Midwestern State University
Police Department

2014

MIDWESTERN STATE UNIVERSITY POLICE DEPARTMENT
ANNUAL SECURITY AND FIRE REPORT

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Midwestern State University Police Department
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In compliance with the Jeanie Clery Act 1998, the following information concerning Campus Security Policy and Campus Crime Statistics and the Annual Fire Report have been produced for your review.

Midwestern State University is first and foremost an institution of higher education. As an independent university, it has been charged with providing the best educational opportunities possible to the people of Texas and, in particular, to those living within its primary service area. All university resources, including buildings and grounds, must be considered essential to this educational mission, and no other purposes, internal or external, may take precedence. The university does recognize, however, that as a member of the North Texas community it has a certain obligation to make its physical resources available to the public whenever it can do so without interfering with its primary mission. Consequently, requests for the use of the university by outside individuals, groups, or organizations will be considered on a case-by-case basis. Midwestern State University Police Department will do everything in its power, within the legal confines of the constitution, to make the campus a safe place for students, faculty, staff and visitors to work, study and congregate. As stated in the report of the President's Commission on Law Enforcement and Administration of Criminal Justice, "The Challenge of Crime in a Free Society . . . the fact police deal daily with crime does not mean that they have unlimited power to prevent it, or reduce it, or deter it. The police did not create and cannot resolve the social conditions that stimulate crime. They did not start, and cannot stop, the convulsive social changes that are taking place in America."

INTRODUCTION

Few issues affecting colleges and universities have captured media attention more dramatically in the last decade than violent crime. Awareness of the incidents of violent crime on college campuses continues to burst into the public's consciousness with constant headlines appearing in major newspaper and television stations across the country that have described violent incidents on campuses in California, Colorado, Florida, Minnesota, Virginia, Pennsylvania and Texas, to name just a few.

These reports put to rest the long-cherished notion that colleges and universities are somehow cloistered enclaves; sanctuaries far removed from the threat of crime that haunts the places that we all live and work.

In a focus group on serving victims of campus crime sponsored by the National Criminal Justice Association in October 1998, the Office for Victims of Crime’s Acting Director, Kathryn M. Turman, observed the following:

"Campuses are not free from crime. Victims need to understand their rights, and need information about both the criminal justice system and student judicial system. We must mitigate the fact that students who are victims can be "re-victimized" by systems that often do not accommodate their needs".
Information is a powerful tool in crime prevention and law enforcement, and can also be used to ensure that students, faculty, staff and visitors all have access to information that may lead to informed decisions and take precautions to improve the likelihood of their personal safety.

Midwestern State University is concerned about the protection of persons and property on its campuses, and participates annually in compiling statistics found in this report.

The Midwestern State University Police Department works hard to ensure the protection of all our faculty, staff, students and visitors. