A member of the Texas Tech University System

2022 Annual Security and Fire Safety Report
for
Main Campus and Study Abroad – London

(For the 2022-2023 academic year, containing crime statistics for calendar years 2021, 2020, 2019)

3410 Taft Boulevard Wichita Falls, Texas 76308

http://www.msutexas.edu

Proud Member of NACCOP
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Clery Act
Choosing a college is a major decision and should not be taken lightly. Midwestern State University prepares the Annual Security and Fire Safety Report (ASFSR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act more commonly known as the Clery Act. Information and statistics contained within this report are from information provided by the MSU Texas Police Department and other law enforcement agencies, Office of Student Conduct, Title IX, and other University officials and departments. MSU Texas Police Department compiles and reports this information.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a consumer protection law. The law requires all colleges and universities that receive federal funding to share information about certain crimes that occur on and around campus, as well as institutional efforts to improve campus safety. This information is made publicly accessible through the University’s Annual Security Report.

Clery Act regulations require colleges and universities to do the following:

- Publish an annual report by October 1st containing three years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms.
- Note: The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have significant responsibility for student and campus activities.
- Provide “timely warning” notices of crimes that have occurred and pose an ongoing threat to the safety of students and employees.
- Issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- Disclose in a public crime log all crimes and alleged crimes that occurred on campus or within the patrol jurisdiction of campus police reported to the campus police.
- Disclose missing student notification procedures pertaining to students residing in any on-campus student housing facilities.
- Maintain in a public fire log, a record of any fire that occurred in an on-campus student housing facility.
- Submit collected crime and fire statistics to the U.S. Department of Education.

Midwestern State University’s ASFSR is distributed electronically to all current faculty, staff, and students via email and through MSU Alert. ASFSR is made available online to all prospective students and employees via the Admissions website and the Human Resources page.
Copies of the ASFSR may be obtained in person from the MSU Texas Police Department during normal business hours, 8:00 A.M. - 5:00 P.M., Monday through Friday. Additionally, the ASFSR can be found online at the MSU Texas Police Department website under Clery Resources/ Crime Alerts here: Annual Security and Fire Safety Report.

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 is approximately 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 two separate campuses (defined by the Clery Act) in 2021. Those two 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

Note: The London campus operates for approximately one month each year; usually during the summer II term.

All policy statements included in this report pertain to campus locations that operated in 2021, unless otherwise stated.

This report should be a valuable, informative tool. Please review the information on campus policies, procedures, reporting options, and resources, including the campus safety tips, carefully. Personal safety is the responsibility of all, and we need your assistance in helping maintain a safe campus environment. This report reviews important crime statistics specific to this campus with a breakdown of each Clery geographical location. The University encourages readers to read the information prior to the crime statistics, as this will give valuable information as it relates to the specific crimes and geography being reported.

Questions about this report should be directed to the MSU Texas Police Department at police@msutexas.edu or by calling 940-397-4239.
Campus & Community Resources
CAMPUS & COMMUNITY RESOURCES

POLICE and FIRE
Emergency

MSU Texas Police Department
6 Eureka Circle, Wichita Falls, Texas 76308
940-397-4239

Wichita Falls Police Department
610 Holliday St, Wichita Falls, TX 76301
940-720-5000

Wichita County Sheriff’s Office
900 7th Street, Wichita Falls, TX 76301
940-766-8170

Wichita Falls Fire Department
1005 Bluff St., Wichita Falls, TX 76301
940-761-7901

HEALTH & MEDICAL
Vinson Health Center
940-397-4231

Midwestern State University Counseling Center
940-397-4618

United Regional Hospital
1600 11th Street, Wichita Falls, TX 76301
940-764-5050

Call-A-Nurse
940-764-8570

CAMPUS RESOURCES
Midwestern State University Title IX Coordinator
940-397-4213

Vinson Health Center H-136

Midwestern State University Dean of Students
940-397-7400

MSU Texas Office of Student Rights and Responsibilities
940-397-4525

MSU Texas Residence Life and Housing
940-397-4217

NATIONAL HOTLINES
Drug Abuse
800.662.HELP (4357)

Domestic Violence
800.799.SAFE (7233)

Suicide Prevention
800.273.TALK (8255)

Sexual Assault
800.656.HOPE (4673)
MSU Texas Police Department
The MSU Texas PD is a Texas Police Chiefs Association Foundation Accreditation Program Accredited Law Enforcement Agency that operates 24 hours a day, 365 days a year. The MSU Texas PD Station 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 that engages 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 Texas Tech University System 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 for years has reported the University's crime index to the Federal Bureau of Investigation, NIBR 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.

**Midwestern State University Title IX Office**

Certain Clery-specific crimes are also considered to be Title IX violations and will be handled by the University as mandated under both statutory requirements.

**What is Title IX?**

The United States Code of Federal Regulations, Title IX states, “No person in the United States shall, on behalf of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” 20 USCA §1681.

MSU Texas is committed to providing its students, faculty, and staff with an education and workplace environment free from any form of unlawful discrimination. The MSU Texas community is dedicated to fostering and supporting a culture of mutual respect and communication.

**Prohibited Conduct**

Midwestern State University does not tolerate and prohibits discrimination or harassment of students based on, or related, to sex (including pregnancy, sexual orientation and gender identity), race, national origin, religion, age, disability, protected veteran status, or other protected categories, classes, or characteristics. Actions related to admission, discipline, housing, extracurricular and academic opportunities shall not be made based on a student’s protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed. Individuals who violate these policies and laws are subject to disciplinary action, up to, and including, expulsion. Examples of the types of discrimination that are strictly prohibited by MSU Texas include but are not limited to: sexual misconduct/harassment, the failure to provide equal opportunity in athletics, discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs, and discrimination based on pregnancy.

**Where to Make a Report**

You can report an incident of a Title IX, sexual misconduct/ harassment, or discrimination violation to Midwestern State University online using this [form](#), or based on your status with the University, by directly contacting any of the following administrators or offices:

**Laura Hetrick**

**Director and Coordinator of Title IX**

Vinson Health Center H-136  
(940) 397-4213  
[lahetrick@msutexas.edu](mailto:lahetrick@msutexas.edu)  
[titleix@msutexas.edu](mailto:titleix@msutexas.edu)
Deputy Title IX Coordinator for Students
Director of Residence Life
Bea Wood 131
(940) 397-4947

Deputy Director of Title IX - Employees
Director of Human Resources
Hardin Administration Building 210
(940) 397-4221

MSU Police Department
(940) 397-4239

MSU Counseling Center
(940) 397-4618

MSU Vinson Health Center
(940) 397-4231

Midwestern State University Dean of Students
The Division of Student Affairs creates an environment that fosters student development and success. Through high quality co-curricular and extra-curricular programs and services, the Division builds and promotes opportunities for student wellness, intellectual growth, civic responsibility, social engagement, and leadership with the goal of developing awareness of self and others. The Division of Student Affairs cultivates a nurturing and inclusive campus community through authentic relationships with students that enrich the collegiate experience in support of the educational mission of Midwestern State University.

More information about The Division of Student Affairs can be found at Dean of Students, https://msutexas.edu/student-life/dean/, or by calling (940)397-7400.

Midwestern State University Office of Student Rights and Responsibilities
The Office of Student Rights and Responsibilities is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSRR encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating alleged violations of the Code of Student Conduct in a fair and educational manner. The Office of Student Rights and Responsibilities administers the Code of Student Conduct, coordinates the University's Behavioral Intervention Team, and serves as the initial contact for student traffic appeals.

You can visit the Office of Student Rights and Responsibilities website at https://msutexas.edu/student-life/conduct/ or contact them at: (940) 397-4525 or dail.neely@msutexas.edu.
MSU Counseling Center
The mission of the Midwestern State University Counseling Center is to provide opportunities for students to know themselves as individuals, to form deeper relationships with their peers, and to increase their wellness. The staff of the MSU Counseling Center provides these opportunities through individual and group counseling services, consultation, and mental health educational programs focused on key student development issues and reflecting concern for holistic health and wellness. As providers of mental health services to the student population, the staff is guided by the highest professional and ethical standards of their professions. Our personal, academic, and career counseling services are directed towards enhancing the skills which students bring with them to MSU and encouraging the development of skills which will increase their success both at MSU and beyond.

Counseling Center services are available in face to face sessions and through tele-counseling. Counseling services are available for any enrolled student on campus or any enrolled student living within the state of Texas. Referral services are available for students living outside the state of Texas. Call 940-397-4618 to schedule an appointment.

Students can visit the MSU Counseling Center website at http://msutexas.edu/student-life/counseling/

The center is located at the corner of Hampstead and Louis J. Rodriguez Drive. Hours are 8:00 am to 5 PM Monday through Friday, closing each day noon until 1:00 for lunch. Crisis appointments are available by calling the main number and following the prompts about the crisis counselor. 940-397-4618
Policies on Crime and Emergency Reporting
Reporting Crimes

All students, faculty, staff, and visitors are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University’s Clery geography to the MSU Texas Police Department or applicable law enforcement agency in an accurate, prompt, and timely manner, including times when the victim of a crime elects not to, or is unable to make a report. Accurate and prompt reporting ensures efficient response to incidents of crime and helps to preserve important evidence needed to ensure a successful investigation and prosecution of offenders.

In addition to law enforcement, students can report crimes and misconduct to Responsible Employees or Campus Security Authorities, the Dean of Students, Title IX Administrator, MSU Texas Office of Student Rights and Responsibilities, student counselors, or anyone within the MSU Texas Community who is in a position to assist you. Under Clery, a crime is reported when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or other third party or even offender, regardless if the individual is involved in the crime, reporting the crime, or is associated with the institution. Reporting to MSU Texas Police or any of the above allows the University to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure.

The following pages provide information on the various options for reporting crimes or emergencies and the ways each office may assist.

Options for Reporting

<table>
<thead>
<tr>
<th><strong>EMERGENCY</strong></th>
<th><strong>Non-Emergency</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>911</strong></td>
<td>Dialing 911 from a landline phone while on the MSU Texas campus will place the caller in immediate contact with the MSU Texas Police Department dispatchers. The system automatically sends location identification so the dispatcher is able to dispatch an officer and other emergency personnel to the location.</td>
</tr>
<tr>
<td><strong>ON-CAMPUS LANDLINE SENDS LOCATION AUTOMATICALLY</strong></td>
<td>The MSU Texas Police Department is open 24 hours a day, seven days a week for walk-in reports.</td>
</tr>
<tr>
<td><strong>CELLPHONE DOES NOT SEND LOCATION AUTOMATICALLY</strong></td>
<td>Reports can be made to an officer on patrol or via telephone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>MSU Texas Police Department</strong></th>
<th><strong>Wichita Falls Police Department</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>MSU Texas Police Department</td>
<td>940-397-4239</td>
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<tr>
<td>940-397-4239</td>
<td>940-720-5000</td>
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</tbody>
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<table>
<thead>
<tr>
<th><strong>Residents Life staff in residence halls</strong></th>
<th><strong>Campus Security Authorities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Students living in the residence halls may contact their resident assistant or hall director.</td>
<td>Campus Incident Report Form</td>
</tr>
</tbody>
</table>

| **If a student who resides in on-campus housing is missing, a report should** | **|
Anonymous or Confidential Reporting

Wichita Falls Crime Stoppers -
[https://www.wfcrime.com](https://www.wfcrime.com)

Email - info@wfcrime.com

Call in a Tip
940-761-7777

Be made to the MSU Texas Police Department or to a member of the Residence Life staff.

Citizens can submit crime tips by phone, email, website, or through the P3 Intel APP that can be found on the Wichita Falls Crime Stopper website.

Students wishing to report information confidentially should contact the University Counseling Center.

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Reporting to MSU Texas Police

**CRIMES IN PROGRESS, SERIOUS CRIMES AND INCIDENTS SHOULD BE REPORTED BY CALLING 911.**

For nonemergency incidents, please call the Midwestern State University Police Department for assistance at 940-397-4239. If you are on campus, there are Blue Light Emergency Phones strategically placed around campus that connect the caller directly with MSU Texas Police. Concerns off campus, within the Wichita Falls city limits, should be reported to the Wichita Falls Police Department, 940-720-5000.

Reporting crimes and emergencies will generate a law enforcement response. Whenever possible, the survivor or witness of the crime should call directly to report the incident. Firsthand information is always preferred.

Any suspicious activity or person(s) seen in the parking lots or loitering around vehicles, buildings or around residence halls should immediately be reported to police. Accurate and prompt reporting ensures a law enforcement response. In addition to the importance of reporting, timely information assists responders in developing warnings for the university community. Officers will respond without delay to all calls for police service. Emergency calls will take precedence, but calls will be answered as soon as possible.

Remember cellphones do not automatically register a caller’s identity and exact location information in the 911 system. When calling 911 from a cellphone, tell the dispatcher where you are calling from, the phone number you are calling from or another number where you may be reached. Cellphone 911 calls may be directed to the MSU Texas Police Department, the Wichita Falls Police Department, or the Wichita County Sheriff’s Office.

Consider programming your phone with the MSU Texas Police Department number for general, non-emergency use: 940-397-4239. When calling to report a crime or incident, please be ready to give as much as you can of the following information:

- A brief description of the occurrence.
- When and where the incident occurred.
- If there were any weapons involved.
• Where and when the suspect(s) was last seen.
• A description of the suspect(s) (including gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars, etc.).
• Any other relevant information.

The MSU Safety App
A free, downloadable, app for your Android or Apple device, developed specifically for MSU Texas, the dashboard of which is monitored constantly by the Police Communications Office. Through this app, you can locate contact information for various campus and community resources, submit a crime tip, access useful information in an emergency, and even communicate with MSU Texas Police in real-time. This app is free to download.

Safety App Apple Download
Safety App Google Play Store Download

Campus Security Authorities
A Campus Security Authority (CSA) is a Clery specific term encompassing four groups of individuals and organizations associated with an institution. These four groups are defined by the Clery Act as:

• Group #1: A campus police department or a campus security department of an institution. All individuals who work for the campus police department are CSA’s.

• Group #2: Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property). Access monitors, contract security officer, event security officers, staff who provide safety escorts on campus (professional and student staff) are CSA’s.

• Group #3: Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

• Group #4: An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

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

Throughout the year, Campus Security Authorities report Clery Act reportable crimes via an online report, the Clery Incident Report Form. Each of these reports is reviewed by Clery staff
within the MSU Texas Police Department to confirm it meets the requirements under the Clery Act.

In most cases, it is possible for a CSA to fulfill his or her reporting responsibilities and maintain victim confidentiality. CSA reports are used by the institution to compile statistics for Clery Act reporting. CSA reports also help determine if there is a serious or ongoing threat to the safety of the campus community requiring an alert (timely warning or emergency notification). The responsibilities of a CSA can usually be met without disclosing any personal identifying information.

