

**SOUTHWESTERN UNIVERSITY ANNUAL FIRE SAFETY
AND
SECURITY REPORT 2017**

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FROM THE CHIEF OF POLICE

To the Southwestern University Community:

On behalf of the members of the Southwestern University Police Department, I want to thank you for your interest in our Annual Fire Safety and Security Report.

We publish this report because it contains valuable information for our campus community. We also publish the report to comply with the important provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be part of everyone's responsibility at Southwestern University.

We encourage you to review the information we have made available to you in this document. You will find information about our organization including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information.

We are proud to be an integral part of Southwestern University's tradition of excellence. Campus safety and security is a collaborative effort at Southwestern University. We partner with the many departments at the University that have a critical role in fostering campus safety, including the Division of Student Life, Environmental Health and Safety, and other University offices.

It has always been our goal to provide the highest quality of public safety services to the University community, and we are honored to collaborate with the entire Southwestern University community. The men and women of the University Police Department are committed to making the Southwestern University campus a safe place in which to live, work, and study.

William Dunn, Chief of Police

ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

The Higher Education Act of 1965 authorized federal funds for students in higher education and is routinely re-authorized or amended.

(<http://www2.ed.gov/policy/highered/leg/hea08/index.html>)

In 1972, Title IX was enacted and states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial aid assistance.” (http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

In 1997 and 2001, further clarifications were published by the U.S. Department of Education Office of Civil Rights. (<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>)

In 2011, the Office of Civil Rights published a “Dear Colleague Letter” further outlining requirements for institutions in higher education.

(<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>)

In May of 2016, the Office of Civil Rights published a “Dear Colleague Letter” stating that the prohibition of sex discrimination encompasses discrimination based on gender identity and transgender status.

(<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>)

The University will monitor any changes to regulations in order to remain in compliance with federal law, we are proud of the work we have done to support survivors and educate the community about sexual violence, and confident that our policies and procedures are fair to all parties. The national landscape may shift, but we remain steadfast in our comprehensive efforts -- educational, investigative, and supportive of survivors -- and anticipate no reduction in those efforts.

Reporting and Education

The Clery Act of 1990 required campuses to disclose campus crimes in an effort to inform prospective students and parents of potential campus safety issues.

(<http://cleryact.info/clery-act.html>)

In 1992 the law was amended to include a bill of rights for sexual assault victims.

(<http://cleryact.info/campus-sexual-assault-victims—bill-of-rights.html>)

In 1994 the Violence Against Women Act (VAWA) was passed and further clarified institutional responsibilities related to acquaintance rape, dating violence, domestic violence, and stalking.

(<http://www.acenet.edu/news-room/Documents/VAWA-Section304.pdf>)

In 2013 the Campus Sexual Violence Elimination (SaVE) Act increased University responsibilities related to awareness and prevention. (<http://cleryact.info/campus-save-act.html>)

Southwestern University's Title IX Coordinator is Elma Benavides. Her office is located on the first floor of the Cullen Building. She can be reached at 512-863-1435 or e-mailed at benavide@southwestern.edu.

The Title IX Deputy Coordinator is Shelley Story, Dean of Students. Her office is located on the third floor of the McCombs Campus Center. She can be reached at 512-863-1624 or emailed at storys@southwestern.edu.

If you have a complaint against a Southwestern student, visitor, staff or faculty member for sexual harassment, sex discrimination, or sexual assault, you should contact the Title IX Coordinator. Victims of sexual assault should also consider contacting the Southwestern University Police Department at 512-863-1944.

ANNUAL FIRE SAFETY AND SECURITY REPORT

Preparation of the Annual Fire Safety and Security Report and Disclosure of Crime Statistics

The University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Southwestern University Police Department, information provided by other University offices such as Student Life, Residence Life, and other Campus Security Authorities (CSA), and information provided by local law enforcement. Each of these offices provide updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crime that occurred on campus and on public property immediately adjacent to our campus. This report also includes University policies concerning a wide range of campus safety and security issues such as policies regarding sexual assault, alcohol and other drugs, and access to the campus.

The University distributes a notice of the availability of this Annual Fire Safety and Security Report by October 1 of each year to every member of the University community. Anyone, including prospective students and employees may obtain a paper copy of this report by contacting the Southwestern University Police Department at 512-863-1944 or online at <http://www.southwestern.edu/studentlife/safety/>.

Reporting Crimes and Other Emergencies

The University encourages everyone on campus to immediately report crimes and other emergencies to the University Police by calling 512-863-1944. We have also established a number of other ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate University officials.

Voluntary, Confidential Reporting

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Confidential reports allow the University to compile accurate records on the number and types of incidents occurring on campus, and enhance your safety and the safety of others while keeping your identity confidential. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases.

To report a crime, suspected crime, or any issue of related to a safety concern, contact Southwestern University Police Department at 512-863-1944 or by using the Emergency Call Box telephones, located on campus. In addition, you may report to the following areas:

Vice President of Student Life	512-863-1582	McCombs Campus Center
Dean of Students	512-863-1624	McCombs Campus Center
Director of Residence Life	512-863-1624	McCombs Campus Center
Director of Counseling and Health Services	512-863-1252	Prothro Center
Athletic Director	512-863-1381	Robertson Center

Callers may remain anonymous. It is important to have a culture where people feel safe reporting wrongful conduct. For more information or to file a complaint, you may also access Southwestern University's Whistleblower Policy and Ethics Statement at <http://www.southwestern.edu/hr/whistleblower/>.

Reporting to University Police

We encourage all members of the University community to report all crimes and other emergencies to the Southwestern University Police Department in a timely manner. Southwestern University Police are available by phone at 512-863-1944 or in person 24 hours/day at the Old Field House located at 1005 Maple Street. The front door of the building faces the Cullen Parking Lot. Though there are many resources available, University Police should be notified of any crime, whether or not an investigation continues, to assure the University can assess any and all security concerns and to inform the community if there is a threat to the University.

Emergency Phones Located in Call Boxes

The University has installed 20 emergency phones throughout the University Campus. Phones are located in public areas of administrative buildings, residence hall complexes, and academic buildings. Emergency phones provide direct voice communications to the Southwestern University switchboard operator who has phone contact with the University Police Department 24 hours a day, seven days a week.

A map showing the location of the emergency phones located in call boxes can be located at <http://www.southwestern.edu/live/files/5567-20162017-parking-map>

Reporting to Other Campus Security Authorities

The Clery Act recognizes certain University officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

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

While the University prefers that community members promptly report all crimes and other emergencies directly to the Southwestern University Police Department at 512-863-1944, we also recognize that some may prefer to report to other individuals or University offices.

The University has officially identified the following offices as places where campus community member should report crimes; however, you may report a crime to any University employee:

Vice President of Student Life	512-863-1624	McCombs Campus Center
Dean of Students	512-863-1624	McCombs Campus Center
Director of Residence Life	512-863-1624	McCombs Campus Center
Athletic Director	512-863-1381	Robertson Center
Confidential reporting options include:		
Director of Counseling and Health Services	512-863-1252	Prothro Center
University Chaplain	512-863-1056	Howry Center

Timely Warning Reports – Crime Alerts

In an effort to provide timely notice to the campus community about a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Southwestern University Police issues “Crime Alerts.” The University Police will generally issue Crime Alerts for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sexual assaults, and hate crimes. University Police will post these warnings through a variety of ways, including, but not limited to, e-mails, phone calls, texts and other media.

All initial messages will begin with “SU Alert” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. When additional information is available, it may be provided using one or more of the methods listed above. The information you receive may caution you to avoid certain areas of the campus, let you know if classes are cancelled due to an emergency, or provide vital information on what actions you need to take if you are on campus during such a situation.

In the event a timely warning is sent, it may include the following information: type of crime, date, time and location of crime, as well as available suspect information. The purpose of these Crime Alerts is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents.

The University will issue Crime Alerts whenever the following criteria are met: 1) a crime is committed; 2) the perpetrator has not been apprehended; and/or 3) there is a substantial risk to the physical safety of other members of the campus community because of this crime.

Such crimes include, but are not limited to: 1) Clery Act crimes that are reported to any campus security authority or the local police; or 2) the University determines that the incident represents an on-going threat to the campus community.

Additionally, the University Police may, in some circumstances, issue Crime Alerts when there is a pattern of crimes against persons or property. At Southwestern University, the Chief of Police will generally make this determination, in consultation with other University officials, if a Crime Alert is required. However, in emergency situations any police supervisor may authorize a Crime Alert.

Anyone with information warranting a timely warning or emergency response notification for the Southwestern University campus should report the circumstances to SUPD at 512-863-1944.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at Southwestern University

The purpose of Emergency Planning and Preparedness at Southwestern University is to develop, organize, coordinate, and lead the campus toward effective preparation for and efficient response to emergencies and disasters with the primary focus on saving lives, reducing human suffering, and minimizing loss of property and academic services.

Southwestern University Police Department is responsible for the Emergency Response Plan Comprehensive Emergency Planning and Preparedness Management Plan. This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for higher education that includes planning, mitigation, response, and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency;
- Coordination with University departments to write, maintain, test and exercise the emergency plan; and
- Cooperation and coordination with local, state and federal public safety agencies.

A summary of the University's emergency response procedures can be obtained by contacting SUPD at 512-863-1944 or sending an email request to SUPD@southwestern.edu. You may also find instructions on how to sign up for the emergency notification system by going to <http://www.southwestern.edu/emergency/ENS-FAQ.php> or by contacting Emergency Notification System Administrator Anne Hines at 512-863-1657 or hinesa@southwestern.edu.

Drills, Exercises, and Training

To ensure the effectiveness of its emergency preparedness, Southwestern University engages with operational, academic, administrative and external entities on a regular basis. Southwestern University Police Department participates in local and regional emergency management groups. Several employees of SUPD have federal FEMA certifications in emergency preparedness for higher education facilities.

Emergency Notification

The Southwestern University Police Department is the department within the University responsible for confirming facts which would indicate that timely warnings and emergency notifications (“SU Alert”) are appropriate. The SUPD has primary responsibility for issuing and coordinating the issuance of an “SU Alert,” determining the content of the “SU Alert” and determining which of the methods available for issuance of the “SU Alert” will be utilized. SUPD may delegate certain responsibilities to, or collaborate with, other Southwestern personnel.

Southwestern University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. Southwestern University uses the emergency notification system Blackboard Connect. Blackboard Connect can be used to send emergency messages within minutes of the occurrence of an incident. The following procedures outline the process the University uses when issuing emergency notifications.

Procedures Used to Notify the Campus Community

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. “SU Alert” is Southwestern University’s system for alerting students, staff and faculty in the event that either a Timely Warning or Emergency Response Notice is required.

Information and instructions may be sent using one or more of the following methods:

- Text message to your cell phone
- Audio message to a cell phone or other telephone
- E-mail notification to your Southwestern University e-mail account. (automatically opted in)
- Radio and TV alerts through local news media
- Other emerging communications platforms (e.g., Twitter, Facebook, etc.)

Some or all of these methods of communication may be activated in the event of an emergency notification to all or a segment of the campus community. The University will post updates during a critical incident.

Confirming the Existence of a Significant Emergency or Dangerous Situation, and Initiating the Emergency Notification System

Southwestern University Police and/or other campus officials may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community.

If an emergency or dangerous situation is identified and poses an immediate threat to the health or safety of some or all members of the campus community, SUPD and/or other authorized University officials will issue an emergency notification.

SUPD will immediately initiate all or some portions of the University's emergency notification system. If issuing a notification potentially compromises efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, the University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the University will issue the emergency notification to the campus community.

Enrolling in the University's Emergency Notification System

We encourage members of the campus community to enroll in the "SU Alert" system by visiting <http://www.southwestern.edu/emergency/ENS-FAQ.php> or by contacting the Emergency Notification System Administrator, Anne Hines, at 512-863-1657 or hinesa@southwestern.edu. University community members are also encouraged to regularly update their information at the same site.

ABOUT SOUTHWESTERN UNIVERSITY POLICE DEPARTMENT

Role, Authority, and Training

Part of the Division of Student Life, the Southwestern University Police Department (SUPD) has a staff of six full-time police officers, one emergency communications coordinator, and 20 part-time police officers. Collectively, the Police Department has more than 200 years of law enforcement experience.

All SUPD commissioned officers are licensed and certified by the Texas Commission on Law Enforcement as meeting the minimum licensing and training standards of the State of Texas for peace officers. They are police officers with the same authority as a municipal officer. To remain certified, Southwestern University police officers must complete 40 hours of in-service training bi-annually.

Available 24 hours a day, seven days a week, officers with SUPD respond to more than 4000 calls a year. The department operates three marked patrol vehicles on campus. If you are in need of police assistance, call 512-863-1944.

Safety, our Number One Priority

The University takes great pride in the community and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in communities. With that in mind, Southwestern University has taken measures to create and maintain a reasonably safe environment on campus.

Though the University is progressive with its policies, programs and education, it is up to each individual to live with a sense of awareness and use reasonable judgment when living, working, or visiting on campus.

Working Relationships with Local, State, and Federal Law Enforcement

SUPD maintains a cooperative relationship with the City of Georgetown Police Department, the Williamson County Sheriff's Office and the Texas Department of Public Safety. The Southwestern University Police Department is the primary reporting and investigating law enforcement agency for all crimes occurring on the SU campus.

Security of and Access to University Facilities

The Southwestern University Police Department (SUPD), Department of Risk Management, and Facilities Management are vigilant in the category of campus maintenance for safety and security considerations. Inspections of campus facilities by Facilities Management personnel are made regularly so repairs affecting safety and security can be made.

Concerns regarding potential safety or security hazards may be reported to any of these groups:

Facilities Management	512-863-1914
Police Department	512-863-1944
Department of Risk Management	512-863-1677

Many University events are open to the public. Facilities such as the bookstore, library, and performance center are open to the public.

