4231
keith.williamson@mwsu.edu

How the University Determines Whether This Policy will be Used

Upon notice of an alleged violation, the Title IX Coordinator, in consult with the Director of Student Conduct, will appoint investigators to conduct a preliminary investigation (if not already completed by the Coordinator or designee). Steps will include:

- Initiate any necessary and appropriate remedial actions or accommodations on behalf of the victim;
- Determine the identity and contact information of the reporting party, whether that person is the initiator of the complaint, the alleged victim, or a university proxy or representative;
- Identify policies that may have been violated, review history of the parties, context of the incident(s), any potential patterns, and the nature of the complaint;
 - If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support a complaint without the participation of the victim;
 - Notify the victim whether the university intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;

Based on results of the preliminary investigation, a determination will be made by the Title IX Coordinator in consult with the Director of Student Conduct as to whether or not an alleged violation of the student Sexual Misconduct Policy occurs.

A preliminary investigation usually takes up to one week to complete.

Steps in the Disciplinary Process

If indicated by the preliminary investigation and authorized by the Title IX Coordinator, the appointed investigators will conduct a comprehensive investigation to determine if there is reasonable cause to charge the accused individual, and determine the specific violation which should be alleged as part of the complaint. If there is insufficient evidence through the investigation to support reasonable cause, the grievance will be closed with no further action as determined by the Title IX Coordinator.

Steps of the comprehensive investigation include:

- Commence a thorough, reliable and impartial investigation;
- Prepare the notice of charges on the basis of the reasonable cause determination, which may be delivered prior to, during or after the accused individual is interviewed, at the discretion of the investigator(s);
- Interview all relevant witnesses, obtain statements from each, and have each witness sign their statements to verify them;
- Obtain all documentary evidence and information available;
- Obtain all physical evidence available;
- Complete the investigation by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a finding (unless instructed not to do so by the Title IX Coordinator);
- Present the investigation report and any findings to the accused individual, who may:
 - a. accept the findings,

- b. accept the findings in part and reject them in part, or
- c. may reject all findings;
- Share the findings and update the reporting party on the status of the investigation and investigation outcome.

A comprehensive investigation usually takes up to three weeks to complete.

Where the accused individual is found not responsible for the alleged violation(s), the investigation will be closed. The reporting party may request that the Title IX Coordinator re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Coordinator in cases such as this, and is granted only on the basis of extraordinary need.

Where the accused individual accepts the finding that s/he violated university policy, the investigator will recommend appropriate sanctions/responsive actions for the violation that will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim(s) and the university community. If the accused individual accepts these sanctions/responsive actions, the process ends. The sanctions/responsive actions are implemented by the Director of Student Conduct.

If the accused individual accepts the findings but rejects the recommended sanctions/responsive actions, there will be an administrative hearing on the sanction/responsive actions, only. The Coordinator, Director of Student Conduct, or investigator will make timely notification in writing to the parties of the outcome, any sanctions/responsive actions, and the rationale for the decision.

Where the accused individual rejects the finding that s/he violated university policy, there will be a Student Conduct Committee (SCC) hearing on the allegations, usually within 2 weeks. At the hearing, the investigator(s) will present their findings to the SCC. The investigation findings will be considered by the SCC, but are not binding on the SCC. At the hearing, the SCC will also hear from the parties present, and any called witnesses. Based on the contents of the comprehensive investigation report, testimony during the hearing, and any additional evidence presented during the hearing, the SCC will render an independent and objective finding by majority vote within 2-3 business days of the hearing. SCC findings are provided to the Director of Student Conduct, who will make timely notification in writing to the parties of the outcome, any sanctions/responsive actions, and the rationale for the decision.

Accused students/respondents and/or reporting parties/accusers may petition for a review of a SCC's decision within three (3) business days of issuance of the panel's written decision. Any accused student who missed his/her initial hearing may not request a review of the initial decision. Petitions for appeal will generally be reviewed by the Title IX Coordinator or Deputy Coordinator. If the indicated administrator determines a complaint may be reviewed, every opportunity will be taken to return the complaint to the original hearing panel for reconsideration; however, if this is not possible, the complaint will be reviewed by a three-member Appeals Panel drawn from the trained faculty and staff hearing officer pool, so long as they did not serve on the hearing panel for the initial hearing.

Standard of Evidence

The standard of evidence used in the determination of responsibility for student disciplinary cases at Midwestern State University is a preponderance of the evidence.

Possible Sanctions

Sexual misconduct, sexual assault, dating violence, domestic violence and stalking are serious offenses and such violations are subject to any combination of conduct sanctions. Individuals found responsible for violation of the nonconsensual sexual intercourse policy face a recommended sanction of university suspension or university expulsion.