Bear in mind that a CSA report does not automatically result in the initiation of a police or disciplinary investigation if the victim chooses not to pursue this action. While the University has identified a number of CSAs, we officially designate the departments listed below as a place where campus community members should report crimes for timely warning notices and statistical reporting purposes.

**What Does a Campus Security Authority Do?**
The function of a campus security authority is to collect crime report information. CSAs are responsible for reporting allegations of Clery Act crimes reported to them in their capacity as a CSA. This means CSAs are not responsible for investigating or reporting incidents they overhear students talking about in a hallway conversation; a classmate or student mentions during an in-class discussion; a victim mentions during a speech, workshop, or any other form of group presentation; or the CSA otherwise learns about in an indirect manner.

**What Does a Campus Security Authority Not Do?**
A campus security authority is not responsible for determining authoritatively whether a crime took place. A campus security authority should not try to apprehend the alleged perpetrator of the crime. It is also not a CSA’s responsibility to try to convince a victim to contact law enforcement if the victim chooses not to do so.

A Campus Security Authority is required to report sufficient details, such as dates and times of the incidents, the location, a detailed description of what they were told about the incident, and, where appropriate, personal identifying information. Detailed information is important to aid law enforcement in addressing and categorizing the crime. Personal identifying information is important to avoid double counting crimes. If a victim does not want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Campus Security Authorities should report information immediately for consideration of a Timely Warning Notice. If a crime is reported to a CSA, but goes no further than that, the University will not have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus.
OFFICIAL CAMPUS SECURITY AUTHORITY OFFICES
While the university has identified a number of CSAs, the following offices are officially
designated as places where campus community members can report crimes.

<table>
<thead>
<tr>
<th>Office Name</th>
<th>Location</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSU Texas Police Department</td>
<td>6 Eureka Circle</td>
<td>940-397-4239</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Hardin Administration Building, Room 210</td>
<td>940-397-4221</td>
</tr>
<tr>
<td>Dean of Students Office</td>
<td>Clark Student Center, Room 108</td>
<td>940-397-7400</td>
</tr>
<tr>
<td>Office of Student Rights and Responsibilities</td>
<td>Clark Student Center, Room 108</td>
<td>940-397-4525</td>
</tr>
<tr>
<td>MSU Texas Athletic Director</td>
<td>D. L. Ligon Coliseum, Room 137</td>
<td>940-397-4730</td>
</tr>
<tr>
<td>Director of Student Leadership and Involvement</td>
<td>Clark Student Center, Room 121</td>
<td>940-397-2864</td>
</tr>
<tr>
<td>Director of Residence Life</td>
<td>Sunwatcher Village, Room 121</td>
<td>940-397-4217</td>
</tr>
<tr>
<td>Any member of the Residence Life Staff, which includes all Student Assistants and Hall Directors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reporting to Title IX
You can report an incident of a Title IX sexual misconduct/harassment, or discrimination
violation to Midwestern State University online using this form, or based on your status with the
University, by directly contacting any of the following administrators or offices:

**Title IX Director and Coordinator: Laura Hetrick**
Vinson Health Center H-136
(940)397-4213
laura.hetrick@msutexas.edu
titleix@msutexas.edu

**Deputy Title IX Coordinator - Students**
Director of Residence Life
Sunwatcher Village Room 121
(940) 397-4217

**Deputy Title IX Coordinator - Employees**
Director of Human Resources
Hardin 210
(940) 397-4221

**System Title IX Coordinator for Employees**
Box 41073
Lubbock, Texas 79409
(806)742-3627

**Reporting to Human Resources**
As an employee, you may contact Human Resources for assistance by calling 940-397-4221 or visiting the office located at Hardin Administration Building Room 210.

**Reporting to Student Rights and Responsibilities**

The Office of Student Rights and Responsibilities is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSRR encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating alleged violations of the Code of Student Conduct in a fair and educational manner. The Office of Student Rights and Responsibilities meets with both undergraduate and graduate students to address potential violations of the Code of Student Conduct. To file a complaint visit [https://msutexas.edu/student-life/conduct/complaints.php](https://msutexas.edu/student-life/conduct/complaints.php), or contact the office at 940-397-7500.

**Responsible Employees**

All employees (including student employees) who witness or receive information, in the course and scope of their employment, about sexual misconduct, sexual harassment, sexual assault, dating violence, domestic violence, and stalking that involve a current student or employee shall promptly report the incident to the University Title IX Coordinator or a Title IX Deputy Coordinator. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, as such terms are defined in MSU Policy 4.161.B, is a violation of state law that shall result in termination of employment and may result in criminal penalties. Employees have a duty to report all known details of the incident, including the name of the involved party(ies). Employees are also encouraged to report any incidents of public indecency, sex discrimination, or any other form of discrimination based on a protected class.

**Confidential Reporting Options**

Midwestern State University is committed to ensuring privacy during all stages of the reporting process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, offering confidential assistance and support.

A report of sexual misconduct must include all information concerning the incident known to the Reporting Party, including the involved parties names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality. If a student discloses an incident to a Campus Security Authority (CSA) or responsible employee with the condition of remaining anonymous, the CSA or responsible employee **must** still forward the Clery crime statistics and/or report the existence of a Title IX incident to the University, including the names of involved parties, and officials will review the requests for confidentiality. However, if the circumstances indicate there is a continuing threat to either the victim or the campus community, the responsible official will contact law enforcement to ensure campus community safety. In
Title IX matters, law enforcement will not be contacted unless requested by the complaining party.

All reports of misconduct will be maintained with the highest possible level of privacy. The information, once referred, will remain private and will be shared only with those administrators who have a legitimate educational need to know in order to best assist and support the student. Once the appropriate administrators have been notified of the incident, the University will provide resources and support, promptly investigate, and equitably resolve the allegation according to established university procedures, unless the student requests that no action be taken.

Voluntary Confidential Reporting
A person may choose to make a report and request it remain confidential. Even if you do not want law enforcement or the University involved in the process, the university will work to comply with your request to keep your identity confidential, while also providing information to help ensure the future safety or the reporting person and the campus community.

An individual’s request regarding the confidentiality of reports of sexual assault, harassment, stalking, and/or dating and domestic violence will be considered in determining an appropriate response; however, such request will be considered in the dual contexts of the university’s legal obligation to ensure a working and learning environment free from sexual assault, harassment, stalking, and/or dating and domestic violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible. Using the information provided in the confidential report, the university can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community of potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

Confidential Reporting to Pastoral or Professional Counselors
Students may make confidential reports to Professional Counselors assigned to the Counseling Center. Professional Counselors in their capacity and function do not make identifiable reports of incidents unless the student specifically requests them to do so; however, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to MSU Texas PD or local law enforcement.

Amendments to 20 U.S.C. Section 1092(f) in 1998 clarified who is considered to be a campus security authority. Pastoral Counselor and Professional Counselor are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the official capacities as employees.

The pastoral or professional counselor exemption is intended to ensure these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are under a legal obligation to report a crime.
Counselors are defined as:

<table>
<thead>
<tr>
<th>PASTORAL COUNSELOR</th>
<th>PROFESSIONAL COUNSELOR</th>
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<tbody>
<tr>
<td>A pastoral counselor is an employee of an institution who is associated with a religious order or denomination, who is 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.</td>
<td>A professional counselor is a campus employee whose official responsibilities include providing psychological counseling to members of the campus community and who is functioning within the scope of his or her license or certification.</td>
</tr>
<tr>
<td>Midwestern State University does not have pastoral counselors on staff.</td>
<td>The only location on the MSU Texas Campus with confidential counselors is the MSU Counseling Center, which is located at the corner of Hampstead and Louis J. Rodriguez Dr. Licensed counselors are exempt from reporting requirements when they are acting in their official capacity as a counselor.</td>
</tr>
</tbody>
</table>

Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, Midwestern State University encourages such counselors to tell victims about the confidential reporting process if, in their judgment, it is appropriate to discuss crime reporting with the victim.

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. (1-800-658-2683), 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

Anonymous Reporting
The purpose of an anonymous report is to 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
Understanding Your Reporting Options

MSU Texas Police are responsible for responding to all crime or emergencies reported on campus property. The response will depend on how the report was made and to whom it was made. Certain reports, like a report made to a Campus Security Authority, will not automatically generate a police response.

Some instances of misconduct may also constitute a violation of state, federal, or local law. It is the student or employee’s option to report misconduct to the University, local law enforcement, or both. Midwestern State University administrators are happy to assist in making a report to law enforcement and will even accompany the victim if requested. Reporting to the Midwestern State University Police Department can lead to an investigation, criminal charges and prosecution.

If a student or employee wishes to report to both the MSU Texas Police Department and the Office of Student Conduct/Title IX, an investigator from the University will coordinate with the MSU Texas Police Department so the student only has to give one statement. This would be scheduled as soon as possible.

Reports made to a CSA may generate a police report if the victim requests to talk to police and file a police report. Information submitted in the CSA report determines the University response. Some reports, such as a police report, will generate a police investigation and possible university investigation. Below are the response options consistent with the reporting method:

Police Response
MSU Texas Police are available 24 hours a day to take reports and answer questions. The MSU Texas Police Department is responsible for dispatching officers to calls for service. When a call is received reporting a crime or an emergency, the officer will initiate the required action by responding to the incident, requesting additional officers or additional services. All criminal reports are investigated by the responding officer. Officers will search for the suspect(s), collect available evidence, and file a report. Reports requiring additional investigation are forwarded to Police Supervisors and may be transferred to an investigator. Police reports may be shared with several university offices including the Office of Student Conduct, Dean of Students, Title IX, and other departments as necessary for review and referral for potential action under the Student Handbook, Employee Handbook, or other actions or services required based on the reported incident.

When responding to an emergency, officers will evaluate the situation and summon the appropriate resources. If assistance is required from the local police or fire departments, dispatchers will initiate all requests for assistance. If a sexual assault or other violent crime is reported, a variety of services including medical, counseling, and psychological assistance will be offered.

What Police Do
When MSU Texas Police respond to a criminal incident, they may:
- Take an initial statement from victims, witnesses, others involved
• Begin follow up interviews with all parties involved: survivors, witnesses, suspects, and others who may have been identified through initial statements
• Collect any available evidence
• Review video, if available
• Make an arrest or referral
• Complete a written report which is submitted to the District Attorney's Office and various university departments

Upon police arrival to an incident, if a victim is not ready to file a report for criminal charges, an informational report can be generated, and the officer will explain the process. A victim may meet with an officer at the police department, residence, or their place of choosing. A support person may accompany a victim when filing a police report.

**University Response to Reports**
A report for some instances may be made directly to the University and not involve law enforcement. Students are encouraged to speak with a CSA, faculty and staff, or University Housing Staff for assistance in filing a report. Whether or not they choose to file a report with law enforcement, the University will offer a variety of options for assistance and will work to address any factors that may have led to this crime.

A report to the University allows for the initiation of interim protective measures such as academic accommodations, changes to housing, and changes to class or work schedules. A victim may bring someone with them for support while making a report, to include a friend, roommate, or family member. If a report involving a Title IX violation is submitted to the university through a campus security authority, an employee, or the police, the university will begin its own independent investigation.

**Reports to Campus Security Authorities**
Under Clery, a crime is “reported when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or other third party or even offender, regardless if the individual is involved in the crime, reporting the crime, or is associated with the institution.”

If a campus security authority receives the crime information and believes it was provided in good faith, they should document it as a crime report. In “good faith” means there is a reasonable basis for believing the information is not simply a rumor or hearsay. That is, there is little or no reason to doubt the validity of the information. CSA’s are required to forward a Campus Security Authority Crime Report Form to the MSU Texas Police Department for allegations of Clery Act crimes that he or she concludes were made in good faith. The CSA Crime Report Form can be found online at [MSU Texas Police Department Clery Resources](#).
Campus Incident Reporting Forms

There are times when calling the police is not necessary or you chose not to involve law enforcement. Midwestern State University has several online reporting forms that can assist with a variety of needs. None of these forms will generate an immediate police response.

**Campus Security Authority Crime Report Form –**
Midwestern State University encourages reporting and the accurate collection of campus crime statistics to promote crime awareness and to enhance campus safety through reliable statistical records. The purpose of this report form is to provide a uniform procedure for documenting the (What, When, Where) of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred within one of the four reporting locations and which have been reported to a Campus Security Authority (CSA) other than the MSU Texas Police Department. Data collected on this form is used to increase public safety, not to identify the victim; therefore, no personal identifying information shall be included on this form. All cooperating victims who do not wish to remain anonymous should be directed to the MSU Texas Police Department or the law enforcement agency having jurisdiction where the crime occurred.

**Title IX/ Sexual Misconduct Online Report Form –**
This form should be used to report concerns pertaining to possible violations of Midwestern State University Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX policy such as gender based discrimination, dating violence, domestic violence, hostile environment, sexual assault, nonconsensual sexual contact, sexual exploitation, sexual harassment, stalking, retaliation, or other forms of sexual misconduct.

**Office of Student Rights & Responsibilities Online Reporting Form –**
This form allows students to report incidents involving university code violations, housing issues, threatening behavior, harassment, bias and hate incidents, and other incidents of concern.
Campus Safety
Midwestern State University is committed to maintaining a safe, healthy, and educational environment for all students, employees and visitors to the campus community. The success of individuals and the university does not rest solely on MSU Texas Police, but depends on our commitments to looking out for others. What we do, or fail to do, affects our own safety and the safety of others. The university has certain policies to establish and maintain the safety and well-being of its students, employees and the campus community. Violators of those policies risk disciplinary actions from Midwestern State University as well as prosecution by federal, state and local law enforcement agencies. MSU Texas Police deter criminal opportunities by educating the university community. This education encourages students, faculty and staff to be responsible for both their own safety and the safety of others. Throughout the academic year, various departments on campus provide additional prevention education and awareness programs on sexual assault, domestic violence, dating violence, stalking, drug and alcohol awareness, and maintaining a healthy lifestyle.

**Security, Access, and Maintenance to Campus Facilities**

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. MSU Texas Police regularly patrol the campus (including academic and administrative buildings) and address security concerns. 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.

**Maintenance of Campus Facilities**

Midwestern State University facilities and landscaping are maintained in a manner to minimize unsafe conditions. MSU Texas Police regularly patrol the campus and report malfunctioning lights and other unsafe conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management through an online service reporting process. The campus’ overall safety and security program is supplemented by a variety of technological systems including access control, security cameras, emergency phones, and fire detection, suppression, and reporting systems.
Responsibilities of the Midwestern State University Community for Their Own Personal Safety and Security and the Safety and Security of Others

Members of the Midwestern State University community should assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance:

- Report all suspicious activity to MSU Texas Police immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and use caution at social functions.
- Remember to call for help at the first sign of trouble.
- Carry only small amounts of cash, or the amount of cash required.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles.
- Do not leave valuables in your car, especially if they are visible. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room. Be certain to lock your door when you sleep. Keep windows closed and locked when you are not at home.
- Do not prop open interior or exterior doors to buildings or residence halls.
- Engrave serial numbers or owner’s recognized numbers, on items of value.
- Inventory your personal property and insure it with personal insurance coverage.