Special Considerations for Residence Hall Access

On the University campus, residence hall exterior doors operate under a computerized access control and security monitoring system. Identification cards are coded so that only students who are residents in a particular hall have authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. When any exterior door is left ajar, an audible alarm is activated. Student Resident Advisors are responsible for checking and securing doors, when needed. When a door is malfunctioning, personnel are summoned for immediate repair. Remember to lock your doors and windows. All residence hall exterior doors are equipped with locks and/or crash bars to ensure a quick emergency exit.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that their guest is aware of the University and residence hall policies. Guests are not provided with room keys or door access cards. University Police personnel conduct regular checks of all residence hall areas.

Security Considerations for the Maintenance of Campus Facilities

Southwestern University is committed to campus safety and security. Locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings.

Facilities Management, in conjunction with representatives from the SUPD, continually check the campus lighting, making repairs as needed.

SUPD encourages community members to promptly report any security concern, including concerns about locking mechanisms, lighting or landscaping to the Facilities Management either by calling 512-863-1914 or at <http://southwestern.edu/physicalplant/workorder/workorder.php>.

SOUTHWESTERN UNIVERSITY'S RESPONSE TO SEXUAL AND GENDER VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Introduction

Southwestern University is committed to providing a safe learning and working environment and, in compliance with federal law, has adopted policies and procedures to prevent and respond to incidents of sexual violence including sexual assault, domestic violence, dating violence and stalking. These guidelines apply to all students, faculty, staff, contractors and visitors.

Southwestern's Commitment to Address Sexual Violence, Domestic Violence, Dating Violence and Stalking

Southwestern University does not tolerate sexual misconduct or abuse, such as sexual assault, rape or any other forms of nonconsensual sexual activity, relational violence or stalking. All of

this conduct in any form violates the Student Code of Conduct and University policies, and may violate Federal and state laws. Violations of these policies are subject to disciplinary sanctions through the Dean of Students' office and/or those outlined in applicable University policies.

On-campus counseling services are available to students through Counseling Services.

Definitions

A sexual assault is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape.

In Texas, sexual assault is defined as:

When a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is unaware that the act is occurring.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

While these definitions are clear, victims often have difficulty reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking for numerous reasons, such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents in order to get help.

Student Sexual Misconduct Policy

Southwestern University is a community of trust dependent upon strict adherence to standards of conduct by its members. Sexual misconduct violates the dignity of individuals and will not be tolerated within our community. It is a form of discrimination based on sex or gender that violates federal Title IX regulations and is prohibited by University policy. In some cases, sexual misconduct can also be a violation of criminal law. Students at Southwestern University are charged with the responsibility of being familiar with and abiding by the standards of conduct set forth herein.

Southwestern University affirms the rights of its students to live, work and learn in an atmosphere of mutual respect, free from the threat of sexual misconduct. Accordingly, any form of sexual misconduct will not be tolerated. Southwestern University values the rights and

dignity of all members of its community. Sexual misconduct (whether on or off campus) affects the emotional, physical and psychological well-being of the Complainant and Respondent. The University has an obligation to investigate and hear cases in which students feel they have been violated and to do so in a timely manner. "The United States Department of Education and its Office for Civil Rights believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime." Dear Colleague Letter April 4, 2011.

State and federal law, including Title IX of the Education Amendments of 1972, prohibits sex/gender-based discrimination. Title IX covers all of the University's programs and activities, and Title VII of the 1964 Civil Rights Act, as amended, also prohibits sex discrimination in employment. Consistent with these legal requirements, Southwestern University is committed to providing a campus environment free of discrimination based on sex, race, color, religion, age, disability, national or ethnic origin, sexual orientation or any other impermissible factor. Southwestern University prohibits sexual harassment, sexual violence including sexual assault and other non-consensual sexual touching (forcible or not), relationship violence (including domestic and dating violence), stalking and other gender-based misconduct. Retaliation against anyone who reports an incident of sexual misconduct is strictly prohibited.

All universities are required by law to name a Title IX coordinator to manage campus sexual misconduct issues. That person's role is to oversee reporting requirements; to adequately ensure procedures and educational resources are in place; and to identify and address any patterns or systemic problems revealed by such reports and complaints. Southwestern University has designated the Associate Vice President for Human Resources, Elma Benavides, as the campus Title IX Coordinator. In addition, a Deputy Title IX coordinator has been identified as the Dean of Students.

Southwestern University encourages all members of the University community to report any concerns or complaints of sexual misconduct. Agents of the University ("responsible employees") are required by law to promptly report allegations of sexual misconduct that they learn or observe to the Title IX Coordinator or Deputy. "Responsible employees" are defined as employees who have the authority to take action to redress sexual violence or who a student could reasonably believe have this authority or duty.

The University takes all allegations of sexual misconduct seriously and will respond to all complaints, reports, allegations and information about sexual misconduct, of which it is aware. A Complainant has the option either to disclose (tell someone about sexual violence, but not necessarily for the purposes of officially reporting the incident to the school for disciplinary procedure) or report (tell someone because you want the school to be aware of the sexual violence or want to initiate a complaint and/or start the disciplinary process) an incident of sexual misconduct. If a student discloses an incident to a responsible employee who is obligated to report sexual misconduct, but the disclosing person wishes to maintain confidentiality or does not consent to the request to initiate an investigation, the Dean of

Students will in her/his discretion weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all members of the community. The University seeks consent from those who disclose prior to conducting an investigation. Declining to consent to an investigation will be honored unless the University determines in its discretion that investigation is required in order to prevent serious future physical harm to the disclosing person or community. If the University determines that an investigation is required, it will notify the disclosing person and take appropriate action. The University is committed to assisting victims/survivors of sexual misconduct through various resources and support services. To receive confidential support, the University encourages assistance from the counseling/health center and/or medical attention.

Students are also encouraged to make reports to local law enforcement and/or to SUPD and have evidence collected. In addition, the University discipline system can be used concurrently or independent from the legal system.

Jurisdiction

Southwestern University has the right to review and respond to on and off-campus violations of the University's Student Sexual Misconduct Policy by students, groups of students, or student organizations. Anyone may report a violation. (If a student wants to report a violation by a faculty or staff member, please report it to Elma Benavides, Associate Vice-President for Human Resources.) The University may take disciplinary action in response to incidents that take place during official functions of the University, or those sponsored by registered student organizations, or incidents that have a substantial connection to the interests of Southwestern University regardless of the location in which they occur. This Sexual Misconduct Policy applies to all students and employees, regardless of sexual orientation or gender identity, and applies to third parties. When a student is convicted of any crime whether it took place on or off campus, the University reserves the right to pursue its own internal disciplinary proceedings.

An action involving a student in a legal proceeding in civil or criminal court does not affect the University's ability to pursue its own internal disciplinary proceedings.

DEFINITION OF SEXUAL MISCONDUCT

Southwestern University prohibits sexual harassment, sexual violence including sexual assault and other non-consensual sexual touching (forcible or not), relationship violence (including domestic and dating violence), stalking and other gender-based misconduct. The University defines sexual misconduct as any non-consensual sexual contact between students, including but not limited to unwanted sexual touching and/or sexual intercourse. Sexual touching includes, but is not limited to, any touching of the breasts, buttocks, groin or genitals or the use of any of these parts for touching another. Sexual touching includes forcing one to self-touch on any of these parts. The definition of sexual misconduct includes contact by means of an object.

In University disciplinary proceedings, consent to sexual acts requires affirmative verbal response to specific sexual suggestion. Consent is a voluntary, non-impaired, verbal expression of agreement. The absence of “no” does not mean “yes.” Participation in social activities, sexual history, previous sexual involvement, or a lack of response does not itself create consent. Consent to a sexual act does not create consent to other sexual acts. Moreover, consent to a sexual act at any given encounter does not create consent for a future encounter. Consent may be withdrawn at any time by any party.

Consent cannot be given or obtained when there is any form of intimidation, coercion, including but not limited to, the application or threat of physical force or threats of social disparagement to the victim, or threats to withhold benefits to which the victim may be entitled.

Coercion may include tacit coercion, as may happen when one party holds significant power over another. Such a power differential may make verbal expressions of consent by the less powerful party open to doubt, at any hearing.

Students who are not sure if they are interacting with a person who is incapacitated should, as a matter of practice, avoid engaging in a sexual act with that person at that time. A person who has ingested a “date rape” or other drug or is blacked out may not appear incapacitated; nonetheless this person may be incapable of consent. Thus, a student who has sexual interactions with anyone who may be under the influence of any substance is vulnerable to accusations of violations of this policy.

A person is incapacitated and cannot consent if that person lacks control of his or her motor skills; is unable to understand what is happening; is intoxicated to the point of a potential black out; or is asleep, or unconscious for any reason, including voluntary or involuntary use of alcohol or drugs.

An individual, who engages in sexual activity when the individual knows, or should reasonably know, that the other person is incapacitated, has violated the policy.

Possession, use and/or distribution and/or administering of any incapacitating drugs, is prohibited and is a violation of this policy.

It is not an excuse that the respondent party of sexual misconduct was drunk/intoxicated, and therefore did not realize the incapacity of the other.

Three principles are critical in understanding the University’s position in regards to sexual misconduct:

1. Consent of all parties is mandatory and must be verbal.
2. Consent may be withdrawn by either party at any time via verbal or non-verbal communication.
3. Alcohol and other drugs impair judgment and undermine the possibility for consent.

A student organization may be held responsible for sexual misconduct when any of the following conditions exist:

1. The violation occurs on its premises with the knowledge and/or involvement of a member of the organization, or when a reasonable and prudent person would conclude that a member of the organization should have had such knowledge.
2. The violation occurs in conjunction with an organization-related event, regardless of whether the event is held on or off campus;
3. One or more members of an organization permit, encourage, aid, or assist any of its members, alumni/alumnae, or guests in committing a violation
4. One or more members of a student organization, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fails to prevent that action or to intercede on the victim's behalf;
5. One or more members of an organization fail to immediately report to appropriate University authorities their first-hand knowledge of a violation;
6. Alcohol or other drugs made available or were knowingly allowed by the organization during an organization-related event were a factor in a violation, and that organization did not take reasonable precautions to ensure the safety of the members and their guests.

If a student organization meets any of the above criteria and any member(s) of the organization self-report an incident to the University and cooperate with any investigation(s), it will be taken into consideration as an act of good faith when determining any sanctions. If the University discovers that the student organization knowingly withheld information, the organization may be subject to additional sanctions.

IMMEDIATE RESPONSE OPTIONS

NOTE POLICE PROCEDURE

One should understand that if a crime has occurred, police officers in the State of Texas MUST pursue an investigation even without the victim's consent. Therefore, reporting an assault to the police is not a confidential process. If one chooses to file a report, the student is encouraged to bring a trusted friend or family member for support. One can also request to have an SU counselor or an advocate from Williamson County Crisis Center (also known as Hope Alliance) to accompany her/him through the reporting process.

A student who believes s/he has had an unwanted sexual experience (even if s/he is unsure), may contact SU Police 24 hours a day by calling 512-863-1944, or by dialing 0 from a campus phone (if the sexual misconduct occurs on campus). The SU Police will help the student get to the appropriate hospital for medical treatment, if necessary. One can also call 911, if the sexual misconduct happened off campus. The student does not have to press charges; however, the student should understand that, if a crime has occurred, police officers in the State of Texas

(including SU Police) are obligated to pursue an investigation with or without the student's consent.

When seeking immediate medical treatment, there are several options. We suggest the first call is to Safe Place (512-267-7233). They have SANE Nurses on call who will meet you at either St. David's - Georgetown or Seton Williamson County. Safe Place also has their own clinic in Austin, where they provide completely free and confidential SANE Nurse services. A SANE Nurse is a specially trained medical provider who can conduct a rape kit examination to preserve evidence should the student decide to pursue criminal charges either now or in the future. The nurse will walk the student through their options for seeking medical services including pros and cons for each available option. Obtaining medical attention is highly encouraged to ensure the student's injuries are treated and medication provided to treat certain STD's, receive information about HIV/AIDS and pregnancy prevention. If the student desires medical treatment only, they may utilize services at the University Health Center located on the second floor of the Prothro Center. The contact number is 512-863-1252.

A student may talk with an SU counselor by calling 512-863-1252 during business hours. After 5:00 p.m. or on weekends, a student can call the SU Police (512-863-1944) and tell them it is a confidential matter. The Police can then connect the student with a Southwestern counselor. The counselor will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.

A student may contact the Health Center at 512-863-1252. After 5:00 p.m. or on weekends, a student can call the SU Police (512-863-1944) and tell them it is a confidential matter. The Police can then connect the student with the Southwestern nurse practitioner or nurse. The nurse practitioner or nurse will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.

The University Chaplain may be reached by dialing 512-863-1056, or by calling the campus operator (dial 0 on campus, 512-863-6511 off campus). After 5:00 p.m. and on weekends, a student can call the SU Police (dial 512-863-1944) and tell them it is a confidential matter. The Police can then connect the student with the Chaplain. The Chaplain will provide confidential support, discuss options regarding reporting, accompany the student to the hospital and/or police department (either on or off campus) if requested and facilitate arrangements to ensure safety.

A student may choose to contact off campus resources. Williamson County Crisis Center (Hope Alliance) can be reached at 1-800-460-SAFE (7233), or SafePlace at 512-267-7233. Both of these resources offer trained advocates to accompany the student to the hospital and immediate counseling to determine options for medical care as well as deciding whether or not to report to the police. Additionally SafePlace can accommodate Spanish speakers and deaf persons.

If one chooses to go directly to the hospital, it is recommended that they have someone they trust accompany them for support - the Williamson County Crisis Center (also known as Hope Alliance) will provide a trained volunteer to accompany the student to the hospital, should they desire such assistance. Call 1-800-460-SAFE (7233) to reach the Williamson County Crisis Center.

The Southwestern University Yellow Book, "Help for Sexual Assault/Sexual Misconduct: Where to go? Who to talk to?" may be obtained on-line at <http://www.southwestern.edu/titleix/SUYellowBook.pdf>. The Yellow Book is also available from Counseling Center, the University Chaplain, any RA, SUPD and the Dean of Students Office. For the most up-to-date version please see the online version of the Yellow Book. The Counseling Center's website has other resources listed addressing sexual violence which students may find helpful: www.southwestern.edu/officescounseling/selfhelp.php.