A full list of conduct sanctions available at Midwestern State University include the following:

- a) **Warning:** A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
- b) **Restitution:** Compensation for damage caused to the university or any person's property, or injuries to a person as a result of the conduct. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen, or personal medical expenses.
- c) **Fines:** Reasonable fines may be imposed.
- d) **Community/University Service Requirements:** For a student to complete a specific supervised university service.
- e) **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
- f) **Confiscation of Prohibited Property:** Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the Director of Student Conduct and/or Campus Police.
- g) **Behavioral Requirement:** This includes required activities such as, but not limited to, seeking personal counseling or substance abuse screening, writing a letter of apology, writing a research or reflection essay, etc.
- h) **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- i) **Restriction of Visitation Privileges:** May be levied on a residential or non-resident student. The parameters of the restriction will be specified.
- j) **University Housing Probation:** The student is put on official notice that, should further

violations of housing or university policies occur during a specified probationary period, the student may immediately be removed from university housing.

k) University Housing Reassignment: The student is reassigned to another university housing facility. Housing personnel will decide on the reassignment details.

l) University Housing Suspension: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing.

m) University Housing Expulsion: The student's privilege to live in, or visit, any university housing facility is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

n) Eligibility Restriction: The student is deemed "not in disciplinary good standing" with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Conduct and terms of this conduct sanction may include, but are not limited to, the following:

1. Ineligibility to hold any office in any registered student organization or hold an elected or appointed office at the university; or
2. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a participant, player, manager or student coach, etc.

o) University Suspension: The student is separated from the university for a specified period of time, and upon the satisfaction of specific conditions, after which the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Suspension on the student's official academic transcript. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing. Prior to reapplication for university admission, the student must contact the Director of Student Conduct.

p) University Expulsion: The student is permanently separated from the university. The student is barred from being on campus and the student's presence at any university-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Expulsion on the student's official academic transcript.

q) Probation: The student is placed on an extended warning period, levied for a specified time

of which the duration will be determined by the seriousness of the violation. Probation carries a warning such that any further violation of the Code of Student Conduct may result in more serious sanctioning should the student be found responsible for a violation occurring during the probationary period.

r) Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Conduct or designee.

Range of Protective Measures Available Through the Investigatory and Disciplinary Process to a Victim Alleging Misconduct

Measures available to a victim alleging misconduct under this policy are afforded a range of protection options, including no contact orders, remote participation (e.g. Skype) or use of a privacy screen separating the accused and accuser during a hearing, no direct interaction between the accused and accuser during a hearing as supervised by the hearing chairperson, separate waiting area prior to a hearing, escort to and from a hearing, and prohibition of retaliation (both stand alone and expressed in a no contact order) for participation in a University disciplinary process.

Accommodations and Protective Measures

Victims of sexual misconduct will be made aware of options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. Additionally, information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services either within the institution or local community will be available. MSU will make such accommodations or provide such protective measures if requested by a victim and reasonably available, regardless of whether the victim chooses to report the incident to campus or local law enforcement.

Confidentiality and Reporting Sexual Misconduct

University officials, depending on their roles at the university, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the university nor the law requires them to divulge private information that is shared with them, except in the rare circumstances.

Victims may request that directory information on file with the University be withheld by request the MSU Registrar's Office.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know,

i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

The following describes the three reporting options at Midwestern State University:

- A. *Confidential Reporting*: If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers or victim advocates off-campus rape crisis resources, or off-campus members of the clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center are available to help you free of charge and can be seen on an emergency basis during normal business hours.
- B. *Private Reporting*: You may seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address sexual misconduct, such as hall directors, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and can help you make decisions about who can help you best. Some of these resources, such as resident assistants (RAs), are required to share incident reports with their supervisors. If your personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect your privacy to the greatest extent.
- C. *Formal Reporting Options*: You are encouraged to speak to university officials, such as the Title IX Coordinator, Director of Student Conduct, Campus Police, Director of Human Resources, Academic Deans, Athletic Head Coaches, and Vice Presidents to make formal reports of incidents of sexual misconduct. You have the right, and can expect, to have incidents of sexual misconduct taken seriously by the university when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting still affords some privacy to the reporter, as only a small group of university officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve your rights and privacy.

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

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at United Regional Hospital where access to forensic nurse examiners/sexual assault nurse practitioners is readily available. In Texas, evidence may be collected even if you chose not to make a report to law enforcement⁷. Victims of sexual assault may undergo a Sexual Assault Examination at the hospital, and the kit will be retained as evidence at the hospital for a designated period, during which the victim may choose to pursue criminal charges. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

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

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Midwestern State University Counseling Center and First Step, Inc. will assist any victim with notifying law enforcement if the victim so desires.

MSU Counseling Center
940-397-4618

⁷ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

First Step, Inc.
624 Indiana Ave, Wichita Falls, TX
940-723-7799 (office)
800-658-2683 (24-hour crisis line)

The Midwestern State University Police Department may also be reached directly by calling 940-397-4239 and in person at the corner of Louis J. Rodriguez Drive and Hampstead Lane. Additional information about the Midwestern State University Police Department may be found online at <https://mwsu.edu/police>.

The Wichita Falls Police Department may also be reached directly by calling 940-720-2000 and in person at 610 Holliday Street in Wichita Falls, TX. Additional information about the Midwestern State University Police Department may be found online at <http://www.wichitafallstx.gov/17/Police>.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Matthew Park, Associate Vice President of Student Affairs/Dean of Students, Clark Student Center, Room 104, (940) 397-7500, matthew.park@mwsu.edu by calling, writing or coming into the office to report in person and University Police (if the victim so desires). Reports of all domestic violence, dating violence, sexual assault and stalking made to University Police will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

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

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

Title IX Coordinator
Matthew Park, Associate Vice President of Student Affairs/Dean of Students
Clark Student Center, Room 104

