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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://msutexas.edu/police/_assets/files/clery-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. Wider recognition came to the school and 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 exceeds 6,000 students, over 5,000 of whom are undergraduates. 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

**Campuses**

Midwestern State University operates three separate campuses (defined by the Clery Act) in 2019. Those three campuses consist of:

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

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

Midwestern State University – Study Abroad – Grenada  
St. George’s University  
St. George’s University Centre  
Grenada, West Indies  

**Note:** The London campus operates for approximately one month each year; usually during the summer II term. The London campus operated from July 6 - August 6 in 2018.  

2018 is the first year for the Grenada campus and it was operational from May 18 through June 3 in 2018.  

All policy statements included in this report pertain to all campus locations which operated in 2018, unless otherwise stated.

**MSU Texas Police Department**

Operating 24/7, the Midwestern State University Police Department is located at 6 Eureka Circle, 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.

The Midwestern State University Police Department is staffed by a dedicated team of Texas state-licensed peace officers and telecommunications operators, as well civilian staff. All peace officers and telecommunicators regularly receive training to ensure 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 is the main campus located in Wichita Falls. 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 MSU 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 non-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 no written agreements or memorandums of understanding regarding the investigation of criminal incidents between MSU Texas and the local police department. MSU Texas 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 Campus

Reporting Criminal Activity - All criminal incidents, occurring on campus 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 Texas Police website.

**Response to a Report** - Crimes or other emergencies occurring within the primary jurisdiction of, and reported to, the MSU Texas 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 Texas 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, faculty, staff and visitors of the main MSU Texas campus should dial 911 from any campus phone to summon the MSU Texas Police Department. Non-emergency calls should be placed to the MSU Texas 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 inflict by a firearm or that are a result of an assault or other abusive conduct.

**Reporting Crimes and Emergencies at MSU Texas 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.

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 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.

**Reporting Crimes and Emergencies at MSU Texas Study Abroad – Grenada**

**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 Department of Public Safety and Security by dialing 777 from any SGU landline or Grenada cell phone. In-progress crimes, crimes of violence and emergencies should be reported immediately to the DPSS, or by calling the South St. George’s Police Station by dialing 911.
While individuals are encouraged to report all criminal activity to the study abroad program staff and/or DPSS immediately, other avenues for non-emergency crime reporting include reporting crimes to designated Campus Security Authorities.

Crimes or other emergencies occurring within the primary jurisdiction of, and reported to, the DPSS 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 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 DPSS, 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 911 from any phone to summon the South St. George Police. Non-emergency situations should be reported to DPSS by dialing (473)444-3898. 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 St. George’s area should dial 911 to notify the South St. George’s Police Department of off-campus crimes and emergencies. 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 Texas 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 Texas Police Department cannot hold reports of crime in confidence; however, in certain sexual offenses, victims’ identities may be protected under law. Crime victims are still encouraged to make a confidential report to one of the trained and designated Campus Security Authorities (CSAs). At minimum, crime victims will receive important counseling and referral information. Confidential reports reported to CSAs 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 Texas 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.

Pastoral and Professional Counselors

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. 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.

Pastoral Counselor - An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor - An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

Although there are no formal procedures in place, counselors and pastors are encouraged, if and when they deem it appropriate, to inform the person they are counseling to report crimes to a CSA on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Monitoring and Recording Noncampus Criminal Activity

The MSU Texas 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 Texas has officially recognized student organizations that own or control housing facilities outside of the MSU Texas 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 Texas Police Department to respond with them or they will notify MSU Texas Police Department after they have responded to inform MSU Texas of the situation. However, Wichita Falls PD does this out of courtesy and is not “required” to notify or involve MSU Texas 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 MSU Texas Police Department will assist any outside law enforcement agency when a request for assistance is received regarding students, faculty or staff.

Campus Security Authorities

While individuals are encouraged to report all criminal activity to the MSU Texas 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. 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.

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 Texas Campus
Dr. James Johnston, Provost and Vice President for Academic Affairs
Dr. Keith Lamb, Vice President for Student Affairs
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 Rights and Responsibilities
Mr. Kyle Williams, 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
Mrs. Rachael Fornof, Director and Coordinator of Title IX

(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 Texas Study Abroad – London and Grenada**
Dr. Michael Mills, Director of International Education

**Timely Warning Notice Procedures**

The MSU Texas Police Department Chief of Police or a designee will develop Timely Warning Notices for the university community to notify members of the community about Clery-reportable crimes that are 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 Texas community. These warnings will be distributed if the incident is reported to the MSU Texas Police Department directly, indirectly (such as through a campus security authority), or by another law enforcement agency.

The department typically issues/posts Timely Warning Notices 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 Timely Warning Notice, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the MSU Texas Police Department). If a case that involves sexual assault is reported long after the incident occurred, 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:

- Titled as “Crime Alert”
- 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.

The first university official receiving notice of a Clery crime, or other serious crime, which may pose a serious or ongoing threat to members of the MSU Texas campus community shall immediately notify the MSU Texas Chief of Police, or his/her designee. The Chief or designee, in conjunction with the Vice President for Student Affairs (VPSA) shall assess a report of crime or serious incident and determine whether issuance of a Timely Warning Notice is warranted. If deemed warranted, the Chief or designee will draft an email containing the proposed Timely
Warning Notice and forward it to the VPSAEM for approval. In the event the VPSA cannot be reached, the proposed Timely Warning Notice 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 Timely Warning Notice 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 Timely Warning Notice 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, Timely Warning Notices 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.

Timely Warning Notices 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 Timely Warning Notice will be maintained in Clery records, in the Clery Compliance Officer’s office.

The department does not issue Timely Warning Notices 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 Texas 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 Texas 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”.