On-Campus Student Housing Safety and Security

Approximately 1,800 students live on campus within 6 residence facilities during the academic school year. The safety of these residents is of utmost importance to the university. This section provides information on safety, security, policies, and systems that are in place to maintain the safety of the residents.

University Student Housing Staff

To ensure the health, safety and security of the residents, residence halls are staffed by the Residence Life Director, Residence Hall Directors, and Residence Assistants when halls are in operation. The Residence Hall Directors oversee the day-to-day operations of the building. The Residence Assistants are typically undergraduate students who have accepted the responsibility of ensuring the health, safety and security of the students residing in on-campus housing.

Residence Life members provide education and selfless service to students through programs on topics including stress management, anger management, time management, alcohol and drug awareness, crime prevention and gender-based violence. Many of the programs are presented in partnership with other departments on campus.

Residents living in housing are encouraged to seek assistance from their hall staff. Staff members have been trained to be a resource for students and to assist them with any situation that may
arise. Residence Life staff members have a great working relationship with the offices on campus and can refer students who may require additional assistance. All Residence Life staff can assist with filing a police report or reporting incidents to the university without police assistance.

Residence Life and Housing provides several programs and services to maximize safety measures used in the residence halls. It is the responsibility of each member of the community and their guests to actively participate and observe safety protocols. This can be accomplished by being aware of your surroundings, reporting mischief or suspicious behavior, preventing the propping of doors, and not allowing students not invited to the residence hall to follow when entering access card doors.

**Emergency Response 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.

**Testing of the Emergency Preparedness/Response Plan**
In accordance with Texas Education Code Section 51.217 and United States Public Law 110-315 Title IV, the Midwestern State University Emergency Management Coordinator schedules and executes at least one test of Midwestern State University’s emergency response and evacuation procedures annually. The test may be announced or unannounced and will meet all of the following criteria: be scheduled; contain drills, exercises, follow-through activities; be designed for assessment and evaluation of emergency plans and capabilities.

The tests are in the form of one of the following: a mandatory emergency drill, tabletop, functional, or full-scale exercise. The tests, at a minimum, include testing of procedures for immediate emergency notifications of threats. 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.
All tests conducted are followed up by an “after action review,” the purpose of which is to determine which procedures we need to sustain and how we need to refine or improve emergency response, evacuation and emergency notification procedures. The campus 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.

Mass emails and text alerts are tested regularly, and evacuation drills are conducted periodically in the residence halls. In 2021 exercises and drills were conducted pertaining to fire alarms and building emergency planning. The University tests the emergency notification system at least twice a year, but is usually tested at the beginning of each semester (including summer), by sending a test message to the MSU Texas community via MSU Alert and email. These tests are evaluated for timeliness of message distribution and allows the campus community to make sure their information in the system is accurate.

**Emergency Reporting**
Individuals can report emergencies occurring at Midwestern State University by calling (940)397-4239.

**Emergency Notifications**
In the event of an emergency, Midwestern State University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the Midwestern State University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors. Note: If there is a confirmed immediate threat to the health or safety of students or employees occurring on campus, MSU Texas must follow its emergency notification procedures. In following these procedures, MSU Texas is not required to issue a timely warning based on the same circumstances; however, MSU Texas must provide adequate follow-up information to the community as needed.

**Confirming the Existence of a Significant Emergency of Dangerous Situation**
Most significant emergencies are reported to MSU Texas Police dispatch. A police officer will be dispatched to the scene to confirm the emergency or disaster conditions. Confirmation typically involves the response and assessment of MSU Texas Police Officers, university officials, emergency management, local police, or other emergency responders. Dispatch will request the appropriate assistance from Wichita Falls Police, Wichita Falls Fire Rescue or other emergency services personnel as needed and will immediately contact the MSU Texas Chief of Police or designee.

The Director of International Studies, or designee, will coordinate with local police and emergency responders for confirming emergencies for the MSU Texas Global Education London Campus, in conjunction with local university administrators and local first responders, which may warrant the distribution of an emergency notification to the MSU Global Education Campus.
Midwestern State University, MSU Texas Global Education London will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the relevant communities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following officials have been designated the authority to authorize emergency notifications to provide alert, warning, and safety or protection instructions:

MSU Texas Main Campus:
- University President
- Vice President for Academic Affairs/Provost
- Vice President for Student Affairs (VPSA)
- MSU Chief of Police

MSU Texas Global Education London:
- Director of Global Education or Designee

These positions will be collectively referred to as “Responsible Authorities” for purposes of the Communication Procedures and Protocols. In reference to any of these positions, in the absence of the referenced individual, their designee will have the authority.

Notification will be made by using some or all of the following methods depending on the type of emergency: Mass Notification System (MNS) that contains capabilities for text message alerts and email notification. In addition, MSU Texas may also use the following methods of communication: public address systems (where available), fire alarm system, social media, local media, webpage and/or in person communication.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information. Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the MSU Texas website.

The departments and positions listed in the chart below will typically be responsible for developing the content and distributing the notifications as described.
### MSU Texas Main Campus:

<table>
<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
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<tbody>
<tr>
<td>PRIMARY</td>
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</tr>
<tr>
<td>MSU Alert email and text notification</td>
<td>Chief of Police or PD Designee</td>
<td>VPSA</td>
<td>Chief of Police, VPSA or PD Designee</td>
<td>On-duty PD Dispatcher or Dir. Marketing and Public Information or Designee</td>
<td>Dir. Marketing and Public Information or Designee</td>
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<tr>
<td>SECONDARY</td>
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</tr>
<tr>
<td>Public Address Systems</td>
<td>Chief of Police or PD Designee</td>
<td>NA</td>
<td>Chief of Police or PD Designee</td>
<td>Chief of Police or PD Designee</td>
<td>NA</td>
</tr>
<tr>
<td>Social Media,</td>
<td>Chief of Police or PD Designee</td>
<td>VPSA</td>
<td>Chief of Police, PD Designee or VPSA</td>
<td>Manager of Digital Marketing and Social Media</td>
<td>NA</td>
</tr>
<tr>
<td>Local Media, Webpage(s)</td>
<td>Dir. Marketing and Public Information</td>
<td>Chief of Police, PD Designee or VPSA</td>
<td>Dir. Marketing and Public Information or Chief of Police</td>
<td>Dir. Marketing and Public Information or Designee</td>
<td>NA</td>
</tr>
</tbody>
</table>

### MSU Study Abroad:

<table>
<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
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<td>PRIMARY</td>
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<tr>
<td>Public Address Systems</td>
<td>NA</td>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Social Media,</td>
<td>Director of International Studies</td>
<td>Director’s Designee</td>
<td>Director of International Studies</td>
<td>Director of International Studies</td>
<td>Manager of Digital Marketing and Social Media or Designee</td>
</tr>
<tr>
<td>Local Media, Webpage(s)</td>
<td>Provost</td>
<td>Director of International Studies</td>
<td>Provost or Director of International Studies</td>
<td>Director of Marketing and Public Information or Designee</td>
<td>Manager of Digital Marketing and Social Media or Designee</td>
</tr>
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</table>
MSU ALERT
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.

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.

MSU Study Abroad and MSU Flower mound should follow the instructions of local authorities for emergencies and evacuation procedures.
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 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 Evacuation
Evacuation of all or part of the campus will be announced by MSU Texas Police.
All persons (students, faculty, and staff) are to immediately vacate the site in question and relocate to another part of the campus or designated location as directed. When the MSU Alert system is activated, the message will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” concept. University authorities may instruct campus members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an
How to Shelter-In-Place:
• If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where you are.
• If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
• Locate an underground level, interior room without windows, to shelter inside.
• Shut and lock, if possible, all windows and close exterior doors. Doors and windows may need to be barricaded, if possible.
• Turn off air conditioners, heaters, and fans.
• Close vents to ventilation systems, as you are able.
• Make a list of people with you, and ask someone to call the list into the police to inform of your location.

Off-campus Emergencies
The MSU Texas Police Department may receive emergency information from the Wichita Falls Police Department about incidents within the immediate vicinity of campus that could imminently impact the safety of Midwestern State University. When appropriate, MSU Texas Police notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Crime Prevention
The cooperation and involvement of all members of the university community is essential in promoting safety, and is sponsored by various campus departments throughout the year. Students, faculty, and staff must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. An individual's awareness of their surroundings is the best place to start. You should always report any suspicious individuals or vehicles any at campus or university property to the MSU Texas Police Department (940-397-4239) or by contacting your local law enforcement agency.

The University suggests the following crime prevention and personal safety tips, which can contribute to the safety and security of the university community.

<table>
<thead>
<tr>
<th>PERSONAL SAFETY &amp; CRIME PREVENTION TIPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONAL PROPERTY</td>
</tr>
<tr>
<td>• Record the serial numbers to your property and mark personal items with your name or some other traceable identification.</td>
</tr>
<tr>
<td>RESIDENCE HALL/APARTMENTS</td>
</tr>
<tr>
<td>• Keep your room locked and keep your keys with you; do not loan them to others.</td>
</tr>
<tr>
<td>• Do not prop open exterior doors of residence halls.</td>
</tr>
</tbody>
</table>
- Keep your credit cards, debit cards and important documents out of sight and secure.
- Leave items of high monetary value at home.
- Do not leave personal property unattended.
- Do not carry excess cash.
- Keep your purse, backpack close to your body.

**GENERAL INFORMATION**
- At night, travel in well-lighted areas and in pairs, when possible.
- Report incidents or suspicious activity or persons to police:
  1. Call 911
  2. MSU Texas Police: 940-397-4239
  3. Wichita Falls PD: 940-720-5000
- Notify the police if you have a protective order issued against an individual listing Midwestern State University as a protected location.
- Be aware of email scams; if it seems too good to be true, it probably is.

- Do not attach your name and address to your keys.
- Do not let strangers enter the residence halls.
- If someone knocks on your door, find out who it is before you open the door.
- Never give out your personal information.
- Do not leave a message on your door concerning your whereabouts.
- Report any lost or stolen keys immediately.

**VEHICLES**
- Lock your car.
- Keep your car keys with you at all times.
- Do not leave valuable items in your car.
- Do not park in isolated areas.

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**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 2021-2022 academic year, MSU Texas offered multiple 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.
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.

- **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.

- **Security Escorts** – The MSU Texas Police Department will provide security escorts for students, faculty, staff or visitors upon request.

Campus Security Policies

**Missing Persons Protocol**

Every student residing in an on-campus housing facility (including assigned housing in the MSU Texas London study abroad programs) shall have the opportunity annually 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.

Suspected missing students should be reported immediately to the Midwestern State University Police Department by calling 940-397-4239. For the London study abroad program, all missing persons should be reported to the Program Director.

If a student is reported as missing for 24 hours, the University Police Department and Residence Life personnel will initiate their Missing Persons Notification Procedures. University Police or Residence Life may initiate the procedures prior to the 24 hour requirement.

Resident students, regardless of age, are provided the opportunity to designate a confidential contact person or persons whom MSU 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 campus, 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. When students are informed of their option to provide a confidential contact, they are advised that their 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 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 campus will follow the same procedures, but the program staff and local security services will be the appropriate parties to make notification.

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

Midwestern State University Police Department …. (940) 397-4239
Vice President for Student Affairs …………………..(940)397-4291
Dean of Students ……………………………….…..(940)397-7500
Director of Student Rights and Responsibilities ….(940) 397-7500
Director of Residence Life ……………………..(940)397-4217
Associate Director of Residence Life ….……….…(940)397-4217
Responding to an Active Shooter Situation

Campus shooting incidents are unpredictable. A person’s immediate response will depend upon the specific situation he or she is facing.

**Actions to Take in an Active Shooter Situation**

A person should exit the building immediately when he or she becomes aware of the incident and move away from the immediate path of danger. The following additional steps are recommended:

- Notify additional bystanders to immediately exit the area due to a shooter in the building.
- Call 911 and provide the following information to the dispatcher:
  - The exact location of the incident.
  - Number and description of shooters involved.
  - Number of persons involved (Victims/Hostages.)
  - Physical description of known weapons or destructive devices.
  - Injuries to anyone, if known.
  - Exact location.
  - Caller’s name and call back phone number.
- If the caller cannot talk due to an imminent threat, leave the line open so that the dispatcher can hear what is happening and the call can be recorded.

If exiting the building is not possible, consider taking the following action:

- Go to the nearest room or office.
- Close and lock the door(s) and/or windows.
- Turn off the lights.
- Seek protective cover.
- Keep quiet and act as if no one is in the room.
- Do not answer the door.
- Coordinate with others and be prepared to fight if confronted by the shooter prior to the arrival of law enforcement.

Upon calling and providing the aforementioned information to the dispatcher, wait for police personnel to assist in exiting the building.

If not immediately impacted by the incident, take the following action:

- Stay away from the building;
- Notify anyone around to stay away from the building;
- Obey all verbal directions or commands given by police personnel
- Take protective cover, and stay away from all doors and windows.

**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 on the MSU Texas PD website: Run.Hide.Fight

NOTE: Police Officers from multiple agencies are likely to respond to incidents involving an active shooter. Remember that the police are there to isolate and stop the shooter first, and then will make every effort to ensure the wounded are evacuated and provided with medical treatment. In the event police are encountered while still inside of a building, or within an area being targeted by the shooter, a person may be treated as a suspect or a potential threat. The procedures a person may witness are not intended to further traumatize victims, but are instead performed to ensure no potential threats are overlooked and all potential threats are stopped. A bystander should immediately obey all verbal directions and commands given, and realize the police will make every effort to ensure bystanders’ safety.

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://publicsite.dps.texas.gov/SexOffenderRegistry.

(HEOA) Notification to Victims of Crimes of Violence
The Midwestern State University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forceful sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.
Off Campus Safety & Resources
The MSU Texas Police Department does not provide primary law enforcement services to off-campus residences or apartments. The MSU Texas Police Department works in partnership with the Wichita Falls Police Department, Wichita County Sheriff’s Department, Wichita Falls Fire Department and local EMS. MSU Texas Police have direct radio communications with all of these agencies to facilitate rapid response in any emergency.

For assistance, off campus students and employees should contact their local law enforcement or emergency services department. Below is contact information for the local first responder agencies that assist with student properties located off the MSU Texas campus.

<table>
<thead>
<tr>
<th>Wichita Falls Police Dept.</th>
<th>Wichita County Sheriff’s Department</th>
<th>Wichita Falls Fire Dept.</th>
</tr>
</thead>
<tbody>
<tr>
<td>610 Holliday St.</td>
<td>900 7th Street</td>
<td>1005 Bluff Street</td>
</tr>
<tr>
<td>Wichita Falls, TX 76301</td>
<td>Wichita Falls, TX 76301</td>
<td>Wichita Falls, TX 76301</td>
</tr>
<tr>
<td>940-720-5000</td>
<td>940-766-8170</td>
<td>940-761-7901</td>
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</tbody>
</table>

**Off Campus Safety Considerations**

Living off campus requires different considerations for safety:
- Make sure the locks have been changed since the previous tenants moved out.
- List only your first initial and last name on a mailbox.
- Leave lights on or put them on a timer when you are away for an extended time or plan to arrive home after dark.
- If your keys are lost or stolen, change your locks immediately.