(940) 397-7500

matthew.park@mwsu.edu

Deputy Title IX Coordinator - Students

Dail Neely, Director of Student Conduct/Clark Student Center

Clark Student Center, Room 116

(940) 397-6273

dail.neely@mwsu.edu

Deputy Title IX Coordinator - Employees

Dawn Fisher, Director of Human Resources

Hardin Administration Building, Room 210

(940) 397-4221

dawn.fisher@mwsu.edu

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

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none">1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to local medical care2. Institution will assess immediate safety needs of complainant3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department4. Institution will provide written information to complainant on how to preserve evidence5. Institution will provide written instructions on how to apply for Protective Order6. Institution will provide complainant with referrals to available on and/or off campus mental health providers7. Institution will assess need to implement interim or long-term protective measures, if appropriate.8. Institution will provide a victim with a written explanation of the victim's rights and options9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution

	<ol style="list-style-type: none"> 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of any hearing or disciplinary process is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation or disciplinary process 12. Institution will provide a “no trespass” (PNG) directive to accused party, if appropriate
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Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “no trespass” (PNG) directive to accused party, if appropriate
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Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “no trespass” (PNG) directive to accused party, if appropriate
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Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “no trespass” (PNG) directive to accused party if deemed appropriate
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Assistance for Victims: Rights & Options

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

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

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

Midwestern State University complies with Texas State law in recognizing orders of protection by: See chart below. Any person who obtains an order of protection from Texas or any reciprocal state (list reciprocal states) should provide a copy to University Police and the Office of the Title IX Coordinator. A complainant may then meet with University Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

Types of Protective Orders

Type Of Order	Who Can File	Duration	Requirements
Magistrate's Order for Emergency Protection	Victim of family violence, sexual assault or stalking	31 – 61 days; with deadly weapon 61 – 91 days	Offender must be arrested
Temporary Ex Parte Order	Minor or adult victim of family violence, dating violence, sexual assault or stalking	Until the hearing for a final protective order – usually 20 days	Finding of clear and present danger of family violence, sexual assault or stalking
Family Violence Protective Order	A minor or adult victim of family or dating violence	Two or more years	Finding that family or dating violence has occurred and is likely to occur in the future
Sexual Assault Protective Order	A minor or adult victim of sexual assault	Any duration or two years if not specified	Reasonable grounds to believe that applicant is a victim of sexual assault
Stalking Protective Order	An adult or minor victim of stalking, or prosecutor acting on behalf of victim	Any duration or two years if not specified	Reasonable grounds to believe that applicant is a victim of stalking
Stalking Protective Order	An adult or minor victim of stalking whose offender has been criminally charged with stalking	Two or more years	Probable cause to believe that stalking occurred and the defendant is likely to stalk in the future

Institutional Orders

Type Of Order	Rights of Victims	Institution's Responsibilities
No contact orders	A no contact order is a specific set of written instructions provided by the University to an enrolled student or current employee, governing the behavior of that student or employee such that s/he may not have any contact with the named individuals. Victims can expect to have no communication (direct or indirect) with the responding	Issue no contact order to both the reporting and responding party to an offense of dating violence, domestic violence, sexual assault or stalking upon launching an investigation and throughout disciplinary proceedings. Depending on the outcome of the investigation and proceedings, the no

	party named on a no contact order. A violation of the no contact order is considered a separate incident for adjudication through the campus or employee conduct system.	contact order may be extended, modified, or rescinded. Enforce the no contact order through the campus student and employee disciplinary system should any violations of the order occur.
Orders by the institution (PNG)	A PNG, or trespass notice, restricts the physical location(s) an accused or other party to an offense may visit. A victim can expect the party in receipt of the PNG will not be present at that location while the PNG is in effect.	Determine if a PNG is appropriate based on the preliminary or comprehensive investigation into an alleged incident, or as requested by a victim. Inform a victim if a PNG is utilized and the contents (e.g. location, dates, times) of the PNG. Enforce the parameters of the PNG and treat any violation as a separate incident to be adjudicated through the appropriate disciplinary process.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Accommodations and Protective Measures Available for Victims

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

At the victim’s request, and to the extent of the victim’s cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic

situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

A victim who wishes to request changes to academic, living, transportation and/or working situations or protective measures, or wishes to receive assistance in requesting these accommodations, should contact , the Title IX Coordinator or Deputy Title IX Coordinator.

Title IX Coordinator

Matthew Park, Associate Vice President of Student Affairs/Dean of Students

Clark Student Center, Room 104

(940) 397-7500

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Deputy Title IX Coordinator - Students

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On and Off Campus Services for Victims

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

ON CAMPUS SERVICES	Service Provider	Contact Information
Counseling / Mental Health	Counseling Center	940-397-4618 MSU Counseling Center
Health	Vinson Health Center	940-397-4231 Bruce & Graciela Redwine Student Wellness Center
Visa and Immigration Assistance	International Services	940-397-4568 Hardin South 211
Student Financial Aid	Financial Aid	940-397-4214 Hardin South 102
Housing	Residence Life & Housing	940-397-4217 Bea Wood 125

OFF CAMPUS SERVICES	Service Provider	Contact Information
Counseling / Mental Health	First Step Inc. Helen Farabee Center	940-723-7799
Health (Includes Emergency Room)	United Regional Health Care System Kell West Regional Hospital	940-764-7000 940-692-5888
Forensic Medical Examination	United Regional Health Care System	940-764-7000
Victim Advocacy	First Step Inc	940-723-7799
Legal Assistance	First Step Inc.	940-723-7799

Financial Assistance – Crime Victim Compensation	Attorney General’s Office	800-983-9933
Housing / Shelter	First Step Inc.	940-723-7799 800-658-2683 (24-hr crisis line)

Additional Information about Health Services: While victims have access to forensic nurses available through the United Regional Health Care System (listed above), having a forensic examination does not require a victim to subsequently file a police report.