The institution is not required to issue a Timely Warning Notice with respect to crimes reported to a pastoral or professional counselor.
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 a variety of electronic mediums, including text and email. 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 Texas students, faculty and staff.

Faculty, staff and students email addresses 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 Texas Police Department Page: https://msutexas.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.

MSU Texas 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. 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 Chief of Police, or his/her designee, will consult with the VPSA to determine whether the situation requires the initiation of an emergency notification, develop the content of the notification, and identify what segment of the campus should be notified if the threat is limited to a particular building or segment of the population. If deemed necessary, Midwestern State University will, without delay and taking into account the safety of the community, initiate the university’s emergency notification system. If, in the professional judgment of the Chief of Police and the VPSA, initiating the university’s emergency notification system would 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 designate the notification to be sent without delay via various media to the appropriate targeted audience. The notification will be sent by the Chief of Police or his designee (normally, the MSU Texas 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). A Timely Warning Notice is not required to be sent for the same circumstances, however, 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 Texas 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 Texas Police Department website at https://msutexas.edu/police/_assets/files/managing-your-emergencies.pdf.

In conjunction with other emergency agencies, the University conducts an emergency response drill and/or exercise each year, such as table top exercises, field exercises, or 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. MSU Texas then publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

General Emergencies and Evacuation Procedures

Midwestern State University 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. MSU Texas also recognizes the particularly high cost of violent crimes and the disruptive effects that they have on our community.

MSU Texas 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.

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 VPSA will consult one another and make a determination as to the extent of the emergency.

Evacuation Procedures

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. MSU Texas 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 MSU Texas 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 and residence halls to evaluate and monitor security related matters.
- **Front Desk Operation** - Information desks are located in Sunwatcher Building #9 and each of the other residence halls near building entrances. An additional 24-hour desk operation is located in the Legacy Hall Market Street Learning Commons.
- **Security Cameras** - Residence Life & Housing has a number of security cameras at each of our community entrances, exits, elevators, and more.
- **Card Swipe Access** - In addition to keeping bedroom and apartment doors locked, students must swipe into their building to gain access as a second layer of security.
- **Staff Rounds** - During the week, staff members on call conduct a minimum of three nightly security rounds during their shift. These rounds include a general safety walk throughout the community. On weekends, safety walks are supplemented with additional sets of rounds by both building staff and Night Assistant team.
- **Live-in Staff Members** – Student, graduate staff and full-time staff are available in each community and are on-call 24/7, 365 days a year. Staff is always available and equipped to help students through any number of issues including personal and maintenance emergencies. Residence Life & Housing staff are also trained to summon police, fire, medical, and maintenance assistance when needed.

Security Considerations Used in the Maintenance of Campus Facilities

Lighting improvements are constantly 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

**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, 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.

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

**Resident Hours** - Resident hours are self-determined. Except for Sunwatcher Village, 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.

**Resident Lock and Key Policy**
- **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.
- **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.
- **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. The replacement fee for a lost, stolen, or damaged card is $20.00 per card.

*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 University community are encouraged to take responsibility for his/her own safety, and when possible assist others with their safety needs. While the MSU Texas Police Department may offer advice and assistance, each individual has the primary responsibility for his/her own safety.

The MSU Texas 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 MSU Texas 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.

During the 2018-2019 academic year, MSU Texas offered over 20 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year. The MSU Texas 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.

Crime Prevention Educational Safety Programs

- **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.

- **Active Shooter Education** - The MSU Texas 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.

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

- **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.

**Residence Life & Housing – Resident Assistant Training** – offered multiple programs during 2018 for security awareness.

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date</th>
<th>Location</th>
<th>Audience</th>
<th>Topic</th>
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</thead>
<tbody>
<tr>
<td>Campus Security Authority Training</td>
<td>1/8/18</td>
<td>Legacy Multipurpose Room</td>
<td>Resident Assistants</td>
<td>Mandatory training that includes Clery information and reporting procedures.</td>
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<tr>
<td>QPR Training</td>
<td>1/10/18</td>
<td>Legacy Multipurpose Room</td>
<td>Resident Assistants</td>
<td>Mandatory training that help students identify suicidal ideation and how to help students in crisis.</td>
</tr>
<tr>
<td>Emergency Procedures Training</td>
<td>1/10/18</td>
<td>Legacy Multipurpose Room</td>
<td>Resident Assistants</td>
<td>Mandatory training that reflects all University Housing process and protocol for emergency and crisis situations.</td>
</tr>
<tr>
<td>Emergency Procedures &amp; Crisis Management Training</td>
<td>8/12/18</td>
<td>Residence Life &amp; Housing</td>
<td>Assistant Hall Directors</td>
<td>Mandatory training that reflects all University Housing process and</td>
</tr>
<tr>
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<td>Location</td>
<td>Audience</td>
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<tr>
<td>Safe Spring Break</td>
<td>3/7/18</td>
<td>Jesse Rogers Promenade</td>
<td>All Students</td>
<td>Program allowed students to learn about personal safety and awareness in regards to travel, drugs, alcohol, sexual activity, body, and spirit.</td>
</tr>
<tr>
<td>Personal Safety &amp; Self Defense Workshop</td>
<td>4/10/18</td>
<td>Legacy Hall Multipurpose Room</td>
<td>All Students</td>
<td>Program allowed students to learn proper safety and self-defense technique.</td>
</tr>
<tr>
<td>Residence Hall Safety Meeting</td>
<td>8/20/18</td>
<td>Legacy Hall Multipurpose Room</td>
<td>All Students</td>
<td>Program allowed students to learn about general campus safety, bystander intervention, and campus safety apps for future use.</td>
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</tbody>
</table>

**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 MSU Texas 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 MSU Texas Police Department maintains several motor vehicle battery jump boxes, and will provide this service to anyone on campus upon request.