Important Note: The printed 2017-18 version of the Handbook was updated with current Yellow Book information as of June 2017, however, the most recent version of the Yellow Book can always be found online at <http://www.southwestern.edu/titleix/SUYellowBook.pdf>

ADJUDICATION OPTIONS

If a student has had an unwanted sexual experience, there are numerous options, including doing nothing or one or more of the following:

1. One can pursue charges based on Texas state laws. This would entail making a police report followed by an investigation and possible criminal proceedings involving the appropriate District Attorney's office.
2. One can pursue a case through a civil suit. This option generally seeks monetary remedies and is initiated by contacting an attorney of the student's choosing and at the student's expense. Agencies that can help one find an attorney include the Austin Bar Association's Lawyer ..Referral Service – www.austinlrs.com/index.asp or (512) 472-8303 or the Sexual Assault Legal Line at 888-296-SAFE.
3. If a student wishes to seek confidential support, the on campus options are to meet with the Counseling Center, the Health Center or the University Chaplain. These options do not require an investigation nor do they prevent a student from pursuing other options.
4. The Complainant can pursue a formal, on-campus University disciplinary action by informing the Dean of Students of her/his desire to register a formal complaint. Any member of the University community can be the Complainant. The University also reserves the right to act as the Complainant via Residence Life staff, Dean of Students, or SU Police. Any outcome from a University disciplinary process will not necessarily have any jurisdictional authority beyond the physical campus, its students and affiliated programs.

Once the University is notified of allegations of sexual misconduct an inquiry (but not necessarily an investigation) must be started. If the Complainant desires to proceed with a formal disciplinary complaint against the Respondent, a prompt investigation by the University will follow

SEXUAL MISCONDUCT HEARING BOARD

Disciplinary complaints involving sexual misconduct are heard by the Sexual Misconduct Hearing Board (“Hearing Board”). The Hearing Board members receive formal training prior to serving as a Board member. This training includes, among other topics, referral sources for assistance, presentations on how Southwestern adjudicates sexual misconduct disciplinary cases, dynamics of acquaintance rape scenarios, variable survivor reactions, myths and facts about sexual misconduct that apply to both men and women, sensitivity to sexual orientation factors and appropriate standards of proof.

The Hearing Board is the only board that can hear cases involving alleged student or student organization sexual misconduct, except during Special Periods, when the Special Periods Committee on Discipline shall act as the Hearing Board.

The Hearing Board shall consist of five Hearing Board Members, at least three of whom must be members of the faculty. Every attempt will be made to have gender diversity within the Hearing Board.

The Dean of Students (or designee) will choose the chair of the Hearing Board. The Hearing Board shall be provided with the charge(s), the Complainant’s written complaint, the written reply of the Respondent (if any), attachments or list of witnesses, and any other documents or materials submitted by the parties or obtained during the investigation.

The Complainant and the Respondent will be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing. The Complainant and the Respondent can request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing. The decision to grant a dismissal shall be made in the sole discretion of the Dean of Students (or designee)

THE SEXUAL MISCONDUCT HEARING

The Dean of Students or her/his designee (if the Dean is the Complainant) is responsible for presenting charges to the Hearing Board. At this point, the Respondent may enter a plea of responsible or not responsible. In the absence of a plea, or in the case of a not responsible, the hearing continues.

In the event the Respondent pleads responsible, the Hearing Board will consider statements from the Respondent and the Complainant. The Dean of Students (or designee) or Hearing Board member may ask questions at that time.

Under usual circumstances, the Complainant attends the hearing as a witness. The Complainant and the Respondent have the right to attend the full hearing, excluding the deliberation of the Hearing Board, if they so choose. If the Respondent has been formally notified of the hearing but fails to attend, the Hearing Board will hear the case in her/his absence.

All witnesses at the hearing must testify live and in person before the Hearing Board, unless the witness (i) is not affiliated with Southwestern University and resides more than 100 miles from Georgetown, Texas, or (ii) makes a showing prior to the hearing to the Dean of Students (or designee) of good cause as to why live testimony is not feasible, such determination by the Dean (or designee) being in her/his sole discretion. In all such cases where the witness is permitted to not testify live, appearance of such witness shall be by live video, internet voice or video, or telephone, as the Dean of Students (or designee) may agree. Under no circumstance will written statements be permitted as testimony of a witness.

If the Respondent pleads not responsible or makes no plea, the Dean of Students (or designee) will present witnesses in support of the charge(s), including any witnesses provided by the Complainant. The Hearing Board members may ask questions, for clarification purposes only, during the witness's direct testimony. Upon completion of the testimony by the Complainant or a witness, the Hearing Board, the Dean of Students (or designee) can conduct more complete questioning.

Should the Respondent or the Complainant have a question of a witness, or of each other, that question must be provided at the conclusion of the witness's statement and must be presented to the chair, who will determine whether to ask the question of the witness, based on relevance or other factors is the chair's discretion.

The Dean of Students (or designee) will then present witnesses on behalf of the Respondent. It is the choice of the Respondent whether or not to testify. Once again, the Hearing Board members may ask questions for clarification purposes only during the direct testimony of the witness.

Upon completion of the testimony by the Respondent or a witness, the Hearing Board may conduct more complete questioning. Once again, should the Respondent or the Complainant have a question of a witness, that question must be provided at the conclusion of the witness's statement, and must be presented to the chair who will determine whether to ask the question of the witness, based on relevance or other factors is the chair's discretion.

The Hearing Board may, during a hearing, request additional information or witnesses and may take a recess of sufficient time to acquire the information. The Hearing Board chair may also

declare a recess, if s/he believes that either the Complainant or the Respondent is emotionally unfit to continue or that there is fatigue of any party in the proceedings.

Upon completion of the witnesses' statements and questioning, the Complainant and the Respondent will have the opportunity to make a brief statement to the Hearing Board concerning the evidence or the issues for the Hearing Board. No new evidence will be permitted in such statements and the Chair of the Hearing Board will have the right to place reasonable restriction on the length of such statements. Upon completion of the closing statements by the Complainant and the Respondent, the Hearing Board will commence deliberation of responsible or not responsible in closed session. Only Hearing Board members are present in the closed session during deliberation. A preponderance of the evidence standard will determine the violation; meaning that it is more likely than not that the Respondent committed the conduct violation. If the Respondent is found responsible, or pleads responsible, both the Respondent and Complainant may make personal statements, followed by questions from the Hearing Board. Character witnesses for the Respondent may then be offered. A character witness is a person who may speak to their experiences with Respondent and Respondent's good qualities, character and morality. Character witnesses may not address the issue of guilt or the facts relating to such finding by the Hearing Board. Such witnesses are limited to two, and a total time of fifteen minutes is allotted. At this time, the Dean of Students (or designee) will be expected to offer any history of former discipline problems. The Dean of Students (or designee) may also recommend appropriate sanctions. Those recommendations will be given in the presence of the Respondent. These are recommendations only and are not binding. This is followed by deliberation on the sanction by the Hearing Board in closed session. The Respondent is then informed of the sanction and reminded of the right to appeal. The Complainant is then notified of the outcome of the hearing and the right to appeal.

If the Respondent is a student organization, the organization shall be represented at the hearing by its president (or designee appointed from within the student membership of the organization).

The only persons entitled to be present during the hearing are the Dean of Students (or designee), the Complainant, the Complaint's advisor selected pursuant to Section 8 below, the Respondent, the Respondent's advisor, witnesses (during their testimony only), and the Hearing Board members. In addition, an officer of the SUPD and/or a Residence Life staff member may attend, if determined necessary by the Dean of Students (or designee). Finally, the University may choose to have its attorney attend the hearing to consult with the University, the Dean of Students (or designee) and/or the Hearing Board on legal and procedural issues.

If during the hearing, the Hearing Board became aware of any other violation(s) of University policy which may have occurred in connection with the circumstances surrounding the alleged misconduct, the Hearing Board may in its discretion at the conclusion of the hearing make a confidential referral of such other potential violation(s) to the Dean of Students (or designee) for possible future or other disciplinary proceedings.

Southwestern University seeks to complete the investigation of all reports of sexual misconduct within sixty (60) days. That time frame is meant to be a guideline rather than rigid requirement. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include school breaks or holidays, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, or other unforeseen circumstances

RIGHT OF A STUDENT TO HAVE AN ADVISOR

When a student appears before the Sexual Misconduct Hearing Board as a Complainant or Respondent, he or she is entitled to be accompanied by one advisor of his or her choosing. The Dean of Students (or designee) should be informed of the identity of the advisor not less than 10 days before the hearing. The advisor may be anyone, including a friend, a member of the faculty or staff, a parent, or an attorney. The only persons disqualified from being your advisor are witnesses, administrators over the disciplinary process, and any person who supervises a participant in the disciplinary process as an employee. If the advisor is an attorney, the Dean of Students (or designee) will still communicate directly with the Complainant and/or the Respondent regarding the procedures and other matters relating to the hearing; however, the attorney must have all of his or her communications be to the University's attorney and not with the Dean of Students (or designee). Whoever is the advisor, the advisor is not allowed to speak during the hearing, to speak for the party, to argue for the party, to address the Hearing Board, or to address/question any witness during the hearing. The advisor's role is limited to privately advising the Complainant or the Respondent, as the case may be, in a non-disruptive manner. It is the responsibility of the Complainant/Respondent to assure that the advisor is aware of his or her role.

RIGHTS OF THE COMPLAINANT

The rights of the Complainant are as follows:

1. To have assistance from a CASAR (Center for Academic Success and Records) Advisor that can help assess your academic situation and what your options might be. Every case is different, but these options could include (but are not limited to) transferring classes and/or withdrawing from one or more of your classes. Alternative meal hours or housing can be arranged if necessary by talking to the Dean of Students (or designee). Assistance can also be received in regards to any concerns you might have about financial aid and scholarships.
2. To be informed in writing of time and date of the sexual misconduct hearing and the charge against the Respondent.

3. To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing.
4. To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing.
5. To know the name(s) of the Respondent's witness(es).
6. To have an advisor (See Right of a Student to have an Advisor).
7. To supply the Dean of Students (or designee) with a written statement and any evidence in support of the complaint.
8. To appear as a witness at the hearing.
9. To attend the entire hearing exclusive of closed sessions.
10. To request alternative hearing procedures (See Rights of the Complainant) in which the Complainant does not have to be physically present at the hearing site.
11. To supply the Dean of Students (or designee) with a list of witnesses in support of the accusations.
12. To receive notice and explanation of the processes involving allegations of sexual misconduct.
13. To provide questions of witnesses to the hearing chair for consideration (See The Sexual Misconduct Hearing).
14. To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeal.
15. To appeal the decision (See Rights of the Respondent).
16. To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s).
17. To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.).

RIGHTS OF THE RESPONDENT

The rights of the Respondent are as follows:

1. To have assistance from a CASAR (Center for Academic Success and Records) Advisor that can help assess your academic situation and what your options might be. Every case is different, but these options could include (but are not limited to) transferring classes and/or withdrawing from one or more of your classes. Alternative meal hours or housing can be arranged if necessary by talking to the Dean of Students (or designee). Assistance can also be received in regards to any concerns you might have about financial aid and scholarships.
2. To be informed in writing of the time and date of the sexual misconduct hearing and of the charge.
3. To be informed of the names of the pool of potential Hearing Board members at least forty-eight hours prior to the hearing.
4. To request dismissal, with cause, of any potential member of the Hearing Board up to twenty-four hours before the hearing.
5. To know the name(s) of her/his Complainant and witness(es).
6. To have an advisor (See Rights of the Student to Have an Advisor).
7. To supply the Dean of Students (or designee) with any evidence in support of her/his defense.
8. To appear as a witness at the hearing.
9. To attend the entire hearing exclusive of closed sessions.
10. To not appear at the hearing.
11. To supply the Dean of Students (or designee) with a list of witnesses in defense of the accusation(s).
12. To receive notice and explanation of the processes involving allegations of sexual misconduct.
13. To provide questions of witness(es) to the hearing chair for consideration
14. To be informed, in writing, of the final judgment of the Hearing Board, of any appeal request, and of the results of an appeals
15. To appeal the decision (See Rights of the Respondent).
16. To be notified of any sanction(s) by the Dean of Students (or designee) within twenty-four hours of the Hearing Board's decision, followed by a letter outlining the sanction(s)

17. To receive updates and copies of all correspondence throughout the process (when statements are provided to the other, appeal filed, etc.).

ALTERNATIVE PROCEDURE

If the Dean of Students (or designee) concludes in her/his discretion that implementation of the usual sexual misconduct hearing procedure would result in significant trauma for the Complainant or alleged victim, the Complainant will have an additional option. The Complainant and her/his advisor would be connected to the process via telephone or video conferencing technology instead of being physically present at the site of the hearing. This option does not require the consent of the Respondent. All other aspects of the hearing remain the same.

APPEALS

Appeals may be made by both the Respondent and the Complainant. Appeals must be submitted in writing to the Office of the Vice President for Student Life within three business days from the date of written notification of the hearing results, with a copy of such appeal being delivered to the Dean of Students (or designee). The Dean of Students (or designee) will then provide a copy of the written appeal to the non-appealing party at which time the non-appealing party may provide a written response within three business days. Appeals must be in writing and signed by the Complainant or Respondent and not by the advisor. An appeal must concisely set forth the grounds for appeal, as well as provide any supporting material.

The grounds for appeal are limited to the following:

The hearing was conducted in a manner materially and unfairly inconsistent with the established Hearing Board procedure (see The Sexual Misconduct Hearing).

Information is available that was unavailable at the time of the hearing, and the new information is relevant to the Hearing Board's determination.

Sanction(s) is (are) inappropriate for the violation(s).

A decision on the appeal by the Appellate Board, composed of three (3) members of the Hearing Board pool who were not involved in the original hearing or intake process, will be based upon the written appeal and such other information as the Appellate Board deems at its discretion to be relevant. There is no hearing or other oral presentations by the parties in connection with the appeal. The decision on the appeal rendered by the Appellate Board is final, meaning that there is no appeal beyond the Appellate Board, and will be mailed, within thirteen business days of receipt of the appeal, to both the Complainant and the Respondent.