In addition to the aforementioned campus and local reporting options and services, some national resource agencies are available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking. These include:

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

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

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

Sex Offender Registration

More than 50 years ago the State of California began requiring all dangerous sex offenders to register with their local law enforcement agency. This registration requirement gave local law enforcement the ability to keep track of convicted sex offenders who were in their community. (Note: In most instances, registration is a lifetime requirement.) In 1994 sex offender registration laws were broadly expanded throughout the United States and became known as Megan’s Law, which was named after 7- year-old New Jersey girl (Megan Kanka) who was raped and murdered by a known child molester who had moved across the street from Megan’s family without their knowledge. In the wake of Megan’s murder, states across the nation enacted legislation to govern sex offender registration. The Texas Sex Offender Registration Program (Chapter 62 of the Code of Criminal Procedure) is a sex offender registration and public notification law designed to protect the public from sex offenders. This law requires adult and juvenile sex offenders to register with the local law enforcement authority of the city they reside in or, if the offender does not reside in a city, with the local law enforcement authority of the county they reside in. Registration involves the offender providing the local law enforcement authority with information that includes, but is not limited to, the offender’s name and address, a color photograph, and the offense the offender was convicted of or adjudicated for. Registered sex offenders are required to periodically report to the local law enforcement authority to verify the accuracy of the registration information and to promptly report certain changes in the

information as those changes occur. A sex offender who fails to comply with any registration requirement is subject to felony prosecution.

A registry of sexual offenders may be seen by going to the Texas Department of Public Safety web site, <https://records.txdps.state.tx.us/SexOffender>.

Confidentiality When Reporting Incidents of Sexual Misconduct

Victims may request that directory information on file with Midwestern State University be withheld by request at the Office of the Registrar located in the Hardin Administration South Building, room 101.

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

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

Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Missing Persons Protocol

Every student residing in an on-campus housing facility (including assigned housing in the MSU London study abroad program) shall have the opportunity to identify a confidential contact person or persons whom the institution shall notify if the student is determined missing by the Midwestern State University Police Department or a local law enforcement agency.

All Missing Persons shall be reported to a Resident Assistant, Residence Hall Director, Office of Residence Life & Housing, or to the University Police immediately. For the London study

abroad program, all missing persons should be reported to the Program Director. If a student is reported as missing for 24 hours, the University Police Department and Residence Life Personnel will initiate their Missing Persons Notification Procedures. University Police or Residence Life may initiate the procedures prior to the 24 hour requirement.

Resident students, regardless of age, are provided the opportunity to designate a confidential contact person or persons whom MSU will notify strictly for missing person purposes, within 24 hours of a determination by Midwestern State University Police that a student is missing. At the London campus, the determination will be made by program staff in conjunction with local security services.

Students have the option to identify a confidential contact upon completion of their annual housing application. Students who wish to change their contact must notify Residence Life via email. Missing Persons Emergency Contact information will be registered confidentially and will only be accessed by authorized Residence Life staff and campus law enforcement for the purpose of disclosure during a missing person investigation. London students will complete the proper paperwork upon orientation in London.

Should a student decline to list a separate name, the person listed as the emergency contact will be notified in the event the student is reported missing.

If a university official reasonably determines there is justification to investigate the welfare or missing status of a student residing in on-campus housing, a report concerning their status will be filed with MSU Police Department within 24 hours, unless MSU Police Department was the entity that made the determination the student is missing.

Should the MSU Police Department investigate and determine that a residential student is missing, and confidential contact information has been provided by the student, it will within twenty-four (24) hours of the determination, notify the confidential contact. If the student is under the age of 18 and is not an emancipated individual, MSU Police Department will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, MSU will inform the Wichita Falls Police Department that the student is missing within 24 hours. Students at the London campus will follow the same procedures, but the program staff and local security services will be the appropriate parties to make notification.

Individuals should report residential students who have been missing for more than 24 hours to any of the following:

- Midwestern State University Police Department
- Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management
- Mr. Matt Park, Dean of Students
- Mr. Dail Neely, Director of Student Conduct
- Ms. Kristi Schulte, Director of Residence Life
- Ms. Tera Humphreys, Associate Director of Residence Life

Fire Safety Report: 2017

The Office of Residence Life in conjunction with the Fire Safety Officer and the University Police Department will publish an Annual Fire Safety Report beginning October 2012. This report will include all fire statistics, emergency response and evacuation procedures and all policies regarding fire drills and alarms. If interested in this material now, please see the Office of Residence Life for assistance.

Fire – Defined

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Safety Equipment

The fire safety equipment installed in University Housing **MUST NOT** be tampered with or used for any reason other than a genuine emergency. Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing fire extinguishers, hoses, smoke detectors, or any other emergency equipment from their proper location, except when done with real need for such equipment, is an extremely serious violation. Individuals found to be responsible for tampering with any fire safety equipment will be subject to disciplinary action that may include expulsion from University Housing and/or the University.

Fire Safety Education

Through the use of fire drills, Midwestern State University provides fire safety and education for students. These are conducted several times per semester.

In the event the Office of Residence Life & Housing leases off-campus or privatized housing, MSU Housing Staff also provides life safety information about the complex and evacuation routes for the MSU residents contracted to stay in these locations.

Future Improvements

Midwestern State University Associate Director Physical Plant/Risk Management and Safety Officer regularly evaluates the fire safety systems being utilized on the campus and makes recommendations when changes are required. MSU does not currently have any identified plans for improvement to the fire safety systems.

Fire Procedures

If a fire is reported in a Midwestern State University Residential Facility, the Resident Assistant on-duty or a student reporting the fire should notify the Wichita Falls Fire Department at 911 immediately. For the London campus, students and/or program staff should report any fire to the local campus security office and/or call 999 immediately.

Per federal law, MSU is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911 (999 in London). Once the emergency has passed, you should notify MSU Police Department at 940-397-4239 to investigate and document the incident for disclosure in the University's annual fire statistics. In London, the report should be made to Program Staff, who will coordinate with the MSU Police Department.

If a member of the MSU community finds evidence of a fire that has been extinguished, and the person is not sure whether MSU Police Department has already responded, the community member should immediately notify MSU Police Department at 940-397-4239 to investigate and document the incident for disclosure in the University's annual fire statistics. The member should also notify the Manager Facilities Information & University Health/Safety.

The following is a list of other campus officials who should be notified:

1. University Police
2. Residential Hall Director
3. Director of Residence Life & Housing
4. Dean of Students
5. Associate Vice President of Student Affairs
6. Vice President for Student Affairs & Enrollment Management
7. President of University.

Any other local emergency response units may also be called if needed (ambulance, Wichita Falls Police Department, etc.).

Residence Hall Descriptions

Bridwell Courts – consists of four, two-story residential buildings and is classified as existing apartment occupancy of Type V construction with an occupancy load of 64 students. Features of fire protection include a fire alarm system with pull stations and hard wired smoke detectors and portable fire extinguishers.

Killingsworth Hall – a six-story building classified as existing dormitory of Type II construction with an occupancy load of 301 students. Features of fire protection include a complete alarm system, a full sprinkler system, standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

McCullough-Trigg Hall – a six-story building classified as existing dormitory of Type II construction with an occupancy load of 152 students. Features of fire protection include a complete alarm system, a standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Pierce Hall - a three-story building classified as existing dormitory of Type II construction with an occupancy load of 227 students. Features of fire protection include a complete alarm system, a full sprinkler system, standpipe system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Legacy Hall—a five-story building classified as existing dormitory of Type V construction with an occupancy load of 500 students. Features of fire protection include a complete alarm system with pull stations, audio/visual devices, smoke and heat detectors, a full sprinkler system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Sundance Court – a three-story, wood frame building with brick veneer and a composition roof, classified as an apartment building, occupancy with 96 two and four bedroom apartments with an occupancy load of 274 students. Features of fire protection include a complete alarm system with pull stations, audio/visual devices, smoke and heat detectors, a full sprinkler system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Sunwatcher Village – a three-story apartment complex consisting of eight residential buildings, one community building and one building housing boilers; and is classified as existing apartment occupancy of Type V construction with an occupancy load of 336 students. Features of fire protection include a complete fire alarm system, sprinklers, and portable fire extinguishers.

Mustang Village Apartments – a three story private apartment complex in which the university contracted for the Calendar Year 2015 for 72 apartment units in the spring (housing 207 occupants) and for 83 apartment units in the fall (housing 249 students). The complex consists of 11 buildings: one office/community room building and 10 residential buildings. Features of the fire protection include smoke detectors and sprinkler systems in each apartment.

Varey House (London) – a four story dormitory which the university contracted for the 2014, 2015, 2016, and 2107 London study abroad program. This building includes 100 individual bedrooms in 15 flats. Features of fire protection include a complete alarm system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Fire Drills

Midwestern State University conducts regular fire drills for all housing students. During 2016 the Office of Residence Life & Housing conducted thirteen fire drills in housing facilities. In 2016 Midwestern State University conducted fire drills during the spring 2016 and fall 2016 semesters for the resident housing units. Written procedures were distributed to residents at Mustang Village Apartments during the spring 2016 semester. Written procedures are also distributed to residents in the London program as part of their check-in packet from the host university, but no fire drills are conducted during the study abroad time period.

Persons Notified

The following is a list of personnel that should be notified if a fire is reported:

1. Wichita Fire Department
2. University Police
3. Director of Housing & Residence Life
4. VP for Student Affairs & Enrollment Management
5. Associate VP for Student Affairs

Allowable and Prohibited Items

The following guidelines have been established in the interest of individuals' safety and the preservation of University Housing property:

a. Students are permitted to possess and use the following electrical items in University Housing:

Irons	Small Fish Tanks	Televisions	Hair Dryers
Fans	Radio/Stereo	Computers/Tablets	Sewing Machines
Razors	Hand Mixers	DVD/Blu-Ray Players	Coffee Makers
Hot Pots	Curling Irons	Blenders	Hair Trimmer
Razors	Clocks	Electric Blankets	Refrigerator (less than 4.5 cubic ft.)