When you find a new place to live, prior to moving in and signing a lease, be mindful of security and carefully inspecting your potential home keeping security in mind. Here are some questions to keep in mind:
- How safe is the neighborhood?
- Are there smoke detectors throughout the unit, especially near the bedroom area?
- Is there sufficient lighting indoors and outdoors?
- Is the landscaping maintained to keep windows, doors, and walkways visible and to eliminate hiding places?
- Are there quality locks with a deadbolt on doors, as well as locks on the windows?
- Does the route to walk to and from public transportation appear safe?

**Off Campus Students and Student Organizations**

Midwestern State University has officially recognized student organizations that have non-campus facilities. Most of those facilities are within the jurisdiction of the Wichita Falls Police Department and they respond to those locations when police services are required. The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Midwestern State University students and recognized student organizations, on and at non-campus locations. If Wichita Falls Police respond to a “non-campus” student organization property in response to a citizen complaint or
police officer concern, the police may notify MSU Texas Police to provide support or assistance to one of those locations. However, the police do this out of a courtesy, and they are not “required” to notify or involve MSU Texas Police when they respond to a call involving private property.

When there is a potential that a MSU Texas student is involved in an offense while off campus, MSU Texas Police Officers may assist with the investigation in cooperation with local, state or federal law enforcement. The Wichita Falls Police Department provides information about criminal activity at properties owned or controlled by registered student organizations to the MSU Texas Police Department. If the Police Department learns of criminal activity at off campus or Clery non-campus locations involving students or student organizations officially recognized by the institution, it will forward information about the situation to the Office of Student Rights and Responsibilities.

For purposes of reporting the data in the Annual Disclosure of Crime Statistics section of this report, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. Midwestern State University has no responsibility for security policies, procedures, or safety at these locations.
Campus and Community Notifications
Midwestern State University will provide timely warnings to the campus community about reported crimes in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes. The University works to provide information to students and employees about campus security procedures and encourages them to be responsible for their own security and the security of others. Students and employees are kept informed about crimes or emergencies occurring on campus or immediately adjacent to campus. In addition to this information, the MSU Texas Campus Community is given information on prevention strategies through a variety of non-emergency communications channels.

**Daily Crime Log and Fire Log**

One method of disseminating crime and safety information is the publication of the Daily Crime and Fire Log. MSU Texas Police Department maintains a daily crime and fire log of the last 60 days of reported incidents and is available for public inspection at the MSU Texas Police Department during normal business hours, or online at [https://msutexas.edu/police/clery-resources/index.php#crime-log](https://msutexas.edu/police/clery-resources/index.php#crime-log). The log includes offenses reported to the MSU Texas Police Department which occurred on campus, in or on a non-campus building or property, public property immediately adjacent and accessible to campus, or within the patrol jurisdiction of the police department. The log also contains information regarding fires that occurred within on campus residential facilities and contains the date the fire was reported, the nature of the fire, date and time of the fire, and the general location of the fire.

**Timely Warning Notice Procedures**

It is the policy of Midwestern State University to issue timely warning notices (also known as “Crime Alerts”) to its campus communities when certain crimes are reported within the MSU Clery Geography (On Campus, Public Property and Noncampus property), and which are assessed in the judgment of the MSU Texas Chief of Police, or designee, to represent an ongoing or serious threat to a campus community. Such warnings shall be provided in a timely manner to students and employees of a specific campus that may be threatened, in a way that withholds the names of victims as confidential, and that will aid in the prevention of similar crimes.

Crimes/Incidents assessed for purposes of timely warning dissemination:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger university community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the MSU Police Department and/or other law enforcement agency)
• Major incidents of arson
• Other crimes as deemed necessary by the Chief of Police, or his or her designee

A timely warning notice will be distributed when it is assessed that a crime poses an ongoing or serious threat to members of an MSU community (this includes crimes 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). An exception to this mandate is that a timely warning notice may be withheld if dissemination of the notice would risk compromising law enforcement efforts. Crimes will be assessed if they are reported to the MSU PD or location-specific designee, directly, indirectly (such as through a campus security authority), or by another law enforcement agency.

The first campus official (including university police officers) receiving notice of a crime listed above occurring on an MSU campus, or any other crime or incident which apparently poses a serious or ongoing threat to members of a MSU campus community, shall immediately notify the MSU Chief of Police, or his or her designee (the Chief’s designee is normally the next highest-ranking officer of the Department). The Chief of Police or designee, in conjunction with the Vice President for Student Affairs (VPSA), will assess a report of a crime or serious incident and determine whether issuance of a timely warning notice is warranted. Factors taken into account for assessing whether a timely warning notice will be issued include:

1) the nature of the crime,
2) the continuing danger to the campus community, and
3) the possible risk of compromising law enforcement efforts [should a timely warning notice be issued].

If the VPSA cannot be reached immediately, the Chief or designee will proceed with the assessment unilaterally. If a timely warning notice is deemed warranted, the Chief or designee will prepare the timely warning notice and forward it by email to the Director of Marketing and Public Information Office and he or she will cause the notice to be disseminated, via blast email, to all students and employees of the particular campus affected. If the Director of Marketing and Public Information Office is not immediately available, the Chief or designee shall disseminate the notice himself or herself, in the same manner (blast email to the affected campus).

Although not required by Federal Law, timely warning notices may also be distributed for crimes that occur at areas outside of the University’s Clery Act geographic areas, if the crime is deemed to pose an ongoing threat to a 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 a campus community.

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

• Date and time or timeframe of the incident
• A brief description of the incident
• The general 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.).

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.

The Chief of Police or his designee, based on the uniqueness of a case, may also choose to disseminate the Crime Alert utilizing any or all of the following methods:

• The MSU Alert System
• Via email through the student and staff portals,
• Via Twitter feed, and
• Via Facebook.

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 Crime Alert will be maintained in Clery records, in the Police Chief’s office.

The University does not generally issue timely warning notices if:
1. The suspect(s) is apprehended and the threat of imminent danger for members of the campus community has been mitigated by the apprehension.
2. The MSU PD 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 MSU PD to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.
3. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Public Safety Advisories may be distributed for crimes (ex. a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the university community, but are to be clearly marked as “Public Safety Advisories” so as to distinguish them from Crime Alerts.
Location Specific Procedures

The Study Abroad – London Campus is in operation for approximately one month each year, usually during the month of July. During that month of operation, the Director of Global Education shall be responsible for ensuring MSU’s compliance with the Clery Act, as it relates to the issuance of timely warning notices to MSU London students, for crimes occurring at the London campus. The Director shall perform all of the functions assigned to the Chief of Police in the preceding section including, but not limited to, consulting with the VPSA and the Chief of Police to assess the necessity of a timely warning notice, drafting the timely warning notice, and ensuring its timely email dissemination to the MSU Study Abroad – London campus community, by use of an email distribution list.

MSU Flower Mound facility consists of a single building located in Parker Square, Flower Mound, Texas. This facility is operated in conjunction with North Central Texas College (NCTC). Crimes and serious incidents occurring at the Flower Mound facility are assessed for timely warning notice issuance by the NCTC Police Department, which maintains a police presence at the facility.

The institution is not required to issue a Timely Warning Notice with respect to crimes reported to a pastoral or professional counselor.
Alcohol, Illegal Drugs, Substance Abuse, and Weapons
Policies Governing Alcohol, Drugs, and Weapons

Midwestern State University is committed to providing students, faculty, staff and visitors a safe and drug-free campus. As part of its commitment, MSU Texas annually notifies its students and employees about the components of the Midwestern State University Drug and Alcohol Abuse Prevention Program (DAAPP). This document includes information about the standards of conduct, sanctions for violations of university policy, legal ramifications of drug and alcohol abuse, the health risks of alcohol and illicit drug use, and a summary of university prevention and education efforts. You may access the DAAPP here: https://msutexas.edu/human-resources/daapp-2020.pdf

The Division of Student Affairs office is responsible for implementation and oversight of the Drug and Alcohol Abuse Prevention Program for students at MSU Texas. The Department of Human Resources is responsible for the employee program. Midwestern State University has developed programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. These programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and college disciplinary actions.

Standards of Conduct
Midwestern State University prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on University property or as a part of any officially sponsored University activity. The Chief of Police has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws. Policies and procedures adopted by the Texas Tech System Board of Regents and Midwestern State University relating to the standards of conduct expected of its students and employees in the area of illicit drugs and alcohol are provided in the Student Handbook and in the university’s operating policies and procedures.

Drug and Alcohol Abuse Counseling Services
Trained personnel in the MSU Counseling Center are available to counsel university students who voluntarily seek assistance and have not been charged with violation of university policy.

University faculty and staff employees who wish to seek assistance or counseling may access these services through Blue Cross Blue Shield of Texas (1-800-252-8039). Faculty and staff employees may contact the Department of Human Resources if they need assistance in locating these services.

Heath Risks of Alcohol and Drugs

Alcohol's Effects on the Body
Drinking too much – on a single occasion or over time – can take a serious toll on a person’s health. Below is information about how alcohol can affect the human mind and body.
Brain
Alcohol interferes with the brain’s communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart
Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:
- Cardiomyopathy – stretching and drooping of heart muscle
- Arrhythmias – irregular heart beat
- Stroke
- High blood pressure

Immune System
Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body’s ability to ward off infections – even up to 24 hours after getting drunk.

Liver
Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:
- Alcoholic hepatitis
- Steatosis or fatty liver
- Fibrosis
- Cirrhosis

Pancreas
Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer
Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen.

The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer:
• **Breast cancer.** Epidemiologic studies have consistently found an increased risk of breast cancer with increasing alcohol intake. Pooled data from 118 individual studies indicates that light drinkers have a slightly increased (1.04-fold higher) risk of breast cancer, compared with nondrinkers. The risk increase is greater in moderate drinkers (1.23-fold higher) and heavy drinkers (1.6-fold higher). An analysis of prospective data for 88,000 women participating in two US cohort studies concluded that for women who have never smoked, light to moderate drinking was associated with a 1.13-fold increased risk of alcohol-related cancers (mostly breast cancer).

• **Colorectal cancer.** Moderate to heavy alcohol consumption is associated with 1.2- to 1.5-fold increased risks of cancers of the colon and rectum compared with no alcohol consumption.

• **Esophageal cancer.** Alcohol consumption at any level is associated with an increased risk of a type of esophageal cancer called esophageal squamous cell carcinoma. The risks, compared with no alcohol consumption, range from 1.3-fold higher for light drinking to nearly 5-fold higher for heavy drinking. In addition, people who inherit a deficiency in an enzyme that metabolizes alcohol have been found to have substantially increased risks of esophageal squamous cell carcinoma if they consume alcohol.

• **Head and neck cancer.** Moderate to heavy alcohol consumption is associated with higher risks of certain head and neck cancers. Moderate drinkers have 1.8-fold higher risks of oral cavity (excluding the lips) and pharynx (throat) cancers and 1.4-fold higher risks of larynx (voice box) cancers than non-drinkers, and heavy drinkers have 5-fold higher risks of oral cavity and pharynx cancers and 2.6-fold higher risks of larynx cancers. The risks of these cancers are substantially higher among persons who consume this amount of alcohol, and also use tobacco.

• **Liver cancer.** Heavy alcohol consumption is associated with approximately 2-fold increased risks of two types of liver cancer (hepatocellular carcinoma and intrahepatic cholangiocarcinoma).

Sources: The National Institute on Alcohol Abuse and Alcoholism, National Cancer Institute

**Drugs’ Effects on the Body**

All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. Below is information about how drugs can affect the human mind and body.

**Narcotics (Fentanyl, Heroin, Hydromorphone, Methadone, Morphine, Opium, Oxycodone)**

- **Effects on the Mind:** Narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs’ abuse. Narcotic/opioid use comes with a variety of unwanted effects, including drowsiness, inability to concentrate, and apathy.

- **Effects on the Body:** Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily on the dose, how it is taken, and previous exposure to the drug. Negative effects include slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent
that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.

**Simulants (Amphetamines, Cocaine, Khat, Methamphetamine)**

- **Effects on the Mind:** When used as drugs of abuse and not under a doctor’s supervision, stimulants are frequently taken to produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and “get high”
  
  Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur. Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenidate, methamphetamine, cocaine, and methcathinone. Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a “crash.”

- **Effects on the Body:** Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken. Taking too large a dose at one time or taking large doses over an extended period of time, may cause such physical side effects as dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.

**Depressants (Barbiturates, Benzodiazepines, GHB, Rohypnol)**

- **Effects on the Mind:** Depressants used therapeutically do what they are prescribed for: induce sleep, relieve anxiety and muscle spasms, and prevent seizures. They also cause amnesia, leaving no memory of events that occur while under the influence, reduce reaction time, impair mental functioning and judgment, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.

- **Effects on the Body:** Some depressants can relax the muscles. Unwanted physical effects include slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. However, unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

**Hallucinogens (Ecstasy/MDMA, Ketamine, LSD, Peyote & Mescaline, Psilocybin)**

- **Effects on the Mind:** Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain
aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.

- **Effects on the Body:** Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

**Marijuana/Cannabis**

- **Effects on the Mind:** When marijuana is smoked, the tetrahydrocannabinol (THC) passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:
  - Dizziness, nausea, tachycardia, facial flushing, dry mouth, and tremor initially
  - Merriment, happiness, and even exhilaration at high doses
  - Disinhibition, relaxation, increased sociability, and talkativeness
  - Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch
  - Heightened imagination leading to a subjective sense of increased creativity
  - Time distortions
  - Illusions, delusions, and hallucinations are rare except at high doses
  - Impaired judgment, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in risk taking behavior
  - Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose
  - Increased appetite and short-term memory impairment are common

- **Effects on the Body:** Short-term physical effects from marijuana use may include sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as restlessness, irritability, sleep difficulties, and decreased appetite.
Steroids

- **Effects on the Mind**: Case studies and scientific research indicate that high doses of anabolic steroids may cause mood and behavioral effects. In some individuals, steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression (often referred to as “roid rage”). When users stop taking steroids, they may experience depression that may be severe enough to lead one to commit suicide. Anabolic steroid use may also cause psychological dependence and addiction.

- **Effects on the Body**: A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver. Users who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the sight of injection. Users may also develop endocarditis, a bacterial infection that causes a potentially fatal inflammation of the heart lining.

Inhalants

- **Effects on the Mind**: Inhalant abuse can cause damage to the parts of the brain that control thinking, moving, seeing, and hearing. Cognitive abnormalities can range from mild impairment to severe dementia.