The Appellate Board may take the following measures on appeal:

1. Uphold the original decision(s) and sanction(s).
2. Uphold the original decision(s) and alter sanction(s).
3. Refer the case back to the Hearing Board for rehearing. Both the Respondent and Complainant will have the opportunity to participate in a rehearing.
4. Refer the case back to the Hearing Board for review. Both the Respondent and Complainant will be informed of the outcome of the review.

Where an appeal is based on assessed sanction(s), the Appellate Board may reduce but not increase sanctions imposed. A rehearing or review by Hearing Board may not result in more severe sanctions. The outcome of the appeal process is final.

Departures from these procedures and errors in their application shall not be grounds to withhold disciplinary action unless, in the sole judgment of the Appellate Board, the departures or errors were such as to have prevented a fair and just hearing. If you want to learn more about your rights or if you believe your institution is violating Federal law, you can contact the U.S. Department of Education, Office for Civil Rights, at ocr@ed.gov or (800)421-3481. You can also fill out a form online at www2.ed.gov/about/offices/list/ocr/complainintro.html.

INTERIM SANCTIONS

In certain instances, it may be necessary for the University to impose interim sanctions, including suspension, pending a hearing. This action may be necessary when in the sole opinion of the Dean of Students (or designee), the continued presence of the Respondent student may constitute a threat or disruption to the normal academic process of the University, or where the student is considered a danger to other students or to him/herself. In such cases, a hearing will be scheduled as soon as appropriate after interim sanctions commence

TYPICAL SANCTIONS

If the Respondent (student or student organization) is found in violation of the University's Student Sexual Misconduct Policy, the notification will also include notice of any sanctions which may be imposed by the Hearing Board. Such sanctions may include, but are not limited to, those listed below. More than one sanction may be imposed for any single violation. A history of inappropriate behavior by the student or student organization and the nature or severity of an incident are considered in determining appropriate sanctions. If a student chooses to withdraw from Southwestern University prior to a Sexual Misconduct Hearing, a Criminal Trespass may be issued through Southwestern University Police Department.

The Hearing Board has wide discretion to impose any sanction it deems appropriate for the violation it found of the Sexual Misconduct Policy. In considering the appropriate sanction, the Hearing Board will consider, among other things, the nature of the specific acts, the interests of the Complainant, the character and interests of the individual found responsible, the testimony, if any, at the punishment phase of the hearing, and the interests of the University in a safe environment. The range of potential sanctions includes:

Contract Probation – A warning that future violations may be handled more strictly and with additional sanctions imposed by the Dean of Students (or designee). Contract probation expires after a specified amount of time but remains in the internal SU record until graduation (or in the case the student leaves the University, for four years after the violation).

Disciplinary Probation – An official sanction by the University that becomes a part of the student’s record. Future misconduct will result in a hearing by the University Committee on Discipline, with sanctions up to and including University suspension or expulsion. Students placed on disciplinary probation may not graduate, re-enroll, or confirm registration until the terms of probation are met. Additional loss of privileges may include, but are not limited to, leadership in student organizations and representing a student organization off campus, participation in athletics, University activities and events, access to facilities, and parking and vehicle registration and use privileges.

Expulsion – The permanent dismissal of a student or organization. Expelled students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Expelled organizations must cease to exist within twenty-four hours, unless the Hearing Board directs otherwise.

Loss of Privileges – Denial of specified privileges for a designated period of time.

Mandated Counseling – Requirement that a student take part in a counseling program conducted by an off campus licensed professional as determined by the Hearing Board. This includes signing a “Request and Authorization to Exchange Information” form provided by the Dean of Students (or designee). The Hearing Board may require the student to participate in a counseling program that addresses particular issues, such as substance abuse.

Mandated Counseling Assessment – Assessment and/or session with an off-campus licensed professional as determined by the Hearing Board by a specified date. This includes signing a “Request and Authorization to Exchange Information” form provided by the Dean of Students (or designee). Unless otherwise stated by the Hearing Board, the student is required to follow all recommendations made by the treating professional.

Mandatory Housing Relocation and Class Scheduling – To facilitate the Respondent and Complainant avoiding all contact unless the Complainant agrees otherwise.

Physical Restrictions – A directive that forbids a student(s) to be in specified locations on University premises.

Suspension – The forced withdrawal of a student or an organization for a specifically stated period of time. Suspended students must leave campus within twenty-four hours, unless the Hearing Board directs otherwise. Suspended organizations must suspend all operations within twenty-four hours, unless the Hearing Board directs otherwise.

Student Organizations Sanctions – In addition to the other sanctions identified here, as appropriate, student organizations found responsible of a violation of the Sexual Misconduct Policy may also face the following sanctions:

Alcohol Ban – Alcohol may be banned from all functions and/or from specific premises, even if all students are of legal age.

Expulsion – In addition to the expulsion sanctions identified above, the removal of all organization identification, removal or covering of any permanent signage, social areas being restricted to residents only, the loss of all University privileges, and residential occupancy determined by the Dean of Students (or designee).

Mandated Educational Programs approved by the Dean of Students (or designee).

National Organization Contact – informing any relevant national organization of the violation.

Prohibition of recruiting, adding and/or inducting new members.

Social Probation – Prohibiting a student organization from having any social activities (including parties) on or off campus for a specified period of time.

Suspension – In addition to the suspension sanctions identified above, the removal of all non-permanent signage during the time of suspension, and residential occupancy determined by the Dean of Students (or designee).

RECORDS

Accurate records of hearings and other actions by administrators shall be kept in the student's and/or organization's files in the Office of Student Life. These records will be made available to the Vice President for Student Life (or designee) and the Appellate Board upon appeal. Records of hearings usually include information provided by several students. Therefore, they are not considered to be a part of any one student's record, and are not made available to anyone outside the hearing or the campus appeal process, except under proper subpoena and in accordance with law.

Student disciplinary hearing files will be maintained for ten years following graduation. At the end of this designated time periods, disciplinary hearing files may be destroyed.

OTHER SEXUAL MISCONDUCT INFORMATION AND POLICY DEFINITIONS

The following is some additional information relating to the University's Sexual Misconduct Policy, as well as some definitions of commonly used words that may arise in the Policy. To the extent these defined terms are defined above in the Policy, the following definitions are not

intended to replace them, but are simply shorthand guidance. Similarly, witnesses use of terms defined here are not deemed to adopt these definitions. Rather, witnesses may explain and offer their own meaning as to their use of such terms.

Bystanders: Individuals who witness emergencies, criminal events or situations that could lead to criminal events and by their presence may have the opportunity to provide assistance, do nothing or contribute to the negative behavior.

Bystander Intervention (Adapted from Vassar Website with permission): When a bystander notices a situation that seems out of the ordinary, they need to evaluate and determine if it is an emergency or one in which someone needs assistance. If they decide this is the case, they need to take action. Most frequently, people are less willing to take action if there are other bystanders present since everyone waits for someone else to take responsibility. In situations of physical or sexual violence, having someone else present is often more empowering as the bystander will feel more empowered. The bystander must then decide the best course of action. Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security. The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

Educate yourself about interpersonal violence AND share this information with friends

Confront friends who make excuses for other peoples' abusive behavior

Speak up against racist, sexist, and homophobic jokes or remarks

Tips for intervening in a situation potentially involving sexual misconduct, relationship violence, or stalking:

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police

Please remember that any situation that threatens physical harm to yourself or another student should be assessed carefully. Contact SUPD at 512-863-1944 if needed to assist to diffuse the situation.

CASAR: Center for Academic Success and Records.

Coercion: The application or threat of physical force or threats of social disparagement to the victim, or threats to withhold benefits to which the victim may be entitled. Coercion may

include tacit coercion, as may happen when one party holds significant power over another. Such a power differential may make verbal expressions of consent by the less powerful party open to doubt, at any hearing.

Complainant: The recipient of the alleged sexual misconduct who is filing a complaint.

Consent: See Definition of Sexual Misconduct in this section.

Dating Violence: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic Violence: Violence by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Non-impaired: Mentally and physically capable of exercising judgment concerning one's own behavior, actions and decisions.

Respondent: The person accused of the sexual misconduct by the Complainant.

Retaliation: Any action taken against another person to seek revenge. This includes physical contact, inappropriate comments through email, text messages, social media, Facebook comments or any other form of communication or any other attempts to ostracize by or on behalf of either student.

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Harassment: See Policies and Procedures on Sexual Harassment, Section XVIII of the *Student Handbook*.

Sexual Misconduct: See Definition of Sexual Misconduct in the this section of this Sexual Misconduct Policy.

Special Periods: When the Honor Code Council Hearing Board, the University Committee on Discipline, and the Sexual Misconduct Hearing Board cannot be assembled to hear a case, or when, in the opinion of the Dean of Students (or designee), unusual and/or extenuating circumstances do not allow for a fair hearing, the Special Periods Committee on Discipline will hear the case and act as the Hearing Board under this policy. These periods include, but are not limited to, the first two weeks of the semester, finals week, vacations, and summer terms.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

Student: An individual is considered a Southwestern student and is expected to comply with all University policy upon submittal of her/his enrollment deposit and the inception of orientation move-in day. This student status remains until one graduates or withdraws from the University. A deposited individual may be subjected to disciplinary action before move-in day if s/he violates a University policy while on campus or in any interaction with University personnel. Individuals who are both students and employees will be treated as students for the purpose of this policy and procedure, only if their primary relationship to the situation is that of a student. Allegations against individuals who are regular employees (regardless of student status) will be handled under the appropriate personnel policies. Where appropriate, student also includes student organizations.

Student Organization: Any group that has complied with the formal requirements for University recognition or regulation is a student organization.

NOTE—CHANGE IN POLICE PROCEDURE

One should understand that if a crime has occurred, police officers in the State of Texas MUST pursue an investigation even without the victim's consent. Therefore, reporting an assault to the police no longer remains a confidential process. If one chooses to file a report, the police encourage the student to bring a trusted friend or family member for support. One can also request to have an SU counselor or an advocate from Williamson County Crisis Center to accompany her/him through the reporting process.

In accordance with Chapter 57 of the Texas Code of Criminal Procedures, victims may use a pseudonym to protect their identity when reporting sexual violence offenses or family violence offenses to Texas law enforcement agencies. A pseudonym is a set of initials, or a fictitious name, chosen by the victim to be used in all public files and records concerning the sexual assault.

Personal Safety

Theft, disorderly conduct, and alcohol related offenses are very common on University campuses. Despite law enforcement's best efforts, serious crimes do occur on campuses. It is important to report any suspicious incidents to police and always remain alert and vigilant.

Some of the more serious crimes that too often are unreported are Sexual Assault, Domestic Violence, Dating Violence, and Stalking. It is important to know what these crimes are, because in many cases, victims do not realize that have been victimized. Additionally, crimes of this nature are very difficult for victims to report for a number of very complex reasons. We provide the following information to assist those who may have been victims of sexual assault or who have a friend who has been sexually assaulted.

There are many guidelines to help you be more alert and aware of the situation to prevent such serious crimes, such as:

<http://www.southwestern.edu/titleix/SUYellowBook.pdf>

Know your surroundings.

Be alert.

Call for help.

Report any suspicious people and/or activity, immediately.

On and Off Campus Resources

Southwestern University offers important resources to the victims of sexual violence, domestic violence, dating violence, or stalking including medical treatment, counseling and advocacy they may wish to utilize. The Southwestern University Division of Student Life is available to assist any student free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. The Southwestern Human Resources Department is available to assist any employee. A victim need not make a formal report to law enforcement or Southwestern University to access these resources that include the following:

A resource guide that can be downloaded by the SU Community.

<http://www.southwestern.edu/titleix/SUYellowBook.pdf>

RAINN: Rape, Abuse and Incest National Network. <https://rainn.org/>

Hope Alliance: The Williamson County Crisis Center. <http://www.hopealliancetx.org/>

Safe Place of Austin: <http://safeplace.org/>

TAASA: Texas Association Against Sexual Assault. <http://taasa.org/>

National Domestic Violence Hotline: <http://www.thehotline.org/>

Stalking Resource Center: <http://www.victimsofcrime.org/home>

A student who believes s/he has had an unwanted sexual experience (even if s/he is unsure), may contact SU Police twenty-four hours a day by calling 512-863-1944, or by dialing 0 from a campus phone (if the assault occurs on campus). The SU Police will help the student get to the appropriate hospital for medical treatment, if necessary. One can also call 911, if the assault happened off campus. The student does not have to press charges; however, the student should understand that, if a crime may have occurred, police officers in the State of Texas (including SU Police) are obligated to pursue an investigation without the student's consent.

A student may talk with an SU counselor by calling 512-863-1252 during business hours. After 5:00 p.m. or on weekends, one can call the SU Police (dial 512-863-1944) and tell them it is an emergency that they do not want to report to the police. They can then connect the student with a counselor.

A student may contact Health Services at 512-863-1252. After 5:00 p.m. and on weekends, a student can call the SU Police (dial 512-863-1944) and tell them it is an emergency. They can then connect the student with the campus nurse practitioner or nurse.

The University Chaplain may be reached by dialing 512-863-1056, or by calling the campus operator (dial 0 on campus).

If one chooses to go directly to the hospital, it is recommended that s/he have someone trusted accompany him/her for support—the Williamson County Crisis Center 1-800-460-SAFE (7233) can provide accompaniment to the hospital.

Accommodations

If requested, the University will make any changes in academic and living situations reasonably available in assisting victims of sexual assault. Options may include but are not limited to change of residence hall room, University phone number, or class schedule.

Whether or not a student or employee reports to law enforcement and/or pursues any formal action, if they report an incident of domestic violence, dating violence or stalking, Southwestern University is committed to providing them a safe learning or working environment as possible. Upon request Southwestern University will make any reasonably available change to a victim's academic, living, transportation, and/or working situation.

Students may contact the office of the Dean of Students, 3rd floor McCombs Campus Center, 1010 McKenzie, 512-863-1624. Employees may contact the Southwestern University Office of Human Resources located at the Cullen building 1001 E University Ave, 512-863-1435. For incidents of sexual violence students and staff may contact the Title IX Coordinator 512-863-1435.