**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 MSU Texas 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 MSU Texas 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 – The MSU Texas Police Department is staffed by state licensed and sworn police officers who patrol the campus 24 hours a day, 365 days a year. 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 MSU Texas Police Department will provide security escorts for students, faculty, staff or visitors upon request.

Domestic Violence, Dating Violence, Sexual Assault and Stalking

Federal Definitions

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

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

Dating Violence - Sexual or physical abuse or the threat of such abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- Note: The state of Texas includes Dating Violence in the definition of Family Violence which is the equivalent of Domestic Violence for Clery reporting purposes.

Domestic Violence - A Felony or misdemeanor crime of 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 with the victim as a spouse or intimate partner, or 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, by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking - 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** - 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.

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

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 Texas Code of Student Conduct or MSU Texas 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. The MSU Texas Sexual misconduct policy includes the violations of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns for continuing students and employees.

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.

**Primary Prevention and Awareness Programs**

Midwestern State University offered the following primary prevention and awareness programs for all incoming students in 2018:
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.

Midwestern State University offered the following primary prevention and awareness programs for all new employees in 2018:

Campus SaVE Act – All new Midwestern State University employees must complete several online training courses including Campus SaVE Act, which educates employees of MSU Texas’ zero tolerance policy and prevention measures for sexual assault, domestic violence, dating violence, and stalking. The training covers definitions, university policy, how to report incidences, contact information, and additional resources.

Ongoing Prevention and Awareness Campaigns

Midwestern State University offered the following ongoing awareness and prevention programs for students in 2018:

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 heathy 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 Rights and Responsibilities - 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.

Office of Residence Life and Housing – offered multiple programs during 2018 for ongoing awareness and prevention.

- Safe Zone Training – Awareness and safety training covering the topics of sexual assault and stalking. Held at Legacy Hall
• **Responding to Sexual Assault and Violence** – Training covers a variety of topics dealing with sexual assault, domestic violence, dating violence and stalking. Discusses definitions, safety, and after incident options. Training held at Legacy Hall.

• **Promoting a Cultural of Safety and Security** – Provides in-depth look at prevention of sexual assault, domestic violence, dating violence, and stalking, and building a support culture to prevent occurrences. Training provided at Legacy Hall.

**Athletics** – offered multiple programs during 2018 for ongoing awareness and prevention.

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location</th>
<th>Which Prohibited Behavior(s) Covered?</th>
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<tr>
<td>Step Up Training</td>
<td>8/27/2018</td>
<td>D.L. Ligon</td>
<td>SA, DoV, DaV, S</td>
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<td>Step Up Training</td>
<td>9/18/2018</td>
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<td>SA, DoV, DaV, S</td>
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<tr>
<td>Step Up Training</td>
<td>12/4/2018</td>
<td>D.L. Ligon</td>
<td>SA, DoV, DaV, S</td>
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<tr>
<td>Step Up Training</td>
<td>12/6/2018</td>
<td>D.L. Ligon</td>
<td>SA, DoV, DaV, S</td>
</tr>
</tbody>
</table>

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

**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.

**Sexual Assault Awareness Month** – During the month of April 2018, several ongoing awareness and prevention programs were arranged by departments within the Division of Student Affairs:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location</th>
<th>Which Prohibited Behavior(s) Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>It's On Us Pledge Campaign</td>
<td>4/2-13/2018</td>
<td>Clark Student Center</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Campus Climate Survey</td>
<td>4/2-27/2018</td>
<td>Campus</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Inclusion Now! Festival</td>
<td>4/2-6/2018</td>
<td>Campus</td>
<td>SA</td>
</tr>
<tr>
<td>Clothesline Project</td>
<td>4/9-13/2018</td>
<td>Sunwatcher Plaza</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Myths &amp; Facts Poster Campaign</td>
<td>4/9-20/2018</td>
<td>Clark Student Center</td>
<td>SA, DoV</td>
</tr>
<tr>
<td>Yes! Yes! Yes! A Conversation About Consent</td>
<td>4/5/2018</td>
<td>Dillard Building</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Personal Safety &amp; Self Defense Workshop</td>
<td>4/10/2018</td>
<td>Wellness Center</td>
<td>SA</td>
</tr>
<tr>
<td>Welcome to College: Interactive Theatre</td>
<td>4/13/2018</td>
<td>Clark Student Center</td>
<td>SA</td>
</tr>
<tr>
<td>Reporting Sexual Violence Panel</td>
<td>4/23/2018</td>
<td>Clark Student Center</td>
<td>SA, DoV, DaV</td>
</tr>
</tbody>
</table>
Bystander Intervention and Risk Reduction

Many of the programs provided by MSU Texas include training on bystander intervention. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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. Midwestern State University wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Below is a list of some ways to be an active bystander. 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.
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;
   b. Someone’s sexual availability;
   c. Whether a person is attracted to you;
   d. How far you can go; or
   e. Whether a person is physically and mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
3. 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.
4. Do not take advantage of someone’s drunkenness or drugged state, even if he/she did it to him/herself.
5. 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.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. 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.
8. 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.