- **Effects on the Body**: Inhaled chemicals are rapidly absorbed through the lungs into the bloodstream and quickly distributed to the brain and other organs. Nearly all inhalants produce effects similar to anesthetics, which slow down the body’s function. The user can experience slight stimulation, feeling of less inhibition, or loss of consciousness. Within minutes of inhalation, the user experiences intoxication similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, users may feel drowsy for several hours and experience a lingering headache. Additional symptoms exhibited by long-term inhalant users include:
  - Weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, and damage to the nervous system and other organs.
Some of the damaging effects to the body may be at least partially reversible when inhalant abuse is stopped; however, many of the effects from prolonged abuse are irreversible.

Prolonged sniffing of the highly concentrated chemicals insolvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes. There is a common link between inhalant use and problems in school — failing grades, chronic absences, and general apathy.

Paint or stains on body or clothing; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability


Drug and Alcohol Prevention and Education Programs

The university places considerable emphasis on prevention programs, teaching basic behavioral skills, increasing awareness of the dangers of high-risk behavior, and aiming to shift social norms and correct misperceptions about what substance safety risk behaviors students are actually engaging in. Following is a listing of relevant prevention and education initiatives.

In compliance with the Drug Free Schools and Communities Act, Midwestern State University publishes information regarding MSU Texas prevention programs related to drug and alcohol abuse prevention. The Drug and Alcohol Abuse Prevention Program (DAAPP) includes standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and Midwestern State University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for MSU Texas students and employees. A complete description of these topics, as provided in the Midwestern State University’s annual notification to students and employees, is available online at: https://msutexas.edu/human-resources/index.php.

**AlcoholEdu, Office of the Dean of Students**
AlcoholEdu is a 1.5 hour online training program required of all incoming MSU Texas undergraduates under the age of 25. Entering undergraduates 25 and older and graduate students are invited to complete the training, but not required. A required student is ineligible to register for the subsequent long semester courses until the training is complete. The training incorporates the latest evidence-based prevention methods to create a highly engaging user experience that inspires students to reflect on and consider changing their drinking habits in addition to providing strategies for staying safe while in college.

**AlcoholEdu (Sanctions Module), Office of Student Rights and Responsibilities**
AlcoholEdu for Sanctions is designed specifically to help students who have violated campus alcohol policies to make safer and healthier choices and to avoid experiencing alcohol related problems again. The course provides a strong educational foundation to support campus judicial
programs and is an essential component of a comprehensive alcohol prevention initiative. The course re-emphasizes the skills and topics important for this particular group of students to reconsider, such as standard drink measurements, factors affecting blood alcohol content and how to identify and respond to alcohol poisoning. The goals for this course are to help educate students to make different drinking choices and reduce their participation in behaviors that will lead to additional sanctions.

**Campus Safety Program at Orientation, Admissions & Student Leadership and Involvement**

All new students at freshman and transfer orientation participate in a campus safety program that addresses alcohol and drug use among college students. The program is presented in a talk show or play format, followed by small group facilitated discussion led by returning student leaders.

**College Connections, Tutoring and Academic Support Programs**

College Connections is a first year seminar for new undergraduates. The curriculum includes a unit on wellness discussing the harmful effects of substance abuse. Students also receive a more intimate look at the resources on campus and in our local community relevant to wellness, should they ever need to seek help. Instructors also build in reminders to complete the University’s *Think About It* training program to help ensure students complete their modules on alcohol, drug, and sexual misconduct awareness.

**Community Partners Program, Vinson Health Center**

Multiple community resources address various aspects of health problems generated by behavioral issues. Our community partners program systematically coordinates the student health center with the City County Health Department. This has provided coordinated STI testing and tracking, free condom distribution, and on-campus presence of public health for STI screening on HIV/AIDS Awareness Day. We also coordinate education on STI’s by providing continuing education credits to addiction professionals, juvenile justice workers, professional counselors, marriage and family counselors, and social workers. We have also established an expedited counseling, testing, and treatment program with the HIV Preventive Services Office, providing onsite, immediate services for patients with a positive HIV screening test.

**Conduct Referrals, Residence Life and Housing**

Residence Life and Housing makes multiple student conduct referrals on the basis of alleged alcohol or drug violations. In addition to following University conduct procedures in these instances, an educational approach helps connect students with supportive campus partners, such as the Counseling Center, as applicable.

**Employee Health Insurance, Office of Human Resources**

Benefits eligible staff and faculty enrolled in health insurance have access to health programs to support their mental, emotional, and physical well-being, which promotes the organizational health and effectiveness of the university community. Included with the employee health insurance program, tobacco and other drug cessation programs are available, including a Quitting Tobacco program and Staying Tobacco Free program. The University medical insurance provider, Blue Cross Blue Shield of Texas, offers other cessation programs and prescription drugs at no cost. Additionally, a 24/7 Mental Health Support Line (1.800.442.4093) is available
through which members and eligible dependents can speak with a counselor about mental health or substance use issues at any time.

**Housing Staff Training, University Police**
The University Police Department trains Resident Assistants (RAs) and Hall Directors (HDs) for in Clery Law compliance, which includes response and reporting of alcohol and drug violations.

**Internal Awareness and Intervention Program, Vinson Health Center**
MSU provides discrete detection, prevention, and treatment to students at the Vinson Health Center. Every student is screened for emotional concerns, alcohol use, tobacco use, and substance use; positive answers are followed by motivational interviewing and treatment as indicated. We have developed an expedited STI screening process that is RN directed. The STI screening process involves interview, counseling, testing, and a sexual health product bag. Monthly well woman classes provide accurate and practical knowledge regarding women’s health, STI’s, and gynecologic issues. We provided office space for a counselor from First Step in the clinic and coordinated private appointments for the counselor.

**Marijuana 101, Office of Student Rights and Responsibilities**
Marijuana 101 is an online course used for sanctioning pursuant to violations of the University drug policy. The course provides an exploration of a student’s attitudes, behaviors, and risk levels related to marijuana use. The lessons provide an overview of marijuana’s effects on the body, the laws related to marijuana, and how to reduce or stop marijuana use.

**Mustangs Shuttle and MESA Bus Service, Office of the Dean of Students**
The Mustangs Shuttle and MESA is a service provided by the City of Wichita Falls, which offers free shuttle rides to and from the university while classes are in session. The Mustangs Shuttle operates Monday-Thursday until 10pm, while the MESA operates Friday-Saturday until midnight.

**New Member Institute, Student Leadership and Involvement**
Each semester, all new members of Greek-letter organizations participate in a series of educational programs through the New Member Institute intended to educate new members about the responsibilities of fraternity and sorority life membership, and bring awareness to the important topics of alcohol, drugs, hazing, sexual misconduct, diversity/inclusion, and scholarship.

**Outreach Presentations, Counseling Center**
Programs are planned and presented on request by student organizations on topics including safe partying and substance abuse. Organizations which are members of the fraternity and sorority system at the University typically request a program annually.

**Outreach/Education Program, Vinson Health Center**
As health experts, we both provide and participate in educational opportunities beyond the clinic walls. These include education on STI’s and on contraception provided each semester to senior nursing classes, sociology classes (human sexuality), and to incoming freshmen. Vinson Health Center staff have participated in educational activities to enhance understanding of the Clery Act,
VAWA, Title IX, and hosted an in-service by the local SANE nurse program. Vinson Health Center staff has provided expertise on STI’s and women’s health to the combined sororities on campus, and has contributed to National Women’s Day and other Campus Climate activities.

**Psycho-Educational Substance Abuse Counseling, Counseling Center**
Group therapy sessions centered on the issues of alcohol and drug use are available monthly and presented by a Licensed Chemical Dependency Counselor. Referrals to the sessions are made through the Counseling Center.

**Residence Hall Programming, Residence Life and Housing**
Residence Life staff focus programming through a traditional wellness model. Alcohol and drug awareness programming are included in this model each semester. Resident Assistants and Hall Directors are the primary staff members responsible for hosting these events within their respective residence hall.

**Safe Spring Break, Residence Life and Housing**
Residence Life and Housing conducts a campus-wide spring break safety program each March titled to promote healthy student behaviors during spring break. Alcohol and drug information is included in this annual program.

** Sexual Assault Awareness Month, Title IX Office**
Each April, collaborative programming is offered to raise awareness and enhance prevention of sexual misconduct/assault. These programs include speakers, workshops, trainings, and information campaigns. Included in many of these programs is information about the interrelationship between alcohol use and sexual misconduct, as well as the role alcohol/drugs play in determining affirmative consent.

**Speakers/Performances, Counseling Center & Title IX Office**
Each year, the Counseling Center and/or Title IX Office sponsors a major program for students, which includes content on awareness/abuse.

**Spring Break Safety, University Police**
The University Police Department conducts presentations, which covers alcohol and drug safety.

**Step-Up Bystander Intervention Training, Athletics**
Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Gold award and recently was identified as a ‘Best Practice’ by the NCAA Sports Science Institute of national and international scholars.

**Student-Athlete Development, Athletics**
The Athletic department provides various types of life skills workshops to enhance the lives of student-athletes. The Drug and Alcohol Prevention program is one that focuses on the negative effects drugs and alcohol has on the human body as it pertains to athletics. These educational workshops provide the opportunity for student-athletes to ask questions and become more knowledgeable about the services available to them on campus.
**Student Organization Risk Management Training, Student Leadership and Involvement**

Student organization leaders are required to complete annual Risk Management training. Alcohol is a specific topic included in the training. The training focuses on building knowledge and skill amongst student organization leaders to minimize and address risk and enhance the health and safety of students and other members of the MSU community.

**Student Success Series, First2Go**

The student success series provides student programs on various topics important to undergraduate student success. A program titled Sex, Drugs, Alcohol and Everything in Between by Julia Garcia was presented to students and included stories of real life experiences of excessive partying that ultimately led to a sexual assault, death of a best friend and infamous night that almost took the entire college experience away completely.

**Disciplinary Sanctions for Drug and Alcohol Violations**

Where violation of the MSU Drug-Free Schools and Communities Act Policy is found, the university will, in accordance with established procedures of Midwestern State University and the Texas Tech System Board of Regents, take appropriate disciplinary action against such students or employees, up to and including expulsion or termination of employment. Additionally, The University may require such students or employees to participate satisfactorily in an off-campus drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. The cost of such programs, not covered by applicable insurance, shall be borne by the individual.

Students or employees found in violation of university policy or 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(s).

**Weapons Policy**

Midwestern State University is committed to providing a safe and secure learning, working and living environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals who are licensed to carry may do so on the MSU Texas campus premises except in locations and at activities prohibited by law or by Midwestern State University policy 4.116. The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place on MSU Texas campus premises per section 30.05 of the Texas Penal Code.

**Locations and Activities where Concealed Handguns are Prohibited.**

A license holder is prohibited from carrying a concealed handgun onto the campus premises where prohibited by law and where prohibited by Midwestern State University policy 4.116.
based on the nature of the student population, specific safety concerns, uniqueness of the campus
environment, and special or unique uses.

1. Concealed handguns are prohibited:
   a. at a location where a high school, collegiate, or professional sporting event or
      interscholastic event is taking place as prohibited under section 46.035(b)(2) of
      the Texas Penal Code, or where a sports club or intramural athletic competition is
      taking place;
   b. at a location used as a church, synagogue, or other established place of religious
      worship as prohibited under section 46.035(b)(6) of the Texas Penal Code;
   c. at a location designated as a polling place on the day of a federal, state, or local
      election, including while early voting is in progress as set out in section
      46.03(a)(2) of the Texas Penal Code;
   d. at a location where the campus premises is used by a court unless the handgun is
      carried pursuant to written regulation or written authorization of the court in
      accordance with section 46.03(a)(3) of the Texas Penal Code;
   e. in a nonpublic, secure portion of the MSU Police Department used to conduct
      official business as prohibited under section 411.207(b) of the Texas Government
      Code;
   f. in any laboratory, room, or storage area with extremely dangerous chemicals,
      biologic agents, or explosive agents, and areas with equipment that is
      incompatible with metallic objects, as defined by this policy;
   g. where state or federal law or contract, at the sole discretion of the state or federal
      government or organization with whom the contract is entered, requires exclusion
      of a handgun in a specific location, including the MSU Testing Center, and the
      exclusion does not generally prohibit or have the effect of generally prohibiting
      license holders from carrying concealed handguns on the campus premises;
   h. at a location where medical, health, or clinical services are provided, specifically
      Vinson Health Center, Gaines Dental Hygiene Clinic, MSU Counseling Center,
      West College of Education Counseling Center, and MSU Psychology Clinic,
      including offices within each of these clinics or centers;
   i. at a location where services (e.g., activities/camps) to minors are provided,
      specifically locations used for Pre-K through Grade 12 activities/camps on the
      MSU Campus, including residence halls and other buildings used for summer
      camps and other scheduled activities where school-age children are on the MSU
      campus, SAT and ACT testing on the MSU campus, and University
      Interscholastic League (UIL) events held on the MSU campus;
   j. at a location where intercollegiate, club, intramural, and sporting and athletic
      activities and events occur on the campus premises, specifically the D. L. Ligon
      Coliseum, MSU Softball, Soccer and Tennis Centers, and Redwine Wellness
      Center, and fields or other areas on campus premises utilized for such events;
   k. at a location where any meeting, hearing, or other occurrence that involves formal
      grievances, discipline, dismissal, or remediation of students, faculty, or staff; and
   l. in the room or rooms where a meeting of a governmental entity is held and if the
      meeting is an open meeting subject to Chapter 551, Government Code, and the
      entity provided notice as required by that chapter.
2. Concealed handguns are prohibited at the following Activities: where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically D. L. Ligon Coliseum, MSU Softball, Soccer, and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events.

Campus Housing
A concealed handgun may be carried or stored in campus housing as set out in policy. Any time a handgun in a campus housing facility is not in the immediate care, custody, or control of the owner, that handgun must be stored within secure gun storage. No gun storage will be provided by MSU Texas; however, secure gun storage safes may be rented through the Office of Residence Life and Housing for use in campus housing.

Temporarily Prohibiting Concealed Handguns on Campus Premises
The President or President’s designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premises:
   a. when the activity has a history for violence;
   b. where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations presents a reasonable threat to health or safety; or
   c. upon request of the University Chief of Police when it reasonably appears there is threat of injury to human life, destruction to University property, or a threat of willful disruption of orderly operation of the University as defined in section 51.231 of the Education Code, or upon receipt of credible information of imminent injury to human life or destruction to University property.
RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
Policy Statement

Midwestern State University proactively addresses domestic violence, dating violence, sexual assault and stalking incidents. Violence and the fear of violence can disrupt the working and learning processes of the university community. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. Midwestern State University prohibits discrimination based on sex (which includes pregnancy, sexual orientation, gender identity, and gender expression), and other types of Sexual Misconduct. Sexual Misconduct includes Title IX Sexual Misconduct, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence (dating and domestic violence), sexual violence, and any other misconduct based on sex. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed. MSU Texas 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.