If a victim reports an incident to law enforcement, they may assist them in obtaining a protective order from a criminal court. Southwestern University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. A protective order can contain several provisions to protect victims from any further harm, including no-contact provisions. In Texas a violation of a protective order is a criminal offense and the violator may be immediately arrested without having to procure an arrest warrant.

Educational Programs

Southwestern University is committed to increasing the awareness of and prevention of sexual violence, domestic violence, dating violence, and stalking. All incoming students and new employees are provided with programming and strategies intended for these type incidents before it occurs through the changing of social norms and other approaches; that includes a clear statement that Southwestern University prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year.

Events can be collaborated with these two committees:

AOD: Alcohol and Other Drugs Committee

SARR: Sexual Assault Risk Reduction Committee

How to be an Effective Bystander

Bystander intervention (adapted from Vassar)

When a bystander notices a situation that seems out of the ordinary, they need to evaluate and determine if it is an emergency or one in which someone needs assistance. If they decide this is the case, they need to take action. Most frequently, people are less willing to take action if there are other bystanders present – everyone waits for someone else to take responsibility. In situations of physical or sexual violence, having someone else present is often more empowering as the bystander will feel more empowered. The bystander must then decide the best course of action

Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security.

The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

Educate yourself about interpersonal violence AND share this info with friends

Confront friends who make excuses for other people's abusive behavior

Speak up against racist, sexist, and homophobic jokes or remarks

Tips for Intervening

In a situation potentially involving sexual assault, relationship violence, or stalking:

- Approach everyone as a friend

- Do not be antagonistic

- Avoid using violence

- Be honest and direct whenever possible

- Recruit help if necessary

Keep yourself safe

If things get out of hand or become too serious, contact the police

Bystander Intervention Strategies

Distract

Use a distraction to redirect the focus somewhere else: “Hey, I need to talk to you.” or “Hey, this party is boring. Let’s go somewhere else.” Commit a party foul (i.e. spilling your drink) if you need to.

Delegate

Recruit the help of friends of both people to step in as a group. Divert the attention of one person away from the other person. Have someone standing by to redirect the other person’s focus.

Direct

Step in and separate two people. Let them know your concerns and reasons for intervening. Let them know you are acting in their best interest. Make sure each person makes it home safely.

***Please remember that any situation that threatens physical harm to yourself or another student should be assessed carefully. Contact SUPD at 1-512-863-1944 if needed to assist in defusing the situation.**

Policy and Procedures on Sexual Harassment

At the faculty meeting on February 27, 1990, the faculty adopted the following policy and procedures on sexual harassment formulated by the Faculty Affairs Council. The Board of Trustees adopted the same policy and procedures at its regular meeting on April 6, 1990. Amendments to the policy were approved by the faculty on April 28, 1992 and February 15, 1994, and the Board of Trustees on October 30, 1992 and April 15, 1994. On October 31, 2002, the University Council approved a proposal from the Faculty Affairs Council that the Sexual Harassment Advisory Committee report to the University Council effective immediately. Amendments to the procedures were approved by the University Council on February 3, 2003 and subsequently by the faculty on February 11, 2003. Administrative updates were approved by the Strategic Planning and Budget Committee in April, 2015.

Policy and Definition

Sexual harassment in any manner or form, including sexual harassment based on sexual orientation, is expressly prohibited. It is the policy of Southwestern University (the University) to maintain both an academic and a working environment free from all forms of sexual harassment of any employee or applicant for employment, student, donor, former student, volunteer, or any other constituent of the University. Two reasons for this policy are to reaffirm the University's commitment to respect for the person and to enhance the University community's level of consciousness regarding gender issues. Sexual harassment violates both University policy and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 and the Texas Commission on Human Rights Act. All reported or suspected occurrences of sexual harassment will be promptly and thoroughly investigated. All investigations will be conducted in a professional manner, and to the fullest extent possible. The University intends that these investigations will be kept confidential within the limits of the law. Where sexual harassment has occurred, the University will take appropriate and timely disciplinary action.

As used in this policy, the term "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or education; or
2. Submission to or rejection of such conduct by a person is used or threatened as the basis for academic or employment decisions, or evaluations affecting that person; or
3. Such conduct has the purpose or effect of a) unreasonably interfering with a person's academic or professional performance or b) of creating an intimidating, hostile, or offensive employment, educational, or campus environment for any person or group of persons. Other sex-related behaviors, that may or may not be definable as sexual harassment, will hereinafter be referred to as "sex-related misconduct".

Examples of Sexual Harassment

The examples of sexual harassment given below are intended to illustrate inappropriate behavior, but are not all-inclusive. Courts in this country have recognized two types of sexual harassment: The first type is quid pro quo ("something for something") harassment, where sexual activity is demanded or offered in exchange for an actual, tangible job or benefit; the second type is hostile environment harassment, where there is not necessarily a loss or gain of a tangible job or benefit. The University intends for this policy to include quid pro quo harassment and hostile environment harassment.

Examples of unacceptable verbal or physical conduct which may constitute sexual harassment include, but are not limited to:

1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;

2. Intimidating conduct which exerts pressure for sexual activity;
3. A pattern of conduct in class or in the workplace (not legitimately related to the subject matter of the course or job) which would discomfort or humiliate a reasonable person at whom the conduct was directed, through comments of a sexual nature, such as sexually explicit statements, questions, jokes, anecdotes, or references to sexual orientation;
4. A pattern of conduct that would discomfort or humiliate a reasonable person at whom the conduct was directed, through one or more of the following: a) inappropriate touching, patting, hugging, or brushing against a person's body, b) repeated or unwanted staring, c) remarks of a sexual nature about a person's clothing or body, or d) remarks about a person's sexual orientation, sexual activity, or speculations about previous sexual experience;
5. A pattern of conduct which a reasonable person would identify as one or more of the following: a) inappropriate remarks or humor based on gender stereotypes or sexual orientation, b) inequities in references to males and females (e.g., "men and girls"), c) the assignment according to gender stereotype of tasks that are not gender specific.

This policy is not intended to limit legitimate claims of academic freedom. In particular, the policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in some class members.

University Administration of Policy

Persons in positions of authority have specific responsibility in the area of sexual harassment. Particular sensitivity should be addressed to such questions as to whether consent is as free as it seems, and to the inherent conflicts of interest in personal relationships where professional and educational relationships are also involved.

When faculty or staff members suspect sexual harassment on the part of a person or persons under their jurisdiction, they should immediately take action by contacting the Sexual Harassment Officer (SHO) to discuss the situation and determine a course of action.

A SHO, appointed by the President of the University, is available to assist the University community in dealing with all complaints of sexual harassment and sex-related misconduct (even if the sex-related misconduct is not processed through the Sexual Harassment Policy). The SHO works in close coordination with the University's Title IX Coordinator, Deputy Title IX Coordinator, and other appropriate University officials.

The duties and responsibilities of the SHO include:

1. Receiving notification from University officials and/or members of the

University community of all allegations of sex-related misconduct including, but not limited to, “sexual harassment” and “sexual misconduct”;

2. Reporting, as needed, to the University community allegations of sexual harassment and sexual misconduct and the subsequent resolution of those reported incidents not otherwise reported by the University;
3. Reporting the initiation of any formal complaint to the appropriate member of the University's Senior Staff and to the Associate Vice President for Human Resources (AVPHR);
4. Serving as a member of the University's Title IX Compliance Committee (an administrative working group) and also as an ex-officio member of the University's Sexual Assault Risk Reduction Committee
5. Assisting with the training of Sexual Misconduct Intake Advisors, and other individuals in similar roles, as needed;
6. Initiating the informal and/or formal complaint processes as appropriate; be\ involved in resolutions of the incidents as appropriate.

General Procedures for Handling Complaints

Members of the Southwestern University community who believe that they have been sexually harassed (or those who have been accused of sexual harassment) may turn for assistance to the University's SHO (Dr. Glada Munt), the AVPHR (Elma Benavides), the appropriate supervisor, the appropriate member of the President's Senior Staff, or the Associate Vice President for Academic Affairs (AVPAA, Julie Cowley). The complainant has the option of taking an informal or formal action according to the procedures outlined below.

Advisory Option

Any person who believes that they have been sexually harassed is encouraged to seek advice from the SHO, the AVPHR, or the AVPAA. These individuals are administrators whose job responsibilities include handling such complaints and will be available to aid a member of the University Community in the following ways:

1. Provide immediate support by listening to and discussing the allegation with the advisee;
2. Discuss with the advisee the definition of sexual harassment to help the advisee reach a reasonable decision whether sexual harassment as defined in this policy has occurred;
3. Outline for the advisee possible courses of action, including the Informal and Formal Complaint Procedures described in this policy and including selection of the authority who should be notified should the advisee wish to make a formal complaint;

4. Discuss with the advisee possible effects of the various courses of action, including consequences to the advisee and to the person against whom the advisee has a complaint;

These individuals will maintain confidentiality within the limits of the law, including Title IX and related regulations. Unless a complainant gives the SHO, AVPHR, or AVPAA permission to disclose specific information concerning the alleged act of harassment, these individuals will limit their assistance to the items described in 1 through 4 above and will not discuss with or report the alleged act of harassment to any person other than the SHO (unless required by law, including Title IX and related regulations). The complainant should realize, however, that these individuals and the University cannot take any actions to attempt to resolve the alleged problem if the complainant desires to keep the allegation and the circumstances surrounding such allegation anonymous. An exception to non-disclosure of anonymous complaints may be made in cases where the SHO reasonably believes that the safety of a member of the University community or general public will be at risk; this includes the risk of other individuals being subjected to sexual harassment.

Contact with the SHO, AVPHR, or AVPAA in no way obligates the complainant to pursue an official complaint. The SHO, AVPHR, or AVPAA, however, may be required to independently report the incident to appropriate University officials which may initiate an investigation under the law, including Title IX and related regulations. The complainant has the option of choosing, upon reflection, not to pursue the matter and not to make contact with the accused. On the other hand, the complainant may pursue an Informal or Formal Complaint Procedure.

Informal Complaint Procedure

A common method of utilizing the informal approach is through a letter written by the alleged victim to the accused person. Other options may include, but are not limited to, the use of a mediator or a facilitated face-to-face meeting between the parties. If a letter is used, it generally should address three matters:

1. The facts of what has occurred, told without evaluation. These facts should be as detailed and precise as possible, with dates, places, and a description of the incident(s).
2. How the writer feels about the events.
3. How the writer wants the matter resolved and within what time frame.

This part should include a statement that if the matter is not resolved satisfactorily within a specified amount of time the writer may take formal action. The writer has the option of preparing such a letter with the assistance of the SHO, AVPHR, or AVPAA. If the writer declines that option, the writer is to have the SHO, AVPHR, or AVPAA review the communication prior to it being sent. In all cases, the SHO conducts the final review of the letter. The letter may be delivered in person, by registered or certified mail, or by the SHO. The accused person may

reply to a writer who wishes to remain anonymous through the SHO. The writer should keep a copy of the letter, but not send copies to others. If the letter does not achieve its purpose, it can be used to support a formal complaint. Although it is the personal decision of the complainant as to whether they wish to remain anonymous, choosing to remain anonymous may hinder resolution of the matter in circumstances where the accused is unsure or does not clearly recall the incident leading to the complaint.

Formal Complaint Procedure

In a formal complaint action, the complainant must notify in writing an appropriate University official, with or without the help of the SHO, AVPHR, or AVPAA. If the complaint involves a student, the Vice President for Student Life will be notified; if it involves a faculty member, the Dean of the Faculty; if it involves staff/administration, the Vice President for Finance and Administration; in any of the above cases, the University's SHO will be notified. Should either the Vice President for Student Life, the Dean of the Faculty, or the Vice President for Finance and Administration be notified of a complaint involving sexual harassment, such party shall inform the SHO in a timely manner of any such allegations and actions regarding sexual harassment. In any situation where the SHO is notified of the complaint because the accused is the party set forth above to whom complaints should be given, then the SHO will make the determinations described in 1, 2, and 3 below and report directly to the President of the University.

Once the SHO is notified of allegations concerning sexual harassment and the complainant's desire to proceed with a formal complaint against the accused, a prompt investigation by the University will follow. The University is committed to investigate formal complaints which it receives and to deal appropriately with any person found to have violated the policy. Proceedings under the Formal Complaint Procedure shall take place in accordance with the following guidelines:

1. Faculty: Upon receipt of a formal, written complaint involving a faculty member, the Dean of the Faculty shall determine, with the assistance of the SHO, and with or without the assistance of the appropriate associate dean and/or department chair, depending on whether or not the Dean of the Faculty elects to notify such associate dean or department chair, whether further investigation or recommendation for sanctions is warranted. The Dean of the Faculty shall notify the accused faculty member as soon as reasonably possible of the complaint and the Dean of the Faculty's finding as to whether further investigation or recommendation for sanctions is warranted.
2. Staff: Upon receipt of a formal, written complaint involving a staff member/administrator, the Vice President for Finance and Administration shall determine, with the assistance of the SHO, and with or without the assistance of the appropriate administrator/department head, whether further investigation or recommendation for sanctions is warranted. The Vice President for Finance and Administration shall notify the accused staff member/administrator

as soon as reasonably possible of the complaint and the finding as to whether further investigation or recommendations for sanctions is warranted.

3. Students: Upon receipt of a formal, written complaint involving a student, the Vice President for Student Life shall determine, with the assistance of the SHO, whether further investigation or recommendation for sanctions is warranted.

The Vice President for Student Life shall notify the accused student as soon as reasonably possible of the complaint and the finding as to whether further investigation or recommendation for sanctions is warranted.

With respect to any formal written complaint filed involving faculty, staff, or students, as described in 1, 2, or 3 above, if the circumstances warrant it, the Dean of the Faculty, the Vice President for Finance and Administration, or the Vice President for Student Life, as the case may be, may convene an ad hoc committee to investigate, review, and summarize the facts surrounding the case and make recommendations for resolution of the complaint. If appropriate, the SHO may recommend an ad hoc committee to the respective Senior Staff member. No member of the committee shall have been the complainant or the accused. The SHO shall chair any such ad hoc committee unless such person is either the complainant or the accused. The ad hoc committee will conduct its own inquiry to gather whatever information it deems necessary to assist it in reaching a determination as to the merits of the allegations. The ad hoc committee will summarize the information gathered from the inquiry for the appropriate party who convened the committee. The SHO, as chair of the ad hoc committee, will consult with the appropriate party who convened the committee to discuss recommendations regarding resolution of the complaint(s).