**Alcohol and Substance Abuse Policies**

**Alcohol Policy**
Alcoholic beverages are not allowed on campus except in 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 Texas 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 Texas 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 Texas 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 Texas prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. The MSU Texas Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

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:

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>TYPE</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Consumption or Possession (Secs.106.04 and 106.05.)</td>
<td>Misdemeanor</td>
<td>Fine not to exceed (NTE) $500. May be enhanced for 3rd offense.</td>
</tr>
<tr>
<td>Purchasing for or Furnishing Alcohol to a Minor (Sec. 106.06.)</td>
<td>Misdemeanor</td>
<td>Fine NTE $4,000; confinement in jail NTE 1 year or both fine and confinement</td>
</tr>
<tr>
<td>Public Intoxication (Texas Penal Code, Sec. 42.02)</td>
<td>Misdemeanor</td>
<td>Fine NTE $500</td>
</tr>
<tr>
<td>Drug Possession</td>
<td>Varies according to the drug possessed</td>
<td>Up to $10,000 fine and 5 – 99 years in prison</td>
</tr>
</tbody>
</table>

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.

Administrative Discipline

A. Controlled Drug Violations
   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 Rights and Responsibilities 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 Rights and Responsibilities (or designee).

4. For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs: Drug paraphernalia (e.g. bongs), 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 Rights and Responsibilities (or designee);
      iv. Fine of $100;
      v. Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
      vi. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Rights and Responsibilities (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;
   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 Rights and Responsibilities (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.

**B. Alcohol Violations**

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 Rights and Responsibilities 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 Rights and Responsibilities (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 Rights and Responsibilities (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 Rights and Responsibilities (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 Rights and Responsibilities (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 Rights and Responsibilities (or designee).
Purchasing, Selling or Providing Alcohol to Minors:
1. First Offense—Possible sanctions include, but are not limited to:
   a. Participation in an alcohol education activity at the student’s expense and as
determined by the Director of Student Rights and Responsibilities (or designee);
b. Mandated substance abuse assessment by an approved agency and required
   compliance with the assessing counselor’s evaluation;
c. Observation of one or more sessions of the County Misdemeanor or Felony Drug
   Court as determined by the Director of Student Rights and Responsibilities (or
designee);
d. Authorship of a research/reflection essay;
e. Fine of $100;
f. Notification of parents/guardians of students under the minimum legal drinking
   age of 21 years;
g. Eligibility restrictions;
h. Suspension from university housing and/or the university;
i. Community service hours to be performed at a specific location as determined by
   the Director of Student Rights and Responsibilities (or designee); and/or
j. Other sanctions as determined by the Director of Student Rights and
   Responsibilities (or designee).

2. 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 Rights and
   Responsibilities (or designee).

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.
1. First Offense—Possible sanctions include, but are not limited to:
   a. Loss of driving and/or parking privileges on campus for a specified period of
time;
b. 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 Rights and
   Responsibilities (designee);
c. Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Rights and Responsibilities (or designee);

d. Community services hours to be performed at a specific location as determined by the Director of Student Rights and Responsibilities (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; and/or

i. Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee).

2. 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 Rights and Responsibilities (or designee).

f. All incoming students (freshman and Transfer) are required to complete an online Alcohol Education course.

Alcohol and Drug Abuse Prevention

In accordance with Drug Free Schools and Campuses Drug Prevention Program Certification, MSU Texas 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 Texas 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 under the age of 25 and not a distance education student at MSU Texas is required to complete an online program called "Think About It" 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 Texas 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 Texas 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://msutexas.edu/student-life/_assets/files/handbook.pdf

Campus Policy Statements VAWA

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 (MS) 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 Texas 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.

Adjudication of Violations of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The university’s disciplinary processes include a prompt, fair, and impartial initial investigation and final 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 timeframe extension(s) and their reason(s). All persons involved in the intake through the resolution of complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and instructed on how to conduct effective investigations and administer a conduct process that protects the safety of victims, promotes accountability and respects the rights of all parties to a complaint.
In proceedings under this policy, the standard of proof used to determine whether a violation of this policy has occurred is a preponderance of evidence, which means it is more likely than not the sexual misconduct or other form(s) of prohibited conduct occurred.

The University reserves the right to act as the complainant and bring reports forward against a student or employee consistent with the jurisdiction detailed in the Code of Student Conduct and Employee Policies and Procedures Manual. 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 Rights and Responsibilities 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 Rights and Responsibilities, 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.

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 Tommery); 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 Rights and Responsibilities 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.”
  o **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.
  o **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.
  o **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  o **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;
   (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.

For investigations of sexual misconduct, the Midwestern State University Student Handbook defines consent as clear sexual permission that 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 individuals is encouraged to speak to university officials, such as the Title IX Coordinator, Director of Student Rights and Responsibilities, 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
Rachael Fornof, Director and Coordinator of Title IX
Vinson Health Center H136
(940) 397-4213
rachael.fornof@msutexas.edu

Deputy Title IX Coordinator - Students
Matthew Park, Associate Vice President for Student Affairs/Dean of Students
Clark Student Center, Room 121
(940) 397-7400
matthew.park@msutexas.edu

Deputy Title IX Coordinator - Employees
Dawn Fisher, Director of Human Resources
Hardin 210
(940) 397-4221
dawn.fisher@msutexas.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 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.

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@msutexas.edu

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

Conduct Procedures for Student as the Accused Cases of Sexual Misconduct

Initial Assessment

• Upon receiving a report (either verbally or in writing), the Title IX Coordinator will
conduct an initial assessment of the available information, the complainant’s immediate
and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to
the parties, any other individuals, or the broader campus community; the existence of
severe and persistent or pervasive conduct, including evidence of a pattern, use of a
weapon or other predatory conduct; and the necessity for any interim measures or accommodations.

- The Title IX Coordinator (or designee) will provide the complainant with a Notice of Complainant’s Rights and Options and initiate remedial actions, interim measures or accommodations on behalf of the complainant, as necessary.
- The Title IX Coordinator will consider the interest of the complainant and the complainant’s expressed preference for manner of resolution or the initiation of an investigation to determine if disciplinary action is warranted.
- If the complainant is reluctant to pursue the complaint, the Title IX Coordinator will document the complaint’s reluctance and determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the complainant. A reluctant complainant will be notified if a complaint is investigated without the complainant’s participation. If a reluctant complainant initially does not wish to pursue or participate in an investigation, the complainant may later change his/her mind and contact the Title IX Coordinator to request an investigation be initiated under the policy at the time of initial complaint.
- Upon initial assessment by the Title IX Coordinator, if the report and/or intake do not support a possible violation of policy, the report will be closed with no further action. The Title IX Coordinator (or designee) will notify the complainant when this occurs.

Mediation as an Option

- In consideration of the interest of the complainant and the complainant’s expressed preference for manner of resolution, a case may be addressed through mediation.
- Mediation may only be utilized for lower level cases that are neither criminally or civilly actionable and do not involve non-consensual sexual intercourse or non-consensual sexual contact.
- Mediation is a process where an impartial third party facilitates communication and negotiation between the parties to the complaint and promotes voluntary decision making. The goals include providing the opportunity for the complainant and respondent to define and clarify issues, understand different perspectives, identify interests, explore and assess possible solutions and reach mutually satisfactory agreements, when desired.
- If both parties explicitly agree to the outcome(s) of a mediation, the process ends. A written copy (e.g. email or mail) of the mediation outcome(s) will be provided by the mediator to the complainant, respondent and Title IX Coordinator.
- If the complainant and/or respondent do not fully agree to the outcome(s) of a mediation and there appears to be a possible violation of policy, the Title IX Coordinator will initiate an investigation to determine if disciplinary action is warranted

Informal Resolution by Respondent’s Acceptance of Responsibility

- At the onset or during the process of an investigation, it is possible a respondent may accept responsibility for a violation of University policy. Should this occur, the Title IX Coordinator will present the Deputy Title IX Coordinator for Students with the respondent’s acceptance of responsibility. Together, they will determine any appropriate sanction(s).
- The respondent’s acceptance of responsibility and any sanction(s) determined shall be simultaneously conveyed to the complainant and respondent in writing (e.g. email or
mail). (Private information may also be disclosed to appropriate University personnel if deemed necessary by the Title IX Coordinator including, but not limited to, a Department Chair, Athletics, Housing, Registrar, Student Affairs, etc.)

**Investigation**

- If the report and/or intake appear upon initial assessment to be a possible violation of policy and is not otherwise resolved through mediation or informal resolution (above), the Title IX Coordinator (or designee) will assign the case for investigation to determine if there is reasonable cause to charge the accused individual with a violation of University policy, and to determine what specific policy violation(s) should be alleged as part of the complaint. (Private information may also be disclosed to appropriate University personnel if deemed necessary by the Title IX Coordinator or designee including, but not limited to, a Deputy Title IX Coordinator, a Department Chair, Athletics, Student Affairs, etc.)
- The University will notify the complainant and respondent in writing (e.g. email or mail) when an investigation is opened.
- The University, through a trained investigator(s), will conduct an adequate, reliable and impartial investigation into the facts of the case and will interview the complainant, respondent, witnesses and/or others who may have relevant information, and collect any other evidence deemed relevant to the case including electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs or video (including those stored on computers and smartphones), medical records (subject to the consent of the applicable party) and any other relevant evidence or witnesses.
- Absent consent of the applicable party, medical and/or counseling records are privileged and confidential documents that will never be required to be disclosed during the investigation of a report under this policy. However, a party may choose to share medical and/or counseling records as part of an investigation.
- The sexual history of a complainant or respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The investigator(s) will determine the relevance of such information.
- Prior or subsequent conduct of a respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of sexual misconduct or other forms of prohibited conduct by a respondent may be deemed relevant to the determination of responsibility for the sexual misconduct or other forms of prohibited conduct under investigation. The determination of relevance of pattern
evidence will be based on an assessment of whether the previous or subsequent conduct was substantially like the conduct under investigation or indicates a pattern of similar misconduct. The investigator(s) will determine the relevance of such information.

- The University will provide the complainant and respondent timely and equal access to information that will be used during any informal and formal investigation process.
- The University will provide the complainant and respondent equal opportunity to participate in an investigation process and present evidence and/or witnesses.
- No party (i.e. the complainant and respondent) will be given the opportunity to cross-examine or to directly question the other party. A complainant or respondent may submit written questions to the Title IX Coordinator for consideration in an investigation. Upon review, those questions deemed appropriate will be forwarded to the assigned Title IX Investigator(s) for inclusion in the investigation.
- At the initial conclusion of the investigation, the investigator(s) will deliver a report to the Title IX Coordinator, including a recommendation as to whether, using the preponderance of the evidence standard, sexual misconduct or other forms of prohibited conduct occurred.
- The Title IX Coordinator will review the investigator’s report and, if necessary, direct the investigator(s) to conduct further investigation.
- At the conclusion of the investigation, the Title IX Coordinator will provide written notification to both parties that the investigation is complete and a summary of the fact-finding information related to the case.
- The complainant and respondent may offer any additional comment or evidence to the Title IX Coordinator at this time. The complainant and respondent will have at least three business days from when the notification the investigation is complete was sent in order to provide additional comment or evidence to the Title IX Coordinator.