The University strongly urges students, faculty, staff, and third parties to promptly report incidents of prohibited conduct as provided in this policy. Responsible Employees of the University are required to promptly report incidents of prohibited conduct. The University will respond to all reports of prohibited conduct and the University will conduct a prompt, fair, and impartial investigation and resolution for complaints and, where appropriate, issue remedial measures and/or sanctions. The standard of evidence that will be used in investigating and resolving complaints made under this policy is the “preponderance of the evidence” standard. This standard is met if the allegation is deemed more likely to have occurred than not.

In an effort to reduce the risk of the occurring among its students, the University utilizes initiatives to promote awareness, education, risk reduction and prevention. Midwestern State University offers programming every year to identify and prevent sexual assault (including stranger and known-offender assaults), domestic violence, dating violence and stalking. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted within the residence halls, to registered student organizations, fraternity and sorority life, and to on-campus students. Both awareness and primary prevention programs offered throughout the year include strong messages regarding topics such as bystander intervention and consent. Programs discuss institutional policies on sexual misconduct, sexual assault, domestic violence, dating violence and stalking; the Grievance Process associated with these incidents; and the Supportive Measures available to parties should they need them. Programs offer information on risk reduction, how to recognize warning signals, and how to avoid potential attacks.

Discrimination based on sex and other types of sexual misconduct (including the reporting and prevention of, and the grievance process and remedies for sexual misconduct) in the MSU
community, is governed by Texas Tech University System Regulation 07.06 Sexual Misconduct, which includes two distinct policies and procedures based on applicable federal and state law:

a. System Regulation 07.06A Title IX Sexual Misconduct, and

b. System Regulation 07.06B Non-Title IX Sexual Misconduct.

Definitions

For purposes of this policy, the below definitions apply. However, some of these terms are also defined under federal and/or Texas State law. For more information regarding state law definitions, please refer to the end of this section.

**Formal Complaint:** Document filed by a complainant or signed by the University's Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation(s) of sexual misconduct.

**Complainant:** An individual, who must be participating or attempting to participate in the University's education program or activity, who is alleged to be the victim of conduct that could constitute sexual misconduct.

**Consent:** Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individuals' ability to exercise their own free will to choose whether or not to engage in sexual activity. This definition will be used for investigative purposes and formal hearings.

**Incapacitation:** A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.

**Respondent:** The individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

**Responsible Employee:** All employees, except for those designated by the University as an individual whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee’s communications confidential or privileged under other law, are responsible employees who must report allegations of Title IX sexual misconduct, including all known information concerning the incident, to the Title IX Coordinator.

**Retaliation:** Any action that adversely affects the academic, employment, or other institutional status of a student or employee of the University, visitor, applicant for admission to or employment with the University, because an individual has, in good faith, brought a complaint to the university.
Title IX Sexual Misconduct: Conduct that allegedly occurred against a person in the United States, in a University's education programs or activities, on the basis of sex, and that satisfies one or more of the following:

1. Sexual Harassment- Quid Pro Quo: A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. Sexual Harassment- Severe, Pervasive, and Objectively Offensive Conduct: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Non-Title IX Sexual Misconduct Definitions

In addition to the Title IX Sexual Misconduct and VAWA/Clery definitions, the Non-Title IX Sexual Misconduct policy also utilizes the following definitions:

Sexual Assault: Sexual contact or intercourse with an individual without that individual’s consent, including sexual contact or intercourse against an individual’s will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:

- Nonconsensual Sexual Contact: Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes: (1) intentional contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.
- Nonconsensual Sexual Intercourse: Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

Sexual Exploitation: Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual’s full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one’s genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual’s full knowledge and consent.

Sexual Harassment: Unwelcome, sex-based verbal or physical conduct that:

- In the employment context, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment. To constitute
an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive;

- In the education context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student’s ability to participate in or benefit from educational programs or activities.
- Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) exposing one’s genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

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

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

**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.
- **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.

**Domestic Violence**
A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
• By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
• 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.

Dating Violence
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
• Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
• Dating violence does not include acts covered under the definition of domestic violence.

Stalking
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
• Fear for the person’s safety or the safety of others; or
• Suffer substantial emotional distress.
For the purposes of this definition:
• 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.
• Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Texas Criminal Laws
While Midwestern State University uses different standards and definitions than the Texas Criminal Code, sexual misconduct often overlaps with the crimes of sexual assault, domestic violence, dating violence or stalking. Victims of these crimes are protected by federal laws, specifically Title IX and the Clery Act, which mandates the contents of this report. If a person would like to file criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply, not the internal definitions used in this policy.

Texas Penal Code and Texas Family Code
Title 5, Chapter 22, Sec. 22.011. SEXUAL ASSAULT

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A person commits an offense of sexual assault if:
1. the person intentionally or knowingly:
   a. causes the penetration of the anus or sexual organ, or the mouth of another person by any means, without that person's consent;
2. regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
   a. causes the penetration of the anus or sexual organ, or the mouth of a child (under 17) by any means;

A sexual assault 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, violence, or coercion;
2. the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to 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;

Sexual Assault is a felony of the second degree.

Title 4, Chapter 71, Title 4, Sec 71.004 DOMESTIC (FAMILY) VIOLENCE
A person commits an offense if the act by a member of a family or household is against another member of the family or household that
1. is intended to result in physical harm, bodily injury, assault, or sexual assault
2. that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault
3. but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.”

Domestic (Family) Violence is a class A misdemeanor.

Title 4, Chapter 71, Title 4, Sec 71.0021 DATING VIOLENCE
A person commits an offense: if the act, other than a defensive measure to protect oneself, by an individual is committed against
1. a victim with whom the actor has or has had a dating relationship
2. because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
3. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

Dating relationship means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the
relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship.

Dating Violence is a class A misdemeanor.

Title 9, Chapter 42, Sec. 42.072. STALKING
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 this section, 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
   c. that an offense will be committed against the other person's property;
   d. causes the other person to be placed in fear of bodily injury or death
   e. would cause a reasonable person to:

Stalking is a felony of the third degree

Chapter 1, Title 1, Sec 1.07(11)
Consent is defined as assent in fact, whether express or apparent.

Be an Active Bystander
Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are “individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.” The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911, if 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 he or she could be in trouble or need help, ask if he or she is ok.
2. Confront people who seclude, hit on, attempt 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 policy for support in health, counseling, or with legal assistance.
Further information regarding bystander intervention may be found by contacting the Student Rights and Responsibilities Office at 940-397-4035. If you or someone else is in immediate danger, call MSU Texas Police at 940-397-4239, or by dialing 911.

Risk Reduction

Risk reduction strategies are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings.
- Try to avoid isolated areas.
- Walk with purpose.
- If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged.
- Don't allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together and leave together.
- If you see something suspicious, contact law enforcement immediately
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call.
- Don't accept drinks from people you don't know or trust.
- Watch out for your friends, if a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately.
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try.
  - Remember that being in this situation is not your fault.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do.
  - Have a code word with your friends or family so that if you don’t feel comfortable you can call them

1 Burn, S.M. A situational model of sexual assault prevention through bystander intervention. Sex Roles, 60, 779-792.
Lie. If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors?

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.

Midwestern State University administers educational programming consisting of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

1. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act).
2. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking as defined by the Violence Against Women Act (VAWA).
3. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms.
4. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the Texas Tech System Regulations, the Code of Student Conduct, and Texas State law. Consent is defined as mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individuals' ability to exercise their own free will to choose whether or not to engage in sexual activity. This definition will be used for investigative purposes and formal hearings.
5. Provide a description of safe and positive options for bystander intervention.
6. Provide information on risk reduction.
7. Provide information regarding:
   a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs.
   b. How the institution will protect the confidentiality of victims and other necessary parties.
c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community.
d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

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

**Primary Prevention and Awareness Programs**

**Incoming students** - Midwestern State University offered the following primary prevention and awareness program for all incoming students:

**Everfi** - All new Midwestern State University undergraduates under the age of 25 and non-distance education students must complete a comprehensive online training course from Everfi called “Sexual Assault Prevention for Undergraduates.” The course features Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs. 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.

**New Employees** Midwestern State University offered the following primary prevention and awareness program for all new employees:

**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 Programs**

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, bystander intervention programming; and programming specific to developing healthy relationships. The following are
some specific examples of annual programs currently offered by the University. This list is not all inclusive:

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

**Student Affairs** – Office of Student 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.

**Title IX Office** – The Title IX Office oversees the university's primary prevention and education programming related to sexual assault, interpersonal violence, and sexual harassment.

- Mustangs Roundup – Safety/Responsibility/Consent Training Sessions – Information sessions held with incoming and transfer students. Parents may also attend the sessions to learn more about campus safety.
- Consent Day – Consent day is an event sponsored by the Office of Title IX and the VIP Peer Educations to promote consent and a better understanding of consent. Students are asked to explain what consent means and how it is communicated.
- Domestic Violence Awareness – Cycle of Violence – October The VIP Peer Educators and the Office of Title IX invite the local domestic violence shelter (First Step) to come and speak with students about the cycle of domestic violence and different forms of violence within a relationship.
- Healthy Relationships Red Flags – Students are asked to give examples from popular media such as television and movies depicting healthy relationships.
- Stalking and Human Trafficking – The VIP Peer Educators and the Office of Title IX educate students on stalking behaviors and resources available on and off campus to help.
- Denim Day – Annual sexual assault awareness event that works to start conversations about the destructive attitudes surrounding sexual assault, such as victim-blaming.
- Take Back the Night - The campus community participates in the worldwide effort to combat sexual violence and violence against women. We challenge our campus community to work with us to end sexual violence in all forms and support survivors in their healing. Take Back The Night is filled with opportunities to learn, engage with resources, and support those affected.
Office of Residence Life and Housing – Offers multiple programs 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 – Step-Up Bystander Intervention Training**

Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Gold award and recently was identified as a ‘Best Practice’ by the NCAA Sports Science Institute of national and international scholars.

**Safe Spring Break** - An event held on campus with various campus departments participating. Departments include Title IX, Counseling Center, Police Department, Wellness Center, Vinson Health Center, Student Leadership and Involvement, and Residence Life and Housing. 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, several ongoing awareness and prevention programs are arranged by departments within the Division of Student Affairs: It's On Us Pledge Campaign, Campus Climate Survey, Inclusion Now! Festival, Clothesline Project, Myths & Facts Poster Campaign, Yes! Yes! Yes! A Conversation About Consent, Personal Safety & Self Defense Workshop, Welcome to College: Interactive Theatre, Reporting Sexual Violence Panel, Coffee Talks: Peer Conversations About Sexual Assault, Trauma Informed Yoga, Sex Signals.

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

*The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.*

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the United Regional Hospital. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.
If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. 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.

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 College adjudicators/investigators or local police.

**Involvement of Law Enforcement and Campus Authorities**

Although the University strongly encourages all members of its community to report violations of this policy to the MSU Texas Police Department or local law enforcement agency, it is the victim’s choice whether or not to make such a report. A victim may be assisted in notifying law enforcement if they choose. Furthermore, victims have the right to decline to notify law enforcement.

**Reporting Incidents to the University**

Victims are always encouraged to report incidents to the police, and any of the below individuals or office can assist, but also have the option of reporting to any university employee, Midwestern State University Title IX Office, the Office of Student Rights and Responsibilities, a Campus Security Authority or confidentially at Student Counseling. A victim can report directly to the Title IX Coordinator (office: Vinson Health Center; phone: 940-397-4213) by calling, writing or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to MSU Texas PD will automatically be referred to the Title IX Director for review. The Title IX Director is not a confidential reporting entity and is required to report criminal incidents to MSU Texas PD.

When a report is made to any university employee, except those with the deemed a Confidential Resources such as employees at the Student Counseling Center, the employee is required to complete the Title IX/Sexual Misconduct Report Form (https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6) which submits details of the incident to the Title IX coordinator for follow up. In addition, a Campus Security Authority (CSA) should report any domestic violence, dating violence, sexual assault, or stalking incident to the MSU Texas Clery Compliance Coordinator using the CSA Reporting Form.
File a Formal Complaint

Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct or by contacting the University Title IX Coordinator or Deputy Title IX Coordinator. (See Policy 4-161.A above)

Upon receiving such report, or when the University has actual knowledge of alleged sexual misconduct, the Title IX Coordinator will promptly contact the Complainant to: (1) discuss the availability of supportive measures, which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.

Such a report may be made at any time by calling the Title IX Office at 940-397-4213, visiting the Title IX office at Vinson Health Center H-136, emailing the Title IX Coordinator at titleix@msutexas.edu, or using the Title IX/Sexual Misconduct Report Form. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this regulation.

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

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (office: Vinson Health Center; phone: 940-397-4213) by calling, emailing (titleix@msutexas.edu), or coming into the office to report in person.

The Title IX Coordinator will collaborate and coordinate with the Director of Student Rights and Responsibilities for student cases and Human Resources for employee cases. If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that will be followed.
<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedures Institution Will Follow</th>
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| Domestic Violence       | 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate.  
2. Institution will assess immediate safety needs of victim.  
3. Institution will provide the victim with a written explanation of the victim’s rights and options.  
4. Institution will provide victim with referrals to on- and off-campus mental health providers.  
5. Institution will assist victim with contacting police if victim requests.  
6. Institution will provide written instructions on how to apply for Protective Order.  
7. Institution will provide written information to victim on how to preserve evidence.  
8. Institution will assess need to implement emergency removal and/or protective measures.  
9. Institution will provide mutual “No Contact” directive to parties involved if deemed appropriate.  
10. Institution will provide a copy of the policy applicable to Domestic Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution.  
11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.  
12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Domestic Violence or for assisting in the investigation. |
| Dating Violence         | 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate.  
2. Institution will assess immediate safety needs of victim.  
3. Institution will provide the victim with a written explanation of the victim’s rights and options.  
4. Institution will provide victim with referrals to on- and off-campus mental health providers.  
5. Institution will assist victim with contacting police if victim requests.  
6. Institution will provide written instructions on how to apply for Protective Order.  
7. Institution will provide written information to victim on how to preserve evidence.  
8. Institution will assess need to implement emergency removal and/or protective measures.  
9. Institution will provide mutual “No Contact” directive to parties involved if deemed appropriate.  
10. Institution will provide a copy of the policy applicable to Dating Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution.  
11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.  
12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Dating Violence or for assisting in the investigation. |
### Sexual Assault

1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate.
2. Institution will assess immediate safety needs of victim.
3. Institution will provide the victim with a written explanation of the victim’s rights and options.
4. Institution will provide victim with referrals to on- and off-campus mental health providers.
5. Institution will assist victim with contacting police if victim requests.
6. Institution will provide written instructions on how to apply for Protective Order.
7. Institution will provide written information to victim on how to preserve evidence.
8. Institution will assess need to implement emergency removal and/or protective measures.
9. Institution will provide mutual “No Contact” directive to parties involved if deemed appropriate.
10. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution.
11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.
12. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution.