Once the Senior Staff member has received the report of the ad hoc committee convened (if they have not served on the committee or have otherwise reached a basis for making a decision) and has consulted with the SHO, then they shall determine the judgment and sanctions, if any, and shall submit their decision in writing to the President. The President shall review the decision and if in agreement with the recommendations, the President shall notify the accused faculty, staff, or student, as well as the complainant, of the decision. If the President does not agree with the decision, they shall refer it back to the appropriate Senior Staff member. If either side chooses to appeal the decision for any reason, including but not limited to alleged procedural errors or alleged new evidence, such appeals shall be made to the President. Requests for appeals should be made in writing and addressed to the President within 30 days after notification of the original decision.

University Disciplinary Actions and Penalties

Students found guilty of sexual harassment may receive a warning, specific penalties, disciplinary probation, suspension, or expulsion, as explained in the Student Handbook under Personal Conduct Policies (including Student Sexual Misconduct Policy).

Faculty members found guilty of sexual harassment may receive penalties ranging from a warning to dismissal with cause. If procedures for dismissal with cause are instituted on the basis of sexual harassment, those procedures must conform to the policy and procedures adopted at the January 27, 1978, meeting of the Board of Trustees and as may be subsequently amended. (See the section in the Faculty Handbook on Dismissal with Cause, Section IV.)

Staff and administrative members found guilty of sexual harassment may receive penalties ranging from a warning to immediate dismissal as described within the Performance Management Guidelines section of the Staff Handbook.

The University will take timely and appropriate corrective action to end sexual harassment when it is known to have occurred.

Retaliation

Except in regard to false accusations as detailed below, no retaliation by any member of the Southwestern community may be taken against any person because they make a complaint concerning sexual harassment or against any member of the University community who serves as an advocate for a party in any such complaint. All reasonable action will be taken to assure that the Complainant and those testifying or participating in other ways in the complaint resolution process will suffer no retaliation as a result of their participation.

False Accusations

While the University is committed to preventing and punishing unlawful discrimination, harassment, and retaliation, it also recognizes that false accusations of sexual harassment or retaliation may harm an innocent party who has been falsely accused. Accordingly, any person, who, after an investigation, is found to have knowingly made a false accusation of sexual harassment or retaliation will be subject to appropriate disciplinary action. However, if a person makes a report of what they in good faith believe to be sexual harassment or retaliation, the person will not be subject to disciplinary action even if the person turns out to be mistaken or there has been a finding of no sexual harassment or retaliation.

Additional Information

More information about sexual harassment and sexual misconduct can be found at the following University web sites:

- Sexual Harassment: www.southwestern.edu/acsh/index.php
- Title IX main web page: www.southwestern.edu/titleix/
- Title IX Compliance Committee: www.southwestern.edu/titleix/committee/
- Sexual Assault Risk Reduction Committee: www.southwestern.edu/titleix/sarr.php
- Help for Sexual Assault/Misconduct: www.southwestern.edu/titleix/yellowbook.php
- Resources for Sexual Assault and Dating Violence: www.southwestern.edu/titleix/resources/index.php

Sex Offender Registration – Campus Sex Crimes Prevention Act

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief of law enforcement officer in that community. This information can be obtained from the Texas Public Sex Offender Registry at: <https://records.txdps.state.tx.us/SexOffender/index.aspx>.

You may also consult Megan’s Law Website at:
<http://www.texassexoffenders.net/megans-law>.

Ethics, Personal Conduct and Business Conduct Statement

It is Southwestern University’s longstanding practice to expect and maintain the highest standard of business and ethical conduct. This Statement encompasses compliance with all laws, regulations, and University policies. It is also a University expectation for all its constituents as it relates to the many aspects of the respective academic and administrative work performed, as well as the University’s operations, goals and principles. This Statement is intended to augment, generally summarize and emphasize the University’s commitment to ensure such conduct consistent with this Statement. It is consistent with existing University policies, practices, and statements, including without limitation, those relating to: 1) respect for all individuals and property; 2) academic freedom; 3) maintaining a culture of trust, credibility and open communication; 4) avoiding conflicts or other activity that would impair or violate the University’s high standards and goals; and, 5) protecting the University’s uncompromising values. This Statement applies to evidence of a person being verbally, physically or sexually abusive to another person, including acts relating to sexual misconduct. This Statement is also intended to be used as a guide in all situations that may not currently be covered by an existing policy or for the implementation of additional future policies. These policies and standards are, in part, enforced by our Whistleblower Policy and Confidential Hotline process and apply to all members of the Southwestern community. Any violation will result in the appropriate disciplinary action being taken. For more information, you may contact the Associate Vice President for Human Resources, the Provost and Dean of the Faculty, the Vice President for Fiscal Affairs, the Vice President for Student Life, the Dean of Students or Director of Residence Life.

Whistleblower Policy and Confidential Campus Hotline Policy

Policy: Southwestern University requires all faculty and staff, and students to observe the highest business and ethical standards and to comply with all laws, regulations, policies and

practices in the conduct of their duties and responsibilities. Guidance for this requirement is provided in the University's Ethics, Personal Conduct, and Business Conduct Statement, the University's various policies and procedures, and Southwestern's longstanding commitment to honesty, integrity and excellence in everything we do.

Additionally, should a student, faculty or staff member suspect or have evidence of a person being verbally, physically or sexually abusive to another person, including acts relating to sexual misconduct, the Whistleblower Policy and Confidential Campus Hotline will apply in these circumstances.

It is the responsibility of all concerned to comply with these standards and to report violations or suspected violations. No person who in good faith reports a violation shall suffer harassment, retaliation or adverse employment or education-related consequences. Any member of the University community who retaliates against someone for reporting a violation in good faith will be subject to discipline (up to and including termination for employees) as set forth herein and in the Faculty, Staff, and Student Handbooks. All reports are expected to be made in good faith with a reasonable expectation that a violation has occurred. However, reports which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidential Hotline: Violations or suspected violations may be reported on a confidential basis by the Complainant or may be submitted anonymously. In an effort to provide a confidential method for any member of the University community to report suspected improprieties related to illegal, dishonest or unethical conduct and standards, including without limitation, those relating to financial, accounting, and auditing related issues, and those relating to sexual misconduct and abusive acts, the University has implemented the confidential Campus Conduct Hotline® , 1-866-943-5787, through a third-party administrator. Confidential reports received by the third-party administrator will be forwarded to the University's Chief Human Resources Officer for appropriate investigation and action. For more information

CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

In addition to the many programs offered by the University Police and other University offices, the University has established a number of policies and procedures related to promoting a reasonably safe campus community.

The Southwestern University Police Department places a high priority on crime prevention. While it is impossible to prevent all crimes, the Department believes that people can be aware of ways to reduce their chances of becoming victims. The Department provides a wide range of services and educational programs designed to promote campus security and that aid in anticipating and minimizing potential dangers to the population and property of the University.

Crime prevention and awareness at Southwestern require the involvement of all members of the University community. The Southwestern University Police Department strives to provide

leadership and direction for this effort through programs ranging from crime prevention seminars to on-site inspections.

Operation Identification: Through this program, bicycles and other items of personal property are engraved with the owner's personal identification number.

Southwestern Police Department crime prevention programs stress campus community awareness and interaction through the dissemination of materials and presentations geared toward familiarizing students, faculty, and staff members with their individual responsibility to help reduce criminal opportunity. In addition, crime prevention posters and handouts are utilized in an effort to make all members of the campus community aware of the potential for crime.

While all police personnel are oriented to the concept of crime prevention, the Crime Prevention Officer attends many advanced training schools to keep his/her level of expertise current at all times. This officer acts as the Department's liaison to the campus community.

Topics of programs and information available from Southwestern University Police include, but are not limited to: personal safety; bicycle registration; security surveys for residences and departments on campus; identity theft and theft prevention training for students and members of the faculty and staff; sexual assault awareness/prevention; and alcohol awareness.

These and other programs are available upon request and are presented throughout the year to groups on campus. Anyone desiring information on crime prevention programs or related literature may contact the Southwestern University Police at 512-863-1944.

Weapons Policy

The possession of firearms, knives with blades longer than 3.5 inches, other weapons, ammunition, explosives, or fireworks on campus, including campus housing, is prohibited. This includes, but is not limited to, BB guns and pellet guns, martial art weapons, bows and arrows, and paintball and laser tag guns. Realistic toy guns and gun replicas are similarly prohibited, because of the potential danger caused by confusion with real weapons. Toy guns, whether water guns or otherwise, shall not resemble a real firearm in any manner. Water guns used for special activities must be brightly colored, and their use must be approved by the Chief of University Police. Violations of this directive can result in criminal and/or administrative charges.

Texas Law (Penal Code – 46.03) prohibits the possession and carrying of weapons onto an educational institution (public or private) by those other than people with proper authorization, such as Southwestern University's police officers. Southwestern University will strictly support and enforce this law. An offense under this law is a 3rd degree felony in the State of Texas.

Victim Rights State of Texas

A victim of crime is defined by Chapter 56 of the Code of Criminal Procedure, as (1) someone who is the victim of sexual assault, kidnapping, or aggravated robbery or who has suffered bodily injury or death because of the criminal conduct of another, (2) the close relative (spouse, parent, adult brother or sister, or child) of a deceased victim or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss. The law requires that victims:

Receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

Have their safety considered by the magistrate when setting bail; receive information, on request, of relevant court proceedings, including appellate proceedings, of cancellations and rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public;

Be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;

Provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;

Be provided information about the Texas Crime Victims' Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;

Be provided information, on request, about parole procedures; notification of parole proceedings and of the inmate's release; and the opportunity to participate in the parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;

Have a separate or secure waiting area at all public court proceedings;

Have a prompt return of any property that is no longer needed as evidence;

Have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work;

On request, be provided counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault;

May request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;

Be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole;

Themselves, guardian of a victim, or close relative of a deceased victim may be present at all public court proceedings, with the consent of the presiding judge;

Know that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a service enumerated herein;

Should also know that they can have a victim advocate accompany them during the sexual assault exam if an advocate is available at the time of the examination.

The Southwestern University Police Department can assist victims in accessing the benefits guaranteed by the Texas Crime Victimization Act, and can refer victims to local agencies for additional assistance.

STUDENT CONDUCT

The Office of the Dean of Students

The mission of the Dean of Students is to support students as they manage academic, personal, social, and emotional issues and concerns, represent their legitimate needs to others, and represent the University's interests to them. The Dean of Students has administrative responsibility for the Honor Code and Student Judicial processes.

Personal Conduct Policies

The office of the Dean of Students is responsible for administering University Policies for students, which articulate the behavioral standards and the equitable procedures employed by the University to respond to allegations of student misconduct.

Students who are found responsible for violations may be subject to sanctions ranging from disciplinary warning, disciplinary probations, up to suspension or expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violations of University rules and regulations or conditions of the housing contract.

A student who enrolls at Southwestern University voluntarily becomes part of a community where respect for others is the norm. Rational, mature, honest behavior is expected. This voluntary entrance into the community implies acceptance by the student of University regulations. Failure to observe this standard will subject the student to disciplinary action through an established procedure.

Many University regulations are simply a formal statement of those principles of conduct accepted in our society as necessary if the fabric of society is to hold together. Other regulations are statements of additional principles necessary to the successful functioning of a residential academic community. Thus, in some instances, University standards may go beyond those of the general society.

Southwestern University students are expected to adhere to levels of mature conduct away from campus. As students, they lose neither the rights nor responsibilities of citizenship. They will be responsible to civil authorities for any violations of civil/criminal law. As a general rule no additional penalty will be imposed by the University. However, in some cases the interest of the University might be affected and when this is judged by University authorities to be the case, disciplinary action might also be taken by the University. This is in keeping with student's dual citizenship in general society and in the academic community.

When a student commits a felony on campus, the University reserves the right to take disciplinary action if its own interests are affected. The institution will not, however, protect the student from the law by attempting to substitute its own action for that of the state. Proper authorities may be notified immediately when evidence of a possible violation is found to exist so that law enforcement officials may discharge their duty.

Additional Information Regarding University Policies

Southwestern University is obligated to provide all students with the University regulations, policies, and procedures governing student conduct. Southwestern University policies and procedures, including Personal Conduct Policies for students, are published in the student handbook.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Office of Student Life at 512-863-1624.

Notification of Rights Under FERPA: Student Records Access

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the director of records, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect.

The University Official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University Official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is to disclose to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a person (including students) serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Southwestern University to comply with the requirements of FERPA. The office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, S.W. Washington, D.C. 20202-4605.

The following departments and offices keep records as indicated:

Admission Office: Application for admission, including official transcripts from other institutions and references where applicable (prior to enrollment only).

Business Office: Student accounts.

Academic Advisors/Center for Academic Success and Records: Academic advising records.

Office of the Vice President for Student Life and the Dean of Students: Personal information and records of judicial or disciplinary actions.

Financial Aid Office: Applications for aid and supporting documents such as financial aid forms and record of actual aid granted.

Records Office: Applications for admission and supporting documents, degree plans, semester grades, notices of academic deficiency, transcripts from high school and other universities, and permanent record of courses taken and grades and credits earned.

Health Services: Reports of medical history, physical examinations, and immunizations required for admission, and any medical treatment the student receives on campus.

The legislative act cited above provides that the student must make a formal request (in writing, signed, and dated) for access to a given record or records and that the institution has 45 days in which to respond. If the student wishes to challenge the accuracy of any record, he or she must be granted a hearing for this purpose. Southwestern University will grant such a hearing in which both the person or persons keeping the record and the student will be heard, with any appropriate witnesses presented by either party. Specifically exempted from rights of access are the following:

1. Records about students made by teachers or administrators for their own use and which are not shown to others.
2. Records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional persons for treatment purposes and which are available only to the persons providing the treatment.
3. Letters of recommendation which the student has voluntarily and formally waived his or her right to see.
4. Parents' confidential statement of finances.