**Findings**

- Upon receipt of the investigation report and any additional information from the complainant and/or respondent, or no comments, the Title IX Coordinator will review the investigation report and all related documents and additional comments from the parties and make a determination using the preponderance of the evidence of whether or not the respondent is responsible for a violation of University policy. This review and determination of responsibility by the Title IX Coordinator is not open to the public and neither the complainant, respondent nor witnesses are permitted to be present.
- If a respondent is found responsible for a violation of University policy, the Title IX Coordinator will present the Deputy Title IX Coordinator for Students with the determination. Together, they will determine any appropriate sanction(s).
- The Title IX Coordinator, together with the Deputy Title IX Coordinator for Students, will communicate decisions regarding responsibility and any sanction(s) to students.
- The outcome of the investigation, the rationale for the findings, and any sanction(s) determined shall be simultaneously conveyed to the complainant and respondent in writing (e.g. email or mail). (Private information may also be disclosed to appropriate University personnel if deemed necessary by the Title IX Coordinator including, but not limited to, a Department Chair, Athletics, Housing, Registrar, Student Affairs, etc.)
Appeals

- The complainant and the respondent have the right to appeal determinations regarding responsibility and/or sanctions to the Vice President for Student Affairs. Appeals must be submitted in writing to the Vice President for Student Affairs within five (5) business days from when the notice of outcome was sent. Appellate opportunity is equitable, that is both parties have the right to appeal. Appeals are considered only on the basis of extraordinary need or circumstance due to one or more of the following considerations:
  1. The discovery of new information/evidence that was unavailable at the time of the investigation and could substantially change the outcome of the investigation (evidence that was not discovered during the investigation, rather than evidence that was not shared and the party now wants shared).
  2. Procedural error that resulted in an unfair outcome of the investigation.
  3. Bias on the part of investigator(s) or Title IX Coordinator, which deprived the process of impartiality.
  4. Sanction(s) inconsistent with the finding(s).

- The written appeal must contain the specific consideration(s) which form the basis of the appeal and include any supporting information and/or evidence deemed relevant by the appealing party.

- When an appeal is received, the Vice President for Student Affairs will inform the Title IX Coordinator. The Title IX Coordinator will notify the complainant and respondent in writing (e.g. email or mail) that an appeal was received.

- The decision to modify determinations regarding responsibility and/or sanctions rests solely with the Vice President for Student Affairs. As part of the decision-making process for an appeal, the Vice President may utilize the services of external investigators and/or consultants, or other methods deemed appropriate to ensure a fair, reliable, and impartial decision. (Private information may be disclosed to appropriate personnel as deemed necessary by the Vice President for Student Affairs.)

- The outcome of the appeal shall be simultaneously conveyed to the complainant and respondent in writing (e.g. email or mail) by the Vice President for Student Affairs, or their designee.

ADVISORS

A complainant and respondent each have the right to be advised by one advisor of their choice, at their own expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing in which the complainant or the respondent is required to be present. An advisor may only consult and advise his or her advisee. An advisor may not speak for the advisee at any meeting nor may the advisor direct questions to any investigator, party, or witness in the process. Should the advisor become disruptive during any meeting, the Coordinator or investigator may ask the advisor to leave. No advisor will be given the opportunity to cross-examine or to directly question the other party to a complaint. The advisor, on behalf of the complainant or respondent, may submit written questions to the Title IX Coordinator for consideration in the investigation. Upon review, those questions deemed appropriate will be forwarded to the Title IX Investigator for inclusion in the investigation.

An advisor can be anyone of the party’s choosing and the University will not limit or restrict who that person can be. An attorney can fill this role of advisor; however, the sexual misconduct
investigation process is not comparable to a criminal or civil court proceeding, and therefore, the role of an attorney as an advisor is different in the University’s process than it is in a court of law. The University’s process is strictly administrative in nature and is not a legal proceeding. An attorney advisor may lend support to the party in preparing their case and attend meetings. An attorney advisor may attend all meetings in which their party is present. An attorney advisor may advise and assist their party throughout the process of providing evidence to the investigators.

The complainant and respondent are the University’s primary points of contact for communication during the investigation and resolution of sexual misconduct complaints; in a legal proceeding, communications often occur only between attorneys and without a client’s participation. The University’s communication during a sexual misconduct investigation process is focused on, and directed to, the complaint and respondent, regardless of legal representation. MSU Texas will not unnecessarily delay a meeting due to the availability of an advisor.

**TIMELINE**
The investigation, resolution, and any appeal under this policy will be conducted in a thorough and timely manner designed to provide all parties with resolution. A typical investigation will not exceed 60 days, although this timeframe may be extended if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses and/or investigators, to account for complexities of a case, including the number of witnesses, volume of information provided by the parties, timeliness of communication between the parties/witnesses and investigators, or for other legitimate reasons. The Title IX Coordinator will notify the parties in writing of timeframe extensions and their reason(s). The complainant and respondent will be notified throughout the process by the Title IX Coordinator (or designee) in regards to major timeframes of the process, which include the start of an investigation and alleged policy violation, any delay in the investigation the conclusion of an investigation and summary of fact-finding information, the outcome of an investigation with any determination of responsibility and assigned sanctions, and the outcome of any related appeals.

**COORDINATION WITH LAW ENFORCEMENT**
The Title IX Coordinator (or designee) will contact any law enforcement agency that is conducting its own investigation into the same report/complaint to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Coordinator may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Coordinator will advise the resuming of the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

**OBLIGATION TO PROVIDE TRUTHFUL INFORMATION**
Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of sexual misconduct or other forms of prohibited conduct is prohibited and subject to disciplinary action under University
policies. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

**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 Rights and Responsibilities 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 Rights and Responsibilities 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 Rights and Responsibilities.

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 Rights and Responsibilities 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 Texas 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 Texas 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 Rights and Responsibilities, MSU Texas 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 enforcement. 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

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1 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.”
Center and First Step, Inc. will assist any victim with notifying law enforcement if the victim so desires.