### Stalking

1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate.
2. Institution will assess immediate safety needs of victim.
3. Institution will provide the victim with a written explanation of the victim’s rights and options.
4. Institution will provide victim with referrals to on- and off-campus mental health providers.
5. Institution will assist victim with contacting police if victim requests.
6. Institution will provide written instructions on how to apply for Protective Order.
7. Institution will provide written information to victim on how to preserve evidence.
8. Institution will assess need to implement emergency removal and/or protective measures.
9. Institution will provide mutual “No Contact” directive to parties involved if deemed appropriate.
10. Institution will provide a copy of the policy applicable to Stalking to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution.
11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.
12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Sexual Assault or for assisting in the investigation.
Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors
Professional Counselors assigned to Student Counseling are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to MSU Texas Police, or local law enforcement. Students may request the Counseling Center to facilitate anonymous reporting by capturing general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University’s Annual Security and Fire Safety Report.

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 in 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.

Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court
When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order may be issued by the Office for Student Rights and Responsibilities, the Title IX Officer, or Residence Life. The notice serves as an official directive that the parties have no contact. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Case Manager or Investigator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order.

Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in Emergency Removal pending the completion of a Grievance Process. The No Contact Order will run for the life of the Title IX case and may be extended as part of sanctions.
All criminal or civil protective orders must be requested through the court and requires evidence to show the need for such order. A victim advocate or local attorney can assist in the process of obtaining a protective order from the court.

**Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to victims about options for, available assistance, and how to request Supportive Measures at the institution. Supportive Measures are described in writing in the initial communication following a report and include areas such as academic, living, transportation, and working situations. A copy of the Supportive Measures document is also presented to parties during intake meetings.

The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University’s Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures. 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, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent’s academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:
- Students: Contact the Title IX Coordinator for assistance.
- Employees/Faculty: Contact the Office of Human Resources

**Confidentiality**

Midwestern State University is committed to ensuring confidentiality during all stages of the Grievance Process. The confidentiality of the Complainant, the Respondent, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of
misconduct, to protect the University Community, and to the extent allowed by law. Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar’s Office. Employees can contact the Office of Human Resources to make a similar request regarding directory information. Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information (PII) 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 College 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 Campus Safety Alert 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; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

Unless waived in writing by the individual, the identity of aforementioned individuals:

- Is confidential and not subject to disclosure under Texas Chapter 552, Government Code (Public Information); and
- May be disclosed only to
  - University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
  - a law enforcement officer as necessary to conduct a criminal investigation of the report;
  - a health care provider in an emergency, as determined necessary by the University;
  - the Responding Party, to the extent required by other law or regulation; and
  - potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

**Campus and Community Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to students and employees about 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. If a sexual assault or rape should occur on campus, staff on-scene, including MSU Texas PD, will offer the victim a
wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Midwestern State University.

**University Procedures – Grievance Procedure**

*The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.*

The University's Grievance Procedure includes a prompt, fair and impartial investigation and resolution process. The process for addressing a formal complaint under the grievance process will be concluded within the reasonably prompt timeframe of one hundred twenty (120) business days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the complainant and respondent of the delay or extension and the reasons for the action. A grievance process that exceeds one hundred twenty (120) business days will be reviewed by the University, and justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.

**Response to Receipt of Formal Complaint**

Upon notice or receipt of an incident report regarding sexual misconduct or gender-based harassment/discrimination, the Office of Title IX Compliance will contact the named complainant via their official TTU email and request a meeting to gather and review information about the nature of the report, and to review Supportive Measures and the incident. When health and safety are potentially at risk, the Office of Title IX Compliance may call the student on the phone number listed in their student record. In the event that the complainant does not respond to communication, the Office for Student Civil Rights & Sexual Misconduct will send a second email communication. Complainants are not required to respond or participate in any meetings with university staff.

Once a complainant has made contact with the office, the Office for Student Civil Rights & Sexual Misconduct will schedule an intake meeting with the Complainant. During this intake, the Office for Student Civil Rights & Sexual Misconduct will collect any additional demographic information, review this policy and the available options, and facilitate any requested Supportive Measures. If the Complainant does not return contact or requests to not meet with staff, the case may be closed. If the complainant requests only support measures, the Title IX Coordinator or designee will contact the appropriate campus parties to address the needs, and then the case may be closed. If a Complainant wishes to make a statement or file a formal complaint, the Title IX Coordinator will appoint an investigator.

**If the Victim Does Not Wish to Pursue Resolution**

When a Complainant is identified but is reluctant to file a formal complaint and/or participate in the Grievance Process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat.
If the Complainant does not want to participate in the Grievance Process but has no aversion to the University pursuing action with respect to the named Respondent, the institution may investigate the incident in the same manner that an anonymous complaint may be investigated. If the Complainant does not want the University to pursue the report in any respect, the University may investigate further if Title IX Coordinator determines there is reason to believe that a significant continuing threat to the University community exists.

In determining whether to investigate the incident, the institution shall consider the seriousness of the alleged incident, whether the University has received other reports of incidents committed by the alleged perpetrator(s), whether the alleged incident poses a risk of harm to others, and any other factor the institution deems relevant. If the University decides not to investigate the incident, the University shall take any steps deemed necessary to protect the health and safety of the University community in relation to the incident. The university will inform the Complainant of the decision to investigate, or not investigate, the reported incident.

**Initial Review of Formal Complaint**

Upon receipt of a Formal Complaint, the University will: complete the actions required upon receiving notice, evaluate jurisdiction and mandatory and discretionary dismissal, assess appropriate supportive measures for both parties, evaluate the need for emergency removal or administrative leave, and initiate the Grievance Process (MSU Texas Policy 4-161.A and Policy 4-161.B, Texas Tech University System Regulation 07.06.A and Regulation 07.06.B).

**Mandatory Dismissal:** The University will dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX or Non-Title IX sexual misconduct, as defined, even if proven; (b) the Title IX sexual misconduct did not occur in the University's education programs or activities (for 07.06.A Complaints); or (c) the Title IX sexual misconduct did not occur against a person in the United States (for 07.06.A Complaints).

**Permissive Dismissal:** The University may dismiss a Formal Complaint in the following circumstances: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

**Application of Other Policies Upon Dismissal of Formal Complaint:** These regulations apply exclusively to Title IX and Non-Title IX Sexual Misconduct. Dismissal of a Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including, but not limited to those in the applicable Student Handbook or other faculty, staff, or employee policies.

**Written Notice of Dismissal:** If the University dismisses a Formal Complaint or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.

**Appeal of Dismissal Decision:** Any party can appeal the dismissal decision in the manner provided in the appeals process section of this report.
General Requirements of the Grievance Process

1. **Equitable Treatment of Parties**: The University shall treat complainants and respondents equitably by:
   
a. offering Supportive Measures, (2) providing remedies to a complainant where a determination regarding responsibility for Title IX and Non-Title IX sexual misconduct has been made against the Respondent,
   
b. executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

2. **Advisors** - An advisor may provide support, guidance, or advice. The University may not limit the choice or presence of advisor for either the Complainant or the Respondent; however, the University may establish restrictions equally to both parties regarding the extent to which advisors may participate in the proceedings.

3. **No Conflicts of Interest**: The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, Appeal officers, and facilitators of an informal resolution process be free of conflicts of interest or bias against a party.

4. **Presumption of Non-Responsibility; Standard of Evidence**: There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the grievance process shall be a "preponderance of the evidence."

5. **Objectivity**: Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.

6. **Privileged Information**: The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an informal resolution process cannot require, allow, rely upon, or other wise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the grievance process under this regulation.

Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or
paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

7. **Annual Training:** Title IX Coordinators, Investigators, Hearing Officers, and Appeal officers receive adequate and unbiased training on the application of the sexual misconduct policy, and the Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy decisions. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. All materials used to train these staff members are publicly available at: https://www.depts.ttu.edu/titleix/tixtraining.php

**Notice to All Parties of Hearings, Interviews, or Meetings**

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The University will provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual misconduct, and the date and location of the alleged incident, if known.

Such notice will also include notice of the following: the Grievance Process, including the University's informal resolution process; that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; that the parties may inspect and review evidence; and any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.

If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations will be provided at that time.

**Prehearing Investigation**

The University will investigate allegations made in a Formal Complaint in accordance with this Grievance Process.
Gather Evidence

1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility will be on the University and not on the parties.

2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an informal resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the recipient has obtained that party's voluntary, written consent to do so for the grievance process under this regulation.

Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

3. The University will provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.

4. The University will not restrict either party from discussing the allegations or from gathering evidence.

Inspection and Review of Relevant Evidence

Prior to the completion of an investigative report, the University will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a formal complaint.

The University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.

The parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to the completion of an Investigative Report.

Investigative Report

Upon completion of the investigation, the University will create an investigative report that fairly summarizes the relevant evidence. The University will send to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this regulation or otherwise provided.

General Requirement of the Hearing Process

If the formal complaint is not dismissed or resolved by informal resolution, then the formal complaint will proceed to a live hearing. Title IX Sexual Misconduct hearings will be
conducted in accordance with the procedure set forth in Attachment 2 of the regulation. For Title IX and Non-Title IX Sexual Misconduct Hearings, a live hearing may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, the live hearing may occur with the parties located in separate rooms; however, technology enabling the hearing panel, hearing officer, parties, and witnesses to simultaneously see and hear the party or the witness answering questions must be used.

For Title IX Sexual Misconduct Hearings, the University will appoint a four-member hearing panel. The Title IX Hearing Officer will be one of the four members of the hearing panel and will serve as the hearing panel's chair. The hearing panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing.

The Title IX Hearing Officer will oversee and conduct the hearing and chair the hearing panel. When the independent hearing officer is a licensed attorney, the hearing officer will provide confidential legal advice to the hearing panel when the panel is deliberating the determination regarding responsibility and drafting the written determination regarding responsibility. In Non-Title IX Sexual Misconduct Hearings, the University will appoint a three-member Hearing Panel, with one member serving as the Hearing Chairperson.

All parties, witnesses, and other participants in a hearing must be physically or virtually present in a manner where all participants can simultaneously see and hear each other. In Title IX Sexual Misconduct Hearings, each Complainant and Respondent shall have an advisor present at the hearing to conduct cross-examination, and each is entitled to select an advisor of their choice. In Non-Title IX Sexual Misconduct Hearings, each Complainant and Respondent may have an advisor present, and the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing.

**Hearing Procedure**

The Title IX Hearing Officer or Panel Chairperson will set the rules of order and decorum and agenda for the hearing and will direct and oversee the hearing in accordance with this regulation and the rules of order and decorum. The hearing shall be no more than four (4) hours in length, unless the hearing officer determines that exceptional circumstances exist justifying a longer hearing.

The University will create a record of the live hearing and make it available to the parties for inspection and review upon request. The hearing panel's deliberations are not part of the live hearing and therefore will not be part of the record.

Each party will have an opportunity to introduce evidence to the hearing panel. Only evidence (including but not limited to documents, media, witnesses, and other tangible evidence) provided by the parties to the investigator during the pre-hearing investigation, and/or identified or included in the investigative report may be presented, introduced, or used at the hearing.
Any new evidence identified after completion of the investigative report that a party intends to present, introduce, or use at the hearing must be provided to the Title IX Coordinator at least five (5) days prior to the hearing and to the other party at least three (3) days prior to the hearing.

Direct examination may be conducted by the Hearing Officer, Chairperson or the Hearing Panel. In Title IX Sexual Misconduct Hearings, all cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. In Non-Title IX Sexual Misconduct Hearings, Complainants and Respondents will be permitted to questions statements and evidence presented by other parties. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Hearing Officer or Chairperson must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

**Written Determination Regarding Responsibility**

In Title IX Sexual Misconduct Hearings, after a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include:

1. Identification of the allegations potentially constituting Title IX sexual misconduct;
2. Description of the procedural steps taken throughout the grievance process;
3. Findings of fact supporting the determination regarding responsibility;
4. Conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct;
5. A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant;
6. A statement that the University's procedures are permissible bases for the complainant and respondent to appeal; and
7. A statement that the determination may be appealed by the parties pursuant to this regulation and information on how to file such appeal.
8. 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.

The University will provide the written determination of the any initial, interim and final decision of any disciplinary proceeding to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.
In Non-Title IX Sexual Misconduct Hearings, after a hearing, the Hearing Panel will issue:

1. Final Decision Letter that will include the allegations potentially constituting Non-Title IX Sexual Misconduct
2. Findings of fact that support the determination regarding responsibility
3. A rationale for the result as to each allegation, any disciplinary sanctions imposed
4. And the Appeal procedures
5. 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.

The University will provide the written determination of the any initial, interim and final decision of any disciplinary proceeding to the parties simultaneously. The decision becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.

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

*Student Handbook Section 11: Title IX Sexual Misconduct Policy and Procedures outlines the process the University will use for complaints of domestic violence, dating violence, sexual assault and stalking. See Student Handbook*

**How to File a Disciplinary Complaint Under this Policy**

Any individual may inquire or make a report or complaint of sexual misconduct of any kind. Contact information for these offices is set below:

Any individual may report an incident of a Title IX sexual misconduct/harassment, or discrimination violation to Midwestern State University online using this [form](#), or based on their status with the University, by directly contacting any of the following administrators or offices:

Title IX Director and Coordinator: Laura Hetrick
Vinson Health Center H-136
(940)397-4213
laura.hetrick@msutexas.edu
titleix@msutexas.edu

Deputy Title IX Coordinator - Students
Director of Residence Life
Sunwatcher Village Room 121
(940) 397-4217
Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this policy.

How the University Determines Whether This Policy Will Be Used

Upon receipt of a Formal Complaint, the University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal, and (5) initiate the Grievance Process.

The University, usually the Title IX Director, shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University’s Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in System Regulation 07.06B Non-Title IX Sexual Misconduct and the applicable Student Handbook or other faculty, staff, or employee policies.

Steps in the Disciplinary Process

1) Timeframe
   The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of 90 business days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred twenty (120) business days shall be reviewed by the University, and justification for the extended or delayed investigation must be documented.

2) Emergency Removal
   The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any individual, the University may remove the Respondent prior to the conclusion of the
Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the University’s Title IX Coordinator or the System Office of Equal Opportunity immediately following the emergency removal.

3) Prehearing Investigation
The University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process by gathering evidence, allow equal opportunity for the parties to present witnesses and evidence, and to allow parties to inspect and review all evidence. Parties shall have 10 days to submit a written response prior to completion of the Investigative Report.

4) Hearing
If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The hearing will be conducted in accordance with the procedure set forth in Attachment 1 of Section 11, which determines a) Is the alleged conduct severe, pervasive, and objectionably offensive, and b) Did the alleged conduct occur in an education program or activity.