The same act which gives the access rights to students or appropriate parents also gives the institution the right to publish and distribute "directory information" on students, unless the student specifically requests that such information as applies to him or her not be included, which is done by signing a form available in the Center for Academic Success and Records.

At Southwestern, the public directory search on the SU website displays name, faculty/staff/student designation, and e-mail address, while the logon protected search within the mySouthwestern portal also displays classification, photo, local address, SU Box, local and cell phone numbers. Other directory information, though not displayed there, also includes SU ID number, date and place of birth, major field of study, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, full-time/part-time status, home address/phone number, listings of candidates for degrees, and other similar information. The official list of directory information also may be found in the SU Catalog.

SU policy precludes release of student addresses to persons outside the SU community. That is, SU displays the local address and phone number via the logon-restricted directory search, but does not make it available to individuals or organizations outside SU.

MISSING STUDENT NOTIFICATION POLICY

Each student residing on campus will be given the option of providing confidential contact information for a person to be notified in the event that the student is officially reported as missing. This information will be included in the Housing Application and stored in the office of the Director of Residence Life and Housing.. This information is voluntary.

In the event that Southwestern University Police Department receives a call of an on-campus student who is missing for LESS THAN 24 HOURS, SUPD will handle the call as a Welfare Concern and:

The officer will contact his/her RA to identify friends in the immediate area of Southwestern University whom the officer may call to see if the missing student is with them.

If/when the student is located, he/she will be asked to contact the person who made the original call. If the student is 18 years of age or older, SUPD can only request that they call. SUPD will, however, call the reporting person to tell them that we have made contact with the student.

EXCEPTION: If the student has medical, emotional, or other special needs, SUPD may determine that a more intensive search begins before the 24-hour window.

In the event that Southwestern University Police Department receives a call of an on-campus student who is missing and confirms that the student has been missing for MORE THAN 24 HOURS, SUPD will handle the call as a Missing Person and:

- Notify the individual identified by the student to be contacted in this circumstance;
- Notify a parent or guardian if deemed necessary;
- Notify local law enforcement agencies to assist SUPD in forming the necessary search protocol;
- Enter his/her name and information in the State system to enable other law enforcement agencies to be on the lookout for the student.

DAILY CRIME AND FIRE LOG

Southwestern University Police Department maintains a combined daily crime and fire log of all crime and fire incidents reported to the Department. University Police publishes the Daily Crime and Fire log Monday – Friday, when the University is open. The log is available 24 hours a day to anyone requesting it. This log identifies the type, location, and time of each criminal incident reported to University Police.

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, the University Police maintains a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please contact Southwestern University Police Department at 512-863-1944. Below are some of the programs and services available:

Personal Safety and Defense
Bicycle registration
Operation ID
Security surveys
Identity Theft Prevention
Theft and Burglary Prevention
Sexual Assault Awareness and Prevention
Alcohol and Drug Awareness

SOUTHWESTERN UNIVERSITY'S POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

Alcohol: Policy on Possession and Consumption of Alcoholic Beverages

Statement of Policy

The University expects that each individual and group within the Southwestern University community will comply with all applicable laws and regulations pertaining to the possession, use, and distribution of alcoholic beverages. All persons are expected to know and comply with such laws and regulations. The following summary lists some of the prohibitions:

- No person under the age of 21 may possess, use, purchase, or consume alcoholic beverages.
- No person may possess an open container and/or consume alcohol in an alcohol free zone (first-year hall, public areas of campus, etc.).
- Drinking games (including beer pong) are prohibited. This includes the possession of beer pong tables, beer funnels, and other paraphernalia used to encourage high risk alcohol use.

- The use and/or possession of false identification is prohibited. This includes fraudulent state drivers' licenses issued to an individual, and/or possessing or using another person's driver's license.
- No person may serve, provide, or make alcoholic beverages available to a minor or any person who is intoxicated.
- No person may host a party involving the illegal use of alcohol or making alcohol available to a minor.
- Public intoxication is prohibited.
- Driving while intoxicated is prohibited.
- No person may sell alcoholic beverages without an appropriate license.

The consumption, possession, or distribution of alcoholic beverages on University grounds is prohibited except as otherwise provided in this policy.

When the use of alcoholic beverages is permitted, prudence, temperance, and moderation are required. Intoxication and the abuse of alcohol are expressly prohibited and will subject offending parties to appropriate disciplinary action.

University Regulations

1. The University complies with all applicable laws and regulations pertaining to alcoholic beverages. Violation of any law or regulation relating to alcoholic beverages constitutes a violation of University policy and will subject the offender to University disciplinary action irrespective of whether the offender is subjected to criminal penalties.

2. The University generally prohibits the possession and consumption of alcoholic beverages on campus, with the exception of the limited circumstances below:

A. The private, temperate consumption of alcoholic beverages is permitted for persons of legal drinking age in the individual University residential rooms of persons 21 years of age and older.

B. Alcoholic beverages may be served and consumed on designated University grounds at student special events specifically approved in advance by the Director of Student Activities, subject to all applicable University guidelines and state and local laws and regulations. Such special events shall be for limited social and other special campus events.

C. Alcoholic beverages may be served and consumed on University grounds at special University events specifically approved in advance by the chief University Relations officer, subject to all applicable University guidelines and state and local laws and regulations. Such special events shall be for the purpose of hosting alumni, parents, other visitors to campus, faculty, staff, and students 21 years of age or older at receptions related to special campus or organizational events.

Guidelines for Permitted Possession & Consumption of Alcohol

1. Restrictions on Possession and Consumption of Alcoholic Beverages in Individual University Residential Rooms:

- A. Kegs and other common containers of alcohol (including 1/2 kegs, party balls, pony kegs, “trash can punch,” frozen alcoholic beverage service machines or any similar container) are prohibited.
- B. The resident of the particular residential room is responsible for complying with all applicable laws and University policy.
- C. There shall be no public display of alcohol or alcoholic beverage containers.
- D. There shall be no alcohol containers—empty, filled with colored water, etc. in individual student rooms occupied by minors.
- E. Measures must be in place to prevent use or consumption by underage persons.
- F. Nonalcoholic beverages must be available when alcoholic beverages are served or consumed.
- G. No person may sell alcoholic beverages. This includes charging an admission fee or otherwise imposing costs or expenses on other persons for the purposes of providing alcoholic beverages.

2. Restrictions on Possession and Consumption of Alcoholic Beverages at Student Special Events

- A. Any special event in which alcohol may be served or consumed requires prior registration with the Office of Student Activities and approval of the Director of Student Activities. Information regarding the procedure for registration and approval of such special events can be obtained through the Office of Student Activities. Such approval shall only be granted on a single-event basis.
- B. Approval may only be granted for events at the Sharon Lord Caskey Community Center, the Julie Puett Howry Center, the Dorothy Manning Lord Residential Center, the Korouva Milk Bar or the fraternity houses. The Dean of Students or Vice President for Student Life also may approve student-organization sponsored events where alcohol is served in the Red and Charline McCombs Ballrooms, on the Roy H. Cullen Academic Mall, or the J.N.R. Score Quadrangle, where such events are expected to draw a larger group or a wider audience than can be accommodated in the aforementioned locations.

C. Any organization or group seeking to obtain approval for a special event where alcohol is present must designate a responsible individual or individuals who will ensure compliance with all applicable laws, regulations, and University policy, and prevent consumption of alcoholic beverages by or distribution of alcoholic beverages to intoxicated persons or persons under 21 years of age.

D. Open Parties, with unrestricted access to the event, are prohibited. Only Closed Parties, those events with guests invited by invitation only, will be allowed. The sponsoring organization is responsible for the action(s) of its guests at all times.

E. There may be only one accessible entrance to the event. The organization hosting the function must have door monitors present at this entrance at all times. The monitors shall ensure that all guests are identified, registered, and marked as 21 and over or under 21 and shall inspect the property to ensure that the event is secured against unwanted entry and that one entrance is maintained. All other entrances must be secured from entry, but available for exit.

F. A guest list must be kept of all guests invited and in attendance. All persons wishing to consume alcoholic beverages must be identified as 21 or older and must present identification at the time of checking in to the function.

G. The presence of alcoholic beverages must be in compliance with applicable law, University policy, and the particular rules for the special event as provided by the Director of Student Activities. The sponsoring organization is responsible for ensuring compliance with such rules and legal restrictions and for obtaining any necessary licenses or permits.

H. Hard liquor is prohibited and may result in more severe sanctions. Kegs and other common containers of alcohol (including 1/2 kegs, party balls, pony kegs, "trash can punch," frozen alcoholic beverage service machines or any similar container) are prohibited.

I. Consumption of alcoholic beverages is permitted only in the public area designated for the special event. The number of persons attending the event may not exceed the space available for the event.

J. No person or organization may sell alcoholic beverages. This includes charging an admission fee or otherwise imposing costs or expenses on other persons for the purposes of providing alcoholic beverages. Alcoholic beverages may not be provided by the sponsoring organization or purchased with student organization or University funds. The University expects each national organization to uphold its national policy.

K. Nonalcoholic beverages and food must be provided and available.

L. No promotion or invitation to the events may publicize the availability of alcoholic beverages.

M. SUPD will be notified in advance of all special events where alcoholic beverages are present and SUPD may enter such events to monitor adherence to these policies.

N. Public intoxication is prohibited.

Good Samaritan Policy

Southwestern University's Good Samaritan Policy encourages students to seek medical attention during an alcohol or drug-related emergency, by removing the threat of disciplinary action by Southwestern University for possession of alcohol and/or drugs or the overuse of drugs and/or alcohol. If a student experiences a medical emergency, that student, or the first person who calls for help on his/her behalf, and/or the student organization or group hosting the event that calls for help, can do so without fear of disciplinary action. Southwestern's policy emphasizes that students should first worry about their health and the health and safety of others. For further information, about the signs and symptoms of alcohol poisoning, or how to place someone in the alcohol recovery position, please see www.southwestern.edu/offices/counseling/selfhelp.php

The purpose of the Good Samaritan Policy is to reduce barriers to seeking assistance by granting amnesty from formal University disciplinary action related to alcohol use for:

- (1) The intoxicated individual and
- (2) The person who calls for help.

The Good Samaritan Policy states that: "Whenever a student assists an intoxicated person by calling for assistance, neither the intoxicated individual nor the individual who assists will be subject to formal University disciplinary actions for:

- (1) Being intoxicated or
- (2) Having provided that person alcohol. In order for this protocol to apply, the intoxicated student(s) and the caller and organization must agree to timely completion of recommended alcohol education activities. An assessment, and/or treatment, depending on the level of concern for student health and safety, may be necessary for the intoxicated student.

The amnesty created by the Good Samaritan Policy extends only to disciplinary actions by Southwestern University and cannot extend to any civil or criminal legal proceeding to which a person or organization may be exposed by the laws of the State of Texas. Similarly, the Good Samaritan Policy does not modify or affect any so-called "Good Samaritan" laws of the State of

Texas. Legal issues aside, in a medical emergency, the only consideration should be the health and safety of those at risk.

Individual Amnesty from University Disciplinary Action

Individual amnesty is the most limited level of protection. This level protects individuals, who are seeking medical attention for themselves as a result of an illegal action, from University disciplinary action. Individual amnesty does not extend to organizations that person may be a part of or peers also present with the individual at that time.

Caller Amnesty from University Disciplinary Action

This policy builds on individual amnesty for disciplinary action and extends to the person first calling for help for the person or persons in need of medical attention. As with the individual amnesty, though, this does not provide protection from legal prosecution for an organization to which the students belong or are in attendance.

Organizational Amnesty from University Disciplinary Action

This protects from Southwestern University disciplinary action an organization that is related to the event at which medical attention is sought as a result of an illegal action. Organizational amnesty would extend liability protection to fraternities, sororities, clubs and other social venues that may have people at their location who are under the influence of certain intoxicants.

Commitment to Alcohol Education

1. The University is concerned that students be fully informed about the consequences of alcohol and drug consumption. An important aspect of policy implementation is that students who sponsor or attend events where alcohol is served participate in programs of alcohol education. These programs will describe the risks involved in alcohol consumption and encourage students to make informed choices about consumption or abstinence. Representatives of sponsoring organizations must attend a program on alcohol education before an event will be approved.
2. The Residence Life Staff is charged with maintaining an atmosphere conducive to students' successful academic pursuit, and as such, will address both social and individual situations that contribute to the deterioration of the hall environment or to the impairment of an individual's health and welfare. In accordance with this responsibility, the Residence Life Staff shall enforce the restrictions and terms of this policy on possession and consumption of alcoholic beverages.

3. Students are encouraged to talk with the counselors in Counseling Services or with off-campus professionals if they think that they might have an alcohol problem. Conversations with these professionals are confidential.

4. Student Life deans, and the directors and counselors in Counseling Services, Health Services, Religious Life, and Residence Life stand ready to assist students, as individuals or in groups, with problems or discussions regarding choices about alcohol consumption or abstinence.

5. Southwestern University is dedicated to maintaining the safety and health of all students. As such, Southwestern's Alcohol and Other Drug Committee requires each incoming student to complete an on-line self-assessment. The committee believes that this assessment provides students with personalized information and feedback regarding their alcohol use and how it might affect their health, relationships, and career and life goals. This program is not intended to be a survey or questionnaire to get personal information; in fact, all information in this assessment is completely confidential unless students chose to share it. By taking this assessment, students will have the opportunity to reflect on their alcohol use and learn about responsible behaviors and risk reduction strategies. Whether students drink or not, they will learn important information about alcohol, its effects on the body, how it impacts their friends and how to help

Legal Sanctions Applicable to Drug and Alcohol Use

Federal Penalties and Sanctions

21 United States Code 844(a):

1st conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000, or both.

21 United States Code 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property derived from, used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

B. State Penalties and Sanctions

Texas Penal Code Sec. 49.02:

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine not to exceed \$500.

Texas Alcoholic Beverage Code Sec. 101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of a fine not to exceed \$2,000 and/or confinement in jail not to exceed 180 days.

Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071:

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine not to exceed \$4,000 and/or confinement in jail not to exceed one year.