MSU Texas Counseling Center
940-397-4618

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

The MSU Texas Police Department may also be reached directly by calling 940-397-4239 and in person at the corner of 6 Eureka Circle, Wichita Falls, TX. Additional information about the Midwestern State University Police Department may be found online at https://msutexas.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 to a police department will involve making an initial report with an officer, being interviewed by an investigator, and giving a written statement of complaint. In cases of sexual assault, the victim may be given a pseudo name to protect his or her identity.

**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, Rachael Fornof, Director and Coordinator of Title IX, Vinson Health Center, Room H136, (940) 397-4231, rachael.fornof@msutexas.edu 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 choses 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**
Rachael Fornof, Director and Coordinator of Title IX
Vinson Health Center H136
(940) 397-4231
rachael.fornof@msutexas.edu

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, in addition to the procedures already covered in the sections for sexual misconduct cases for employees as the accused and cases for students as the accused, below are shared protocols the University will follow:

<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
</table>
| Sexual Assault          | 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to local medical care  
                          | 2. Institution will assess immediate safety needs of complainant  
                          | 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
                          | 4. Institution will provide written information to complainant on how to preserve evidence  
                          | 5. Institution will provide written instructions on how to apply for Protective Order  
                          | 6. Institution will provide complainant with referrals to available on and/or off campus mental health providers  
                          | 7. 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 options  
                          | 9. 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  
                          | 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 |
| **Stalking** | 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 |
| **Dating Violence** | 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 |
| **Domestic Violence** | 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 |
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 in 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

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Who Can File</th>
<th>Duration</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate’s Order for</td>
<td>Victim of family violence, sexual assault or stalking</td>
<td>31 – 61 days; with deadly weapon 61 – 91 days</td>
<td>Offender must be arrested</td>
</tr>
<tr>
<td>Emergency Protection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Ex Parte Order</td>
<td>Minor or adult victim of family violence, dating violence, sexual assault or stalking</td>
<td>Until the hearing for a final protective order – usually 20 days</td>
<td>Finding of clear and present danger of family violence, sexual assault or stalking</td>
</tr>
<tr>
<td>Family Violence Protective Order</td>
<td>A minor or adult victim of family or dating violence</td>
<td>Two or more years</td>
<td>Finding that family or dating violence has occurred and is likely to occur in the future</td>
</tr>
<tr>
<td>Sexual Assault Protective Order</td>
<td>A minor or adult victim of sexual assault</td>
<td>Any duration or two years if not specified</td>
<td>Reasonable grounds to believe that applicant is a victim of sexual assault</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Stalking Protective Order</th>
<th>An adult or minor victim of stalking, or prosecutor acting on behalf of victim</th>
<th>Any duration or two years if not specified</th>
<th>Reasonable grounds to believe that applicant is a victim of stalking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stalking Protective Order</td>
<td>An adult or minor victim of stalking whose offender has been criminally charged with stalking</td>
<td>Two or more years</td>
<td>Probable cause to believe that stalking occurred and the defendant is likely to stalk in the future</td>
</tr>
</tbody>
</table>

**Institutional Orders**

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Rights of Victims</th>
<th>Institution’s Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>No contact orders</td>
<td>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 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.</td>
<td>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 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.</td>
</tr>
<tr>
<td>Orders by the institution (PNG)</td>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

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
Rachael Fornof, Director and Coordinator of Title IX
Vinson Health Center H136
(940) 397-4231
rachael.fornof@msutexas.edu

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:

<table>
<thead>
<tr>
<th>ON CAMPUS SERVICES</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling / Mental Health</td>
<td>Counseling Center</td>
<td>940-397-4618</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MSU Texas Counseling Center</td>
</tr>
<tr>
<td>Health</td>
<td>Vinson Health Center</td>
<td>940-397-4231</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bruce &amp; Graciela Redwine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Student Wellness Center</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>International Services</td>
<td>940-397-4568</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hardin South 211</td>
</tr>
</tbody>
</table>
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
https://www.justice.gov/ovw/sexual-assault - 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.

**Federal Timely Warning Obligations**
Victims of sexual misconduct should be aware that university administrators must issue Timely Warning Notices 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.

**HEOA Victim Notification**

**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.

**Types of Disciplinary Proceedings Utilized in Cases of Alleged Sexual Assault or Harassment**

**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 Texas 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 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 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.

**Missing Persons Protocol**
Every student residing in an on-campus housing facility (including assigned housing in the MSU Texas London and Grenada study abroad programs) 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 and Grenada study abroad programs, 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 Texas 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 and Grenada campuses, the determination will be made by program staff in conjunction with local security services.

Students have the option to identify a confidential missing person contact upon completion of their annual housing application. Students who wish to change their contact must notify Residence Life via email. Missing Persons 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 and that it may not be disclosed outside of a missing person investigation.

London and Grenada students will complete the proper paperwork upon orientation.

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.

In the event a student under 18 years of age and not emancipated, MSU Texas must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, MSU Texas will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

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 Texas Police Department within 24 hours, unless MSU Texas Police Department was the entity that made the determination the student is missing.

**Missing Person Procedures**

Should the MSU Texas 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 Texas 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 Texas will inform the informing the local law enforcement agency that has jurisdiction in the area that the student is missing that the student is missing within 24 hours.

Students at the London and Grenada campuses 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
- Mr. Matt Park, Dean of Students
- Mr. Dail Neely, Director of Student Rights and Responsibilities
- Ms. Kristi Schulte, Director of Residence Life
- Ms. Tera Humphreys, Associate Director of Residence Life

The Office of Residence Life in conjunction with the Fire Safety Officer and the University Police Department will publish an Annual Fire Safety Report. 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 Texas Housing Staff also provides life safety information about the complex and evacuation routes for the MSU Texas 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 Texas does not currently have any identified plans for improvement to the fire safety systems.