Other electrical items may be allowed. Please check with your Hall Director/Complex Coordinator before you bring an unlisted item into University Housing.

b. Students are encouraged to use breaker power strips. No extensions cords, other than breaker power strips, are allowed in University Housing. Please note that all electrical cords must be disconnected (unplugged) during school breaks and/or when University Housing is officially closed.

The following electrical items are not permitted in University Housing and will be confiscated and placed in storage if found during routine inspections.

Sun Lamps	Halogen Lamps	Christmas/Holiday Lights	Hot Plates
Deep Fryers	Electric Skillets	Microwave Ovens	Broilers
Space Heaters	Convection Ovens	Other types of grills	

Please note that the electrical system in University Housing has limitations. Overloading these systems can present fire and safety hazards. Therefore, no extension cords are allowed. Any resident found to be exceeding the electrical capacity of their room/ apartment will have restrictions placed on their use of the electrical system.

c. The following items are also not permitted in University Housing and will be confiscated if found:

- Candles
- Knives (small pocket knives and table knives are allowed)
- Any explosive device including all forms of fireworks.

Grills are not permitted unless they are kept ten (10) feet from all structures.

Smoking and open flames are also prohibited in all of the Midwestern State University residential facilities.

Procedures In Case of a Fire

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes

and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.

- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.
- Killingsworth Hall and Pierce Hall – All students on the south side of the residence hall (the side towards the Fine Arts building) use the south stairs at the back (west end) of the building. All students on the north side of the residence hall should use the north stairs at the back (west end) of the building. The center stairs can also be used.
- McCullough-Trigg Hall - All students use the stairwells at the end of the hallways (**DO NOT use center stairwell for fire evacuation**).
- Legacy Hall – Students in the “D” wing (south side of the building near Fine Arts) should use the “D” stairwell (west side of the wing exiting behind Pierce Hall). Students may use the central stairwell as a secondary exit. Students in the “C” wing (south side of the building parallel to Louis J. Rodriguez Drive) may use the “D” stairwell or the central building stairwell. Students in the “B” wing (central wing oriented towards the Clark Student Center) should exit using the “B” stairwell or the central stairwell. Students living on the “A” wing (north side of the building parallel to Louis J. Rodriguez Drive) may use the “A” stairwell (north side of the building near McCullough-Trigg) or the central stairwell. When evacuating the building, remain calm, walk (**DO NOT RUN**), and keep to the right side of the stairwell (Emergency personnel may be using the same stairwell to enter the building).
- Sundance Court - All students should vacate their apartment and the premises immediately. Students should meet in the soccer field parking lot, directly across from the Sundance Court and listen for directions.
- Sunwatcher Village Apartments - All students should vacate their apartment and the premises immediately. Students should meet in the Legacy Commons, directly across from the Sunwatcher Village clubhouse and listen for directions.
- All residents from Killingsworth, Pierce, Legacy, and McCullough-Trigg are to congregate at a safe distance from the building (at least 100 feet) on the Sunwatcher

Plaza between the Clark Student Center and Prothro-Yeager Hall (near the Sunwatcher Statue).

- Varey House (London) - All students should vacate their flat and the premises immediately. Students should meet in the open area nearest the cafeteria and await further instructions.
- Students should not reenter University Housing until instructed to do so by Fire Department personnel, Campus Police, or the Residence Hall/Apartment Director.

Statistics for Reported Fires in On-Campus Student Housing Facilities								
	Year	No. Fires Reported	Fire No.	Cause	No. Ppl Injured	No. Deaths	Value Damage	Case Report No.
Bridwell Courts	2014	0	0	0	0	0	0	0
3406 Louis J. Rodrigue	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Killingsworth Hall	2014	0	0	0	0	0	0	0
3704 TeePee Dr.	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Pierce Hall	2014	0	0	0	0	0	0	0
3730 TeePee Dr.	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
McCullough-Trigg	2014	0	0	0	0	0	0	0
2485 Comanche Tr.	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Legacy Hall*	2014	NA	NA	NA	NA	NA	NA	NA
3705 Louis J. Rodrigue	2015	NA	NA	NA	NA	NA	NA	NA
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Sundance Ct.	2014	0	0	0	0	0	0	0
3990 Louis J. Rodrigue	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Sunwatcher Village	2014	1	1	Cooking	0	0	\$100 - \$999	CR2014-000163
3704 Louis J. Rodrigue	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Mustang Village	2014	0	0	0	0	0	0	0
5005 Lake Park Dr.	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
2510 Hampstead Ln.	2014	0	0	0	0	0	0	0
Wichita Falls, TX	2015	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
2525 Hampstead Ln.	2014	0	0	0	0	0	0	0
Wichita Falls, TX	2015	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
Arbor Creek Scholarsh	2014	0	0	0	0	0	0	0
4000 Week Parks Ln.	2015	0	0	0	0	0	0	0
Wichita Falls, TX	2016	0	0	0	0	0	0	0
Varney House**	2014	0	0	0	0	0	0	0
Queen St. Mary's Univ	2015	0	0	0	0	0	0	0
London, UK	2016	0	0	0	0	0	0	0
* Legacy Hall was not in operation until 2016								
** Months of July Only								

Fire Log

A fire log is available for review at the MSU Police Department, Monday through Friday, during normal office hours, excluding holidays. The information in the fire log includes information

about fires that occur in residential facilities, including the nature, date, time, and general location.

Crime Statistics Reporting

The Midwestern State University Police Department has the responsibility to collect and report crime statistics to the Department of Education, the Texas Department of Public Safety, the FBI, and to the general public. Statistical reporting requirements (types of crimes, definitions, and geographic locations) vary depending upon the governmental recipient. FBI mandated reporting is different from the Federal Department of Education-Clery reporting. Example: Clery reporting requires the reporting of student disciplinary referrals that are not required by either state or federal law enforcement. The Clery Act also mandates the collection of crime data from non-law enforcement personnel, identified as “Campus Security Authorities.”

This report contains crime statistics that have been compiled from the 2016 calendar year, as well as the previous two calendar years crime statistics. The crime statistics reported have been compiled from data collected from a number of reporting sources including, the Midwestern State Police Department, State, Municipal and County Law Enforcement Agencies, and non-commissioned Campus Security Authorities.

Crime statistics gathered by the Midwestern State University Police Department are collected and reported on an annual/ calendar year basis. Campus Security Authorities report “Clery reportable crimes” using Clery guidelines. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the Midwestern State University Police Department via our website, by mail, fax or hand delivery.

The most commonly reported crimes at Midwestern State University include the theft of unattended and unsecured books, backpacks, purses, wallets, electronics and bicycles. Burglaries of open, unlocked, or unattended residence hall rooms, offices and motor vehicles also occur on occasion. Jewelry, electronic equipment and other portable valuables are common targets of burglars. It should be noted that a number of these types of crimes do not meet the definition or report requirements of the Clery Act and, as such, may not be included in Clery Statistics.

Caution should be exercised in making any comparisons or ranking schools, as university/college crime statistics are affected by a variety of factors. These factors include demographic characteristics of the surrounding community, ratio of male to female students, number of on-campus residents, accessibility of outside visitors, size or enrollment, etc.

For purposes of interpreting the following tables, the following definitions apply:

Classification Locations

On Campus - any building or property owned or controlled by an institution 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 any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Residential Facility – any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the

reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

Clery Crimes

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence is defined as the killing of another person through gross negligence.

Sexual Assault - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling is 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.

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

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

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

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

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

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

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

VAWA Offenses

Domestic Violence - a felony or misdemeanor crime of violence committed:

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime.

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (1) The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (2) For the purpose of this definition-
 - (i) Dating violence includes sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.

Stalking

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (i) Fear for his or her safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- (2) For the purpose of this definition--
 - (i) 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.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrests and Referrals for Particular Offenses

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

Drug Law Violations – Violations of the State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous narcotic drugs (barbiturates, Benzedrine).

Illegal Weapons Possession / Weapons Law Violations – The violations of laws or ordinances dealing with weapon offenses. Regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Note: Referrals to Student Judicial Programs for violations of the Code of Student Conduct include both arrest and non-arrest incidents.

Texas Criminal Statutes

Crimes Against Persons and Property – The violation of laws or ordinances affecting persons and property: Murder, Non-Negligent Manslaughter, Forcible Sex Offenses, Non-Forcible Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson and associated offenses classified as Hate Crimes.

Code Description

PC 19.02 Murder
PC 19.03 Capital Murder
PC 19.04 Manslaughter
PC 22.011 Sexual Assault
PC 22.021 Aggravated Sexual Assault
PC 29.02 Robbery
PC 29.03 Aggravated Robbery
PC 22.02 Aggravated Assault
PC 30.02 Burglary
PC 31.03 Theft (Vehicles)
PC 31.07 Unauthorized Use of a Motor Vehicle
PC 28.02 Arson
PC 12.47* (Hate Crimes)

Alcohol Violations – Violations of the Texas Alcoholic Beverage Code.

Code Description

ABC 106.06 Making Alcohol Available to a Minor
ABC 106.04 Consumption of Alcohol by a Minor
ABC 106.05 Minor in Possession of Alcohol
PC 49.031 Possession of Alcohol in a Motor Vehicle

Narcotics or Drugs - use, possession, sale, delivery, manufacture, distribution, or under the influence of any narcotic, drug, medicine prescribed to someone else, chemical compound or

other controlled substance or drug related paraphernalia is prohibited, except as expressly permitted by law.

Code Description

HSC 481.113 Manufacture or Delivery of a Controlled Substance (PG 1)
HSC 481.1121 Manufacture or Delivery of a Controlled Substance (PG 1A)
HSC 481.113 Manufacture or Delivery of a Controlled Substance (PG 2)
HSC 481.114 Manufacture or Deliver of a Controlled Substance (PG 3/4)
HSC 481.115 Possession of a Controlled Substance (PG 1)
HSC 481.116 Possession of a Controlled Substance (PG 2)
HSC 481.117 Possession of a Controlled Substance (PG 3)
HSC 481.120 Delivery of Marihuana
HSC 481.121 Possession of Marihuana
HSC 481.129 Possesses, Obtains a Controlled Substance by Fraud
HSC 483.041 Possession of a Dangerous Drug
HSC 483.042 Delivery of a Dangerous Drug

Firearms, Weapons and Explosives - use or possession of weapons, including handguns, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances; attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or as a result of reckless behavior which results in damage .