Texas Penal Code Sec. 49.04:

Driving under the influence of alcohol is a Class B misdemeanor and punishable by a fine of up to \$2,000 and a minimum confinement of 72 hours and/or up to 180 days in jail.

If found with an open container in the person's immediate possession, the minimum confinement period extends to six days. If it is shown at trial the alcohol concentration level was 0.15 or higher the offense is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and/confinement in jail not to exceed one year.

Texas Alcoholic Beverage Code Sec. 106.07:

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine not to exceed \$500.

Texas Health and Safety Code Sec. 481.102-106, 481.112-119:

The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120:

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.120, 481.121

The delivery or possession of Marijuana can be punished by a term of up to life in prison and/or a fine up to \$100,000 depending on the amount of Marijuana.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana or controlled substance to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

Possession of Drug Paraphernalia

A person is unlawful when he possesses, with the intent to use, drug paraphernalia which is used for packaging, manufacturing, injecting, and ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances, Drugs, Device and Cosmetic Act of 1972.

Synthetic Marijuana

Effective March 1, 2011 the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. This drug may also be known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma. Individuals found responsible for manufacturing, possessing, importing/exporting or distributing these substances will face criminal and civil penalties. University Students engaging in these activities will also be held responsible under the University's illegal substances policy.

In 2011, the Texas Legislature passed laws making it illegal to possess and sell synthetic forms of marijuana. In Texas, this is considered a penalty group 2-A drug. The penalties for possessing this type of drug range from a class B misdemeanor to a third degree felony, depending on the aggregated weight.

Drug and Alcohol Abuse Education Programs

Students concerned about their alcohol and/or drug use are welcome to come in to Health and Counseling Services. Students placed on judicial probation for campus policy violations can fulfill their education requirements as well.

In compliance with the United States Department of Education, here is a link to the specific section of Southwestern's current Student Handbook.

<http://www.southwestern.edu/studentlife/StudentHandbook.pdf> pp. 42-51

Students who believe that they may have a substance abuse problem are encouraged to contact University Counseling Services at 512-863-1252.

RESOURCES FOR FACULTY AND STAFF

In accordance with the Federal Drug-Free Workplace Act of 1988, and other laws and Southwestern University policies, the University undertakes certain actions and adopts various

procedures relating to the misuse of controlled and other substances in order to provide a drug/substance free workplace. The University has adopted the policy which is applicable to all University full-time, part-time and seasonal employees, and contractors.

Southwestern University realizes its commitment to provide a healthy environment to the University community in which informed decisions are made and responsible behavior maintained. For this reason, Southwestern University prohibits the manufacture, distribution, dispensation, solicitation for, sale of, possession or use of a controlled substance, narcotics, illegal drugs, prescribed drugs or medication abused or used in a manner which has not been authorized or appropriate, alcohol or inhalants by any University or contractor employees at any time on the University's premises or when conducting any and all University business. No employee of Southwestern University or person employed by a contractor shall report to work or perform work in a condition of impairment resulting from the use or taking of any substance that is banned by this policy or that is unlawful. The University retains the right to make decisions or take action in connection with persons who manufacture, distribute, dispense, solicit for, sell, possess or use a controlled substance, narcotics, illegal drugs, prescribed drugs or medication which are abused or used in a manner which has not been authorized or appropriate, alcohol or inhalants away from their place of employment. Persons taking legally prescribed medications which might result in a condition of impairment while at work are asked to confidentially notify Human Resources. The University strictly complies with the Americans with Disabilities Act and related laws.

Disciplinary or other action may be taken against any employee for violation of this policy as the University deems appropriate. The University retains the right to ban from University property any person employed by a contractor who violates this policy. Any disciplinary action to an employee of the University will depend on the circumstances, but could include immediate termination of employment or could consist of requiring the employee to successfully complete a drug abuse assistance or rehabilitation program. As required by the law, each employee must, as a condition of employment, abide by the terms of this policy. Co-employees are expected to confidentially report to the Human Resources department any violation of this policy by another employee or person covered by this policy. Any employee who is convicted (defined as a "conviction" herein) under criminal law of substance abuse while on University property or while performing duties for the University must notify the Human Resources department as provided in the section entitled "Notification of Convictions" below.

For purposes of clarity, the following definitions are provided in accordance with the Federal Register:

"Controlled substance" means a controlled substance indicated in schedules I through V of the Federal Controlled Substance Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1308.11 through 1308.15. Marijuana is a controlled substance, for example.

“Conviction” means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

“Criminal drug statute” means a federal or state statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

“Drug-free workplace” means a site for the performance of work by a University employee (or person employed by a contractor) at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol.

We also ask that all persons be advised that there are certain state and federal legal sanctions and penalties for the unlawful possession or distribution of controlled substances. For more information, please refer to applicable state and federal internet sites.

All persons covered by this policy may refer to www.dea.gov and Drugs of Abuse · A DEA Resource Guide for additional information

HEALTH RISKS ASSOCIATED WITH THE USE OF CONTROLLED SUBSTANCES AND ALCOHOL

The websites referred to above provide a listing of controlled substances and the health risks associated with the substances covered by the Controlled Substance Act (21 U.S.C. 811).

While alcohol consumption is legal over the age of 21, it can be dangerous if abused. Alcohol consumption causes marked changes in behavior. Even low consumption can significantly impair judgment and coordination.

Low to moderate consumption of alcohol can also increase a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions, greatly altering a person’s ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

ASSISTANCE PROGRAMS AVAILABLE TO EMPLOYEES

The University is aware of its commitment to employees with regard to providing a drug and alcohol free work environment.

Drug counseling and treatment are available on an outpatient and inpatient basis under our medical insurance program subject to specific contractual provisions.

NOTIFICATION OF CONVICTIONS

Employees must, as a condition of employment, abide by the terms of this policy and applicable law, and report any conviction (as defined above) under a criminal statute for violations occurring on or off the University premises while conducting University business. A report of a conviction must be made within five (5) days after the conviction to their immediate supervisor. The immediate supervisor will immediately inform the Associate Vice President for Human Resources. Within ten (10) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the Associate Vice President for Human Resources will notify the Federal government of such conviction. Within thirty (30) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the Associate Vice President for Human Resources will take appropriate action. (This requirement is mandated by the federally legislated Drug-Free Workplace Act of 1988).

BIENNIAL REVIEW OF THE PROGRAM

The University will conduct a biennial review of the program to: (1) determine its effectiveness and implement changes to the program, if needed, and (2) ensure that University disciplinary sanctions are consistently enforced. Notwithstanding, the University may change, alter or amend this policy at any time.

CONCLUSION

A final word - by law, this workplace must be totally free of illegal use of drugs and alcohol. No one is allowed to use, make, sell, distribute or have with them any controlled substances while at work. If this law is violated, the entire institution is affected because of possible loss of funding, which may result in the loss of jobs.

If an employee is involved with drugs or other harmful substances, he/she should use the help available. If the employee knows other employees who are involved with drugs, they should be encouraged to seek help.

ANNUAL DISCLOSURE OF CRIME STATISTICS

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The University Police department maintains a close relationship with the City of Georgetown Police department, the Williamson County Sheriff's Department and the Texas Department of Public Safety to ensure that crimes reported directly

to these police departments that involve the University are brought to the attention of the University Police.

The Southwestern University Police Department collects the crime statistics disclosed in the charts through a number of methods. Police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. SUPD periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that the University Police maintains, the statistics below also include crimes that are reported to various campus security authorities (CSA), as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

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

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

Burglary is 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 intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Domestic violence is 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.

Drug abuse violations are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs.

Hate crimes are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin.

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

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

Murder and nonnegligent manslaughter is the willful (nonnegligent) killing of one human being by another.

Negligent manslaughter is the killing of another person through gross negligence.

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

Sex offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking is 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 to suffer substantial emotional distress.

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

Hate Crimes

Includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

Larceny/Theft—includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

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.

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.

Destruction/Damage/Vandalism of Property (except Arson)—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.

Categories of Prejudice

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

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.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity/national origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

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

Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around Southwestern University's campus.

On-Campus Buildings or Property

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

Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Buildings or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

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

Public Buildings or 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.

The Southwestern University crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

CAMPUS SAFETY AND SECURITY REPORT CRIME STATISTICS REPORTED IN 2016

Campus safety is of vital importance to the entire Southwestern University Campus. The Southwestern University Police Department encourages the community to participate in the protection of our campus. Our police officers know they cannot be effective in protecting the campus without members of the campus community being actively involved in reporting any criminal or suspicious activity. We believe a well-informed community can better protect itself and aid in the prevention of crime. To encourage this, the University Police Department invites discussion of potential safety or security problems on campus.

The following information reflects the number of crimes for the last three years as required to be in compliance with the Jeanne Clery Disclosure of Campus Security Police and Crime Statistics Act.

Southwestern University Campus Crime Statistics	On-Campus			On-Campus Residence **			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Offenses: Total	4	10	13	4	10	13	0	0	0
Forcible	0	1	3	0	1	3	0	0	0
Non-Forcible	0	6	8	0	6	8	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	4 ^o	3	2	4 ^o	3	2	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary: Total	2	5	6	2	5	3	0	0	0
Forcible Burglary	2	5	0	2	5	0	0	0	0

Non-Forcible Burglary	0	0	6	0	0	0	0	0	0
Attempted Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	7	0	0	0	7	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes ++	0	0	2	0	0	2	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	3	0	0	3	0	0	0
Arrests	On Campus			Campus Housing			Public Housing		
	14	15	16	14	15	16	14	15	16
Liquor Law Violations	0	0	2	0	0	2	0	0	0
Drug Violations	10	0	0	7	0	0	0	0	0
Weapons Violations	6	0	0	0	0	0	0	0	0
Disciplinary Actions	On Campus			Campus Housing			Public Housing		
	14	15	16	14	15	16	14	15	16
Liquor Law Violations	41	37	42	36	21	36	0	0	0
Drug Violations	17	16	21	15	13	20	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0

++ There were no hate crimes reported in 2014 or 2015

° The definition of this category changed beginning in 2014, to include previously excluded acts.

** On-Campus Residence crimes are included in the On-Campus numbers.

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Southwestern University.

Definitions

THE FOLLOWING TERMS ARE USED WITHIN THIS REPORT. DEFINITIONS HAVE BEEN OBTAINED FROM THE HIGHER EDUCATION OPPORTUNITY ACT:

On-Campus Student Housing – A 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 a reasonable contiguous area that makes up the campus.

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

Residence Hall Fire Drills

Fire drills are conducted in all on-campus residence halls during the beginning of each semester to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by Southwestern University Police Department.

Fire Safety

Southwestern University takes Fire Safety very seriously and continues to enhance its programs to the University community through education, engineering and enforcement.

All University residence halls have emergency evacuation plans and conduct fire drills at the beginning of each semester during the school year to allow occupants to become familiar with and practice their evacuation skills. All academic and administrative buildings on campus conduct annual fire drills to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by Southwestern University Police Department.

The University has adopted and developed numerous Safety Policies and Guidelines to help promote a safe living and work environment. These policies, guidelines and other fire safety information can be accessed on the Internet at

<http://www.southwestern.edu/safety/policy.php>

Additional protection is provided by University Police Officers who are trained for initial response to fire incidents occurring at University facilities. Officers provide assistance in building evacuation and extinguishment / confinement of small fires.

Fire Statistics for On-Campus Student Housing Facilities

Southwestern University Annual Fire Safety Report 2016

In 2016 Southwestern University Police Department conducted 71 fire drills that included all of the residence halls, academic buildings and administration buildings.

Annual Fire Safety Reports	14	15	16
On –Campus residence Halls			
Brown Cody	0	0	0
Kurth	0	0	0
Mabee	0	0	0
Ruter	0	0	0
McCombs Residential Center	0	0	0
Herman Brown	0	0	0
Moody-Shearn	0	0	0
Lords Apartment Complex	0	0	0
Dorothy Lords Apartment Complex	0	0	0
Kappa Alpha	0	0	0
Phi Delta Theta	0	0	0
Pi Kappa Alpha	0	0	0
Kappa Sigma	0	0	0

SOUTHWESTERN UNIVERSITY ANNUAL FIRE SAFETY REPORT 2016

Facility	Type Facility	Fire Alarm Monitoring - Reports to Campus Operator	Smoke and/or Heat Detectors	Pull Stations	Addressable - Reports Specific Location to Device	Fire Suppression System (Sprinklers)	Fire Extinguishers
Brown Cody	Residential	YES	YES	YES	YES	YES	YES
Dorothy Lord Center	Residential	YES	YES	YES	YES	YES	YES
Herman Brown	Residential	YES	YES	YES	YES	YES	YES
Kappa Alpha	Residential	YES	YES	YES	NO	YES	YES
Kappa Sigma	Residential	YES	YES	YES	YES	YES	YES
Kurth	Residential	YES	YES	YES	NO	YES	YES
Lord Center	Residential	YES	YES	YES	YES	YES	YES
Mabee	Residential	YES	YES	YES	NO	YES	YES
McCombs Res.	Residential	YES	YES	YES	YES	YES	YES
Moody Shearn	Residential	YES	YES	YES	YES	YES	YES
Phi Delta Theta	Residential	YES	YES	YES	NO	YES	YES
Pi Kappa Alpha	Residential	YES	YES	YES	NO	YES	YES
Ruter	Residential	YES	YES	YES	NO	YES	YES
Turner-Fleming	Residential	YES	YES	YES	YES	YES	YES

Fire Safety Education and Training Programs for Students, Faculty and Staff

Students, faculty and staff are instructed to call 911 to report a fire emergency.

Non-emergency notifications (e.g. evidence that something burned) are made to: Southwestern University at 512-863-1944

IMPORTANT PHONE NUMBERS AND OTHER CONTACT INFORMATION

Student and Residence Life	512-863-1624
Dean of Students	512-863-1624
University Police	512-863-1944
Health and Counseling	512-863-1252
University Chaplain	512-863-1056
University Relations	512-863-1483
Office of the Provost	512-863-1567
University Safety Office	512-863-1677
Human Resources	512-863-1435
Georgetown Police Department	512-930-3510
Georgetown Fire Department	512-930-3473
Williamson County Emergency Medical Services	512-943-1264