Fire Reporting 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. For the Grenada campus, students and/or program staff should report any fire to the Department of Public Safety and Security at 777 from any SGU hardline or Grenadian cell phone.
Per federal law, MSU Texas 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/ 777 in Grenada). Once the emergency has passed, you should notify MSU Texas Police Department at 940-397-4239 to investigate and document the incident for disclosure in the University’s annual fire statistics. In London and Grenada, the report should be made to Program Staff, who will coordinate with the MSU Texas Police Department. If a member of the MSU Texas community finds evidence of a fire that has been extinguished, and the person is not sure whether MSU Texas Police Department has already responded, the community member should immediately notify MSU Texas Police Department at 940-397-4239 to investigate and document the incident for disclosure in the University’s annual fire statistics.

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

### Residence Hall Descriptions

<table>
<thead>
<tr>
<th>Residential Facilities</th>
<th>Fire Alarm Monitoring Done On Site</th>
<th>Partial * Sprinkler System</th>
<th>Full ** Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/ Placards</th>
<th>Number of Evacuation (fire) drills each calendar year</th>
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<tbody>
<tr>
<td>Killingsworth Hall 3704 TeePee Dr. Wichita Falls, TX</td>
<td>Yes</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2 – 1/30 and 9/19</td>
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<tr>
<td>Pierce Hall 3730 TeePee Dr. Wichita Falls, TX</td>
<td>Yes</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>McCullough-Trigg 2485 Comanche Tr. Wichita Falls, TX ***</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2 – 1/29 and 9/24</td>
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<td>Legacy Hall 3705 Louis J. Rodriguez Wichita Falls, TX</td>
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<td>2 – 1/30 and 9/12</td>
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<tr>
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<td>Calabash Residential Bldg. St. George’s University St. George’s, Grenada</td>
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<td>Yes, Yes, Yes, Yes, Yes, 0</td>
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</tr>
</tbody>
</table>

* Partial Sprinkler System is defined as having sprinklers in the common areas only.
** Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.
*** Incorporates a dry standpipe system

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.

Varey House (London) – a four story dormitory which the university contracted for the 2016, 2017, and 2018 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.

Calabash Residential Bldg. (Grenada) - a three story dormitory which the university contracted for the 2018 Grenada study abroad program. Features of fire protection include sprinklers in all rooms, smoke detectors, 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. One fire drill is conducted at each residence hall once each long semester. Written procedures are also distributed to residents in the London and Grenada programs 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
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
- Fans
- Razors
- Hot Pots
- Razors

- Small Fish Tanks
- Radio/Stereo
- Hand Mixers
- Curling Irons
- Clocks

- Televisions
- Computers/Tablets
- DVD/Blu-Ray Players
- Blenders
- Electric Blankets

- Hair Dryers
- Sewing Machines
- Coffee Makers
- Hair Trimmer
- Refrigerator

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.

<table>
<thead>
<tr>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sun Lamps</td>
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<tr>
<td>Halogen Lamps</td>
</tr>
<tr>
<td>Christmas/Holiday Lights</td>
</tr>
<tr>
<td>Hot Plates</td>
</tr>
<tr>
<td>Deep Fryers</td>
</tr>
<tr>
<td>Electric Skillets</td>
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<tr>
<td>Microwave Ovens</td>
</tr>
<tr>
<td>Broilers</td>
</tr>
<tr>
<td>Space Heaters</td>
</tr>
<tr>
<td>Convection Ovens</td>
</tr>
<tr>
<td>Other types of grills</td>
</tr>
</tbody>
</table>

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 Students and Employees Should Follow 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.

- Calabash Residential Bldg. (Grenada) - All students should vacate the premises immediately. Students should meet in the area south of the Gouyave Dormitory and await further instructions.

- Students should not reenter University Housing until instructed to do so by Fire Department personnel, University Police, or the Residence Hall/Apartment Director.
Fire Log
A fire log is available for review at the MSU Texas 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.

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<tr>
<th>Statistics for Reported Fires in On-Campus Student Housing Facilities</th>
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<td><strong>Year</strong></td>
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<td>St. George’s, Grenada **</td>
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</table>

* 4 weeks in July
** 3 weeks in May

2018 was first year

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 2018 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, methadone); 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.


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

<table>
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<th>Year</th>
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*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.
Unfounded Crimes:
If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

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

The total number of unfounded crimes for the 2018 calendar year at this campus is 1.
The total number of unfounded crimes for the 2017 calendar year at this campus is 1.
The total number of unfounded crimes for the 2016 calendar year at this campus is 0.

Hate Crime Reporting:
There were no hate crimes reported at this campus in 2018.
There were no hate crimes reported at this campus in 2017.
There were no hate crimes reported at this campus in 2016.
Clery Act Statistics: MSU Texas Study Abroad - London Campus
(Located at Queen Mary University)

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*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.
**Unfounded Crimes:**
If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

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

The total number of unfounded crimes for the 2018 calendar year at this campus is 0. The total number of unfounded crimes for the 2017 calendar year at this campus is 0. The total number of unfounded crimes for the 2016 calendar year at this campus is 0.

**Hate Crime Reporting:**
There were no hate crimes reported at this campus in 2018. There were no hate crimes reported at this campus in 2017. There were no hate crimes reported at this campus in 2016.
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*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.
Unfounded Crimes:
If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

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

The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.
The total number of unfounded crimes for the 2016 calendar year at this campus is 0.

Hate Crime Reporting:
There were no hate crimes reported at this campus in 2018.
There were no hate crimes reported at this campus in 2017.
There were no hate crimes reported at this campus in 2016.