Code Description

PC 46.02 Unlawfully Carrying a Weapons
PC 46.03 Places Weapons Prohibited
PC 4605M Prohibited Weapons (Misd.)
PC 4605F Prohibited Weapons (Felony)

Hate Crimes

The Midwestern State University community places a great emphasis on the value of diversity, assessing one's culture and the management of difference. However, the reality is that anyone at any time can be the target of a hate crime or a bias motivated incident. Unlike other crimes that target individuals, hate crimes and bias motivated incidents negatively affect the entire campus community. While our campuses are not immune to such opportunistic acts, the low number of reported occurrences provides some antidotal information that we have made great strides toward the creation of a campus environment that is more tolerant of individuals, groups, cultures and ideas.

Reporting hate violence is a crucial component in the development of a more tolerant society and a hate free campus environment. If you have been the target of a hate crime or hate bias motivated incident, you are encouraged to report the occurrence to the Midwestern State University Police Department or to any designated Campus Security Authority. Reporting note: On August 14, 2008, Public Law 110-315 was enacted to expand hate crime reporting requirements to include the following offenses: Murder, Manslaughter, Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny (Theft), Simple Assault,

Intimidation, and Destruction, Damage or Vandalism of property in which the victim was intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

Statistics Included in the Annual Jeanne Clery Report

The following pages contain the reportable crime statistics for each campus of Midwestern State University. The data was obtained from documents maintained by various offices of the University, as well as local law enforcement agencies.

Note: If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and is not to be included in the institution’s statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime.

Clery Act Statistics: Wichita Falls Main Campus

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Rape	2016	4	0	0	4	4
	2015	2	0	0	2	2
	2014	0	1	0	1	0
Fondling	2016	0	0	0	0	0
	2015	2	0	0	2	0
	2014	1	0	0	1	1
Incest	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Statutory Rape	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2016	1	0	0	1	0
	2015	0	0	1	1	0
	2014	2	0	0	2	2
Aggravated Assault	2016	5	0	0	5	2
	2015	2	0	0	2	1
	2014	4	1	1	6	2
Burglary	2016	20	1	0	21	14
	2015	11	0	0	11	9
	2014	12	0	0	12	9
Motor Vehicle Theft	2016	2	0	0	2	0
	2015	1	0	0	1	0
	2014	1	1	0	2	0
Arson	2016	1	0	0	1	0
	2015	1	0	0	1	0
	2014	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2016	0	0	0	0	0
	2015	5	1	0	6	4
	2014	5	3	0	8	4
Drug Law Violation Arrests	2016	36	0	2	38	33
	2015	19	3	4	26	18
	2014	9	1	0	10	5
Weapons Law Violation Arrests	2016	7	0	0	7	7
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2016	46	1	0	47	46
	2015	76	33	0	109	71
	2014	89	3	0	92	84
Drug Law Violation Referrals for Disciplinary Action	2016	10	1	0	11	10
	2015	21	0	0	21	21
	2014	5	1	0	6	4
Weapons Law Violation Referrals for Disciplinary Action	2016	0	0	0	0	0
	2015	0	2	0	2	0
	2014	1	0	0	1	1
VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Domestic Violence	2016	25	1	0	26	19
	2015	9	2	0	11	7
	2014	13	2	0	15	8
Dating Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Stalking	2016	7	1	0	8	5
	2015	20	2	0	22	6
	2014	12	0	0	12	4

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

Unfounded Crimes:

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

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

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

The total number of unfounded crimes for the 2015 calendar year at this campus is 1.

The total number of unfounded crimes for the 2014 calendar year at this campus is 0.

Hate Crime Reporting:

There were no hate crime reported at this campus in 2016.

There was 1 Public Property Robbery characterized by Race bias at this campus in 2015.

There were no hate crime reported at this campus in 2014.

Clery Act Statistics: MSU Regional Simulation Center Campus

Primary Crimes	Year	On Campus¹⁵	Noncampus	Public Property	Total
Murder/Non Negligent Manslaughter	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Rape	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Fondling	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Incest	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Robbery	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Burglary	2016	0	0	0	0
	2015	1	0	0	1
	2014	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Arson	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0

¹⁵ This campus did not have any On-Campus Student Housing Facilities in 2014, 2015, or 2016.

Arrests and Referrals for Disciplinary Action	Year	On Campus¹	Noncampus	Public Property	Total
Liquor Law Violation Arrests	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Drug Law Violation Arrests	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Weapons Law Violation Arrests	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0

VAWA Offenses	Year	On Campus¹	Noncampus	Public Property	Total
Domestic Violence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Dating Violence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Stalking	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0

UNFOUNDED CRIMES

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

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

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

The total number of unfounded crimes for the 2015 calendar year at this campus is 0.

The total number of unfounded crimes for the 2014 calendar year at this campus is 0.

HATE CRIME REPORTING:

There were no hate crime reported at this campus in 2016.

There were no hate crime reported at this campus in 2015.

There were no hate crime reported at this campus in 2014.

**Clery Act Statistics: MSU Study Abroad - London Campus
(Located at Queen Mary University)**

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Rape	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Fondling	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Incest	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Statutory Rape	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Burglary	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arson	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Law Violation Arrests	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Weapons Law Violation Arrests	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Domestic Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Stalking	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

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

UNFOUNDED CRIMES

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

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

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

The total number of unfounded crimes for the 2015 calendar year at this campus is 0.

The total number of unfounded crimes for the 2014 calendar year at this campus is 0.

HATE CRIME REPORTING:

There were no hate crime reported at this campus in 2016.

There were no hate crime reported at this campus in 2015.

There were no hate crime reported at this campus in 2014.