5) Written Determination Regarding Responsibility
After a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University’s applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University’s procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this policy and information on how to file such appeal. The University will provide the written determination to the parties simultaneously.

Decision-Making Process
The University will appoint a three-member Hearing Panel (“Hearing Panel”). The Title IX Hearing Officer will be one of the three members of the Hearing Panel and will serve as the Hearing Panel’s chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory. The hearing panel will deliberate and determine, by majority vote, using a preponderance of the evidence standard (i.e. whether it is more likely than not) if the accused student/responding party has violated policy.

Possible Sanctions
Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing
reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

**Range of Supportive Measures Available to a Victim Alleging Misconduct**
The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent’s academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

**Employee Non-Title IX Sexual Misconduct Complaint, Investigation, and Response**
The following information pertains to employees who are respondents in a reported incident. Type and Location for Filing a Complaint. If an Employee has a complaint of Sexual Misconduct against another Employee, the general provisions relating to Employees and the Employee complaint procedures set forth in System Regulation 07.10 shall apply.

**Required Form of Complaint:** To initiate an investigation, an Employee having a complaint under this regulation must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at: https://cm.maxient.com/reportingform.php?MSUTexas&layout_id=6.

While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and Midwestern State University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.

Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator, or Human Resources. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.
Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual’s choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.

Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this regulation.

After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the determination of the outcome and the finding of the System Office of Equal Opportunity. In the event a finding of a violation of this regulation is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment.

**Appeals Process**

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

**Grounds for Appeal**

For both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct, the parties may appeal a determination regarding responsibility or the University's dismissal of a formal complaint or any allegations therein on the following grounds.

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or hearing panel members had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

**Process for Appeal**

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

*Response of Non-Appealing Party:* Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

*Appeal Officer:* The University will designate a decision-maker for the appeal. The appeal officer
shall not be the same person as any of the hearing panel members that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Response of Hearing Panel: The appeal officer may submit the written appeal and non-appealing party's response to the hearing panel, and the hearing panel may submit its response in support of the appeal or original decision to the appeal officer.

Review of Appeal: The appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.

Written Decision and Notice: Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

Employee Process for Appeals
The finding of the System Office of Equal Opportunity is final and not appealable by either party. If either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, they may appeal within five business days to the University Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to the University’s Tenure Policy.

The Complaining Party and Responding Party will be simultaneously notified in writing of any changes to the results of an appeal of any disciplinary action that occur prior to the time such results become final and when such results become final.

Notification to Victims of Crimes of Violence
The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Informal Resolution Process
An alternative resolution to Formal Complaints to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the informal resolution process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the informal resolution process by obtaining the parties' voluntary, written consent to use this informal resolution process. Notwithstanding the foregoing, the informal resolution process will
not be offered to resolve allegations that a University employee engaged in conduct against a student that would constitute Title IX or Non-Title IX sexual misconduct.

The University will not require any person to participate in the informal resolution process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the informal resolution process. Any party may withdraw from the informal resolution process at any time prior to agreeing to a resolution and resume the grievance process with respect to the Formal Complaint.

Sanction and Remedies
The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the grievance process are set forth below. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.

Sanctions and Remedies Against Students
Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Sanctions and Remedies Against Employees
Possible sanctions or remedies that may be imposed on employee respondents can include, but are not limited to: employment probation; job demotion or reassignment; suspension with or without pay for a specified period of time; dismissal or termination; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Protections Against Retaliation
The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.
Retaliation against an individual, who reports a potential violation in good faith under this regulation, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under this regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex
discrimination, or a report or formal complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited employment; ineligibility for re-hire; other coaching, conduct or corrective actions as described in System under this regulation. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this regulation will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this regulation.

Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events. An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to an including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

**Remediated Steps Available**

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

Victims of sexual assault, dating violence, domestic violence or stalking are entitled to rights to ensure they are protected and can begin the process of getting back to life prior to being a victim. A victim may work with the Office of Student Rights and Responsibilities to do so. The University will work with the student and help them through the processes below:

**Interim Suspension or Emergency Removal**
The University may remove one or more students who are suspected of violating policy from the university prior to a hearing on the issues if there is a potential for risk to one or more members of the University community.

**Temporary No Contact Order**
The University may impose a temporary "no contact" order restricting contact between individuals during the course of an investigation.

**Standing No Contact Order and Geographic Restrictions**
The University may impose a permanent "no contact" order, or an order restricting students who are found to have violated university policy from specific buildings or areas of campus.
Security Escorts
The University may discuss options for ensuring travel safety to and from specific locations on and off campus.

Temporary Modifications of Living Arrangements
The University can provide a temporary modification of living arrangements, to the extent possible, at any time. The University also reserves the right to adjust the housing assignment of students who are alleged to have violated university policy. The University can also provide emergency on-campus housing to students living off-campus if the situation warrants it.

Permanent Alteration of Living Arrangements
If it is determined that an on-campus housing assignment is affecting academic success, the University will assist in adjusting that situation, to the extent possible. The University also reserves the right to adjust or cancel the housing contract of any student who is found to have violated university policy.

If an off-campus living situation is no longer conducive to academic success as a result of a student’s experience, the University will assist in finding on-campus accommodations, if available.

Temporary Modification of On-Campus Employment
The University can provide temporary reassignment of on-campus employment duties within the University during the course of an investigation. The University may also review the assigned duties of students who are alleged to have violated University policy.

Permanent Adjustment of Student Employment
If an employment assignment is no longer comfortable due to the experience, the University will assist in exploring other potential options within the University and may review the assigned duties of students who are found to have violated University policy.

Permanent Class Schedule Adjustments
If it is determined that the most effective way to help ensure academic success is to adjust one or more classes you are enrolled in, the University will assist in minimizing the impact to your academic plans and goals.

No-Cost Medical and Psychological Support
The University will provide no-cost medical and psychological services through the Student Health Services and/or Counseling Center to assist any student who requests them as a result of any experience under investigation by the university.

If it is determined that the experience placed the survivor's academic success in jeopardy, the university will make academic support services available at no cost.

Assistance in Adding, Dropping, or Retaking Courses
If the experience has made it difficult or impossible to continue with one or more classes for a period of time, the University will assist in the process of adding, dropping or retaking one or
more courses at a different time, day, location or semester. The University will assist in determining the best course of action, taking financial aid, living and academic situation into account.

**Judicial Orders**
Victims of sexual assault, dating violence, domestic violence or stalking are entitled to judicial orders from the court upon request. The University will assist the survivor by working with him or her and a crime victim advocate to ensure that proper procedures are followed to obtain such an order.
Annual Disclosure of Campus Crime Statistics
Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f)) et.seq., and its implementing regulations require colleges and universities across the United States to disclose information about crime on and around their campuses. This section includes information on crime statistics are specific to Midwestern State University, Wichita Falls, TX and are reflective of the calendar years 2019, 2020 and 2021.

Crime statistics reported within the table below are in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. This report includes statistics for crimes reported within Midwestern State University’s Clery geography, and were reported to university police or campus security authorities. The report also includes statistics for referrals for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These categories include liquor, drug and weapon law violations. Statistical information for certain off campus locations or property owned or controlled by the University, as well as public property within or immediately adjacent to campus, is gathered by MSU Texas Police after requesting such information from those local law enforcement agencies.

The crime statistic tables appearing on the following page(s) are prepared using data from documents provided, maintained and reviewed by the Midwestern State University Police Department, Human Resources, Title IX, Office of Student Rights and Responsibilities, General Counsel, Athletics, designated Campus Security Authorities (CSAs), Responsible Employees, and cooperating external law enforcement agencies.

Clery Geography

It is important to note that the below crime statistics are for reported crimes that occurred within a specific set of geography defined by the Clery Act as noted below. The crime statistics include all persons and incidents that occurred within this geography regardless of affiliation with the university. What this means is that not all reported crimes involved a student or employee. Clery geography is defined by a unique set of definitions as defined by the Clery Act. The statistics reported in the following tables are published according to where they occurred. The following definitions are used to distinguish these various locations for statistical reporting purposes.

On-Campus

1) Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (e.g., a food or retail vendor).
On-Campus Residence Halls
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.

Noncampus Property
1) Any building or property owned or controlled by a student organization that is officially recognized by the institution, or
2) Any building or property owned or controlled by the 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.

Reasonable Contiguous
As defined in the 2016 Handbook for Campus Safety and Security Report: Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the “campus.” Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

Clergy Reporting Crime Definitions
The Clery Act divides reportable crimes into four categories to assist with a better understanding of each type of crime. The four categories, as reflected below, are Criminal Offenses, Hate Crimes, Violence Against Women Act Offenses, and Arrest and Referrals for Disciplinary Action. The following definitions and statistics are reported in accordance with those guidelines.

Criminal Offenses
MURDER/NON-NEGLIGENT MANSLAUGHTER
The willing (non-negligent) killing of one human by another. NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

MANSLAUGHTER BY NEGLIGENCE
The killing of another person through gross negligence.

SEX OFFENSES
Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An offense that meets the definition of rape, forcible fondling, incest, or statutory rape as used in the FBI’s UCR program.
1) 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.

2) Fondling: The touching of the private 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.

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

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

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

AGGRAVATED ASSAULT
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were completed.

BURGLARY
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking, safecracking; and all attempts to commit any of the aforementioned.

MOTOR VEHICLE THEFT
The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding.)

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

Violence Against Women Act Offenses

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 based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2) For the purposes of this definition:
a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
b. Dating violence does not include acts covered under the definition of domestic violence.
3) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting

DOMESTIC VIOLENCE
A Felony or misdemeanor crime of violence committed:
1) By a current or former spouse or intimate partner of the victim;
2) By a person with whom the victim shares a child in common;
3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4) 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
5) 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:
1) Fear for the person’s safety or the safety of others; or
2) Suffer substantial emotional distress.
3) For the purposes of this definition:
   a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property
   b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
   c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrest and Disciplinary Referrals Definitions
ARREST
An arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

DISCIPLINARY REFERRAL
Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and that may result in the imposition of a sanction.
LIQUOR LAW VIOLATIONS
The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

DRUG ABUSE VIOLATION
The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

WEAPON LAW VIOLATIONS
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Hate Crimes
HATE CRIME DEFINITIONS
The Clery Act defines a Hate Crime as a criminal offense (larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and other Clery Act crimes) that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias (race, ethnicity, national origin, gender, gender identity, sexual orientation, religion and/or disability) against the victim.

In addition to any of the above Clery crimes, the following acts are reportable as Hate Crimes under the Clery Act. A crime is classified as a Hate Crime when the evidence suggests the victim was intentionally selected because of the victim’s actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Midwestern State University is also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for all of the above Clery crimes and the additional hate crimes listed here. Although there are many possible categories of bias, under the Clery Act, only the below eight categories are reported.

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

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

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

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

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

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

3) Sexual Orientation: a preformed negative opinion or attitude toward a group of persons
based on their actual or perceived sexual orientation. Sexual Orientation is the term for a
person’s physical, romantic, and/or emotional attraction to members of the same and/or
opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

4) Gender: preformed negative opinion or attitude toward a person or group of persons
based on their actual or perceived gender, e.g., male or female.

5) Gender Identity: a preformed negative opinion or attitude toward a person or group of
persons based on their actual or perceived gender identity, e.g., bias against transgender
or gender non-conforming individuals. Gender non-conforming describes a person who
does not conform to the gender-based expectations of society, e.g., a woman dressed in
traditionally male clothing or a man wearing makeup. A gender non-conforming person
may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived
as such.

6) Ethnicity: a preformed negative opinion or attitude toward a group of people whose
members identify with each other, through a common heritage, often consisting of a
common language, common culture (often including a shared religion) and/or ideology
that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

7) National Origin: a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

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

Hierarchy Rule

When counting multiple offenses, we are required to use the FBI’s UCR Hierarchy Rule. Under this rule, when more than one criminal offense was committed during a single incident we must only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the hierarchy for reporting Clery offenses is: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, and Motor Vehicle Theft. The crimes of Arson, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Hate Crimes are not governed by the hierarchy rule, and statistics for these incidents are reported in these categories in addition to any other crime category covered under the hierarchy rule if applicable. The crime statistics also reflect no hierarchy rule for drug, liquor and weapon law violations, where the institution chooses the most severe infraction to count. An example of this would be if a person was arrested or referred for drug and liquor violations; a drug statistic would be counted and not the alcohol and an arrest is counted over a referral.

Unfounded Crimes

Under the reauthorization of the Violence against Women Reauthorization Act regulations, an institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded. Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, the failure to make an arrest, and a determination by a coroner, court or jury are not adequate grounds for unfounding a crime report.
<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Noncampus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities*</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 2021 calendar year at this campus is 0.
The total number of unfounded crimes for the 2020 calendar year at this campus is 0.
The total number of unfounded crimes for the 2019 calendar year at this campus is 0.

Hate Crime Reporting:
There were no hate crimes reported at this campus in 2021.
There were no hate crimes reported at this campus in 2020.
There was 1 On Campus vandalism characterized by religious bias in 2019.
Clery Act Statistics: MSU Texas Study Abroad - London Campus  
(Located at Queen Mary University)

Note: Due to the pandemic, the London Campus did not open in 2020.

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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 2021 calendar year at this campus is 0. The total number of unfounded crimes for the 2020 calendar year at this campus is 0. The total number of unfounded crimes for the 2019 calendar year at this campus is 0.

Hate Crime Reporting:
There were no hate crimes reported at this campus in 2021. There were no hate crimes reported at this campus in 2020. There were no hate crimes reported at this campus in 2019.
Fire Reporting Procedures
If a fire is reported in a MSU Texas Residential Facility, the person 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. Once the emergency has passed, you should notify MSU Texas PD at 940-397-4239 to investigate and document the incident for disclosure in the University’s annual fire statistics. In London, the report should be made to Program Staff, who will coordinate with the MSU Texas PD. 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 PD has already responded, the community member should immediately notify MSU Texas PD 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 PD, etc.).

Per federal law, MSU Texas is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. The Office of Residence Life in conjunction with the Fire Safety Officer and MSU Texas PD 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.
Residence Hall Descriptions

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<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>
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* 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 that the University contracts for the London study abroad program. Due to the pandemic, the Global Studies program did not travel in 2020. This building includes 100 individual bedrooms in 15 flats. Features of fire protection include a complete alarm system, portable fire extinguishers, illuminated exit signs, and emergency lighting units.

Fire Drills

Midwestern State University conducts regular fire drills for all housing students. One fire drill is conducted at each residence hall once each long semester. Written procedures are also distributed to residents in the London program as part of their check-in packet from the host university, but no fire drills are conducted during the study abroad time period.
Persons Notified

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

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

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
- (less than 4.5 cubic ft.)

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

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

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

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

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

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 MSU Texas 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.
- 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.
## Statistics for Reported Fires in On-Campus Student Housing Facilities

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* 4 weeks in July
** Due to the pandemic, London study abroad was cancelled in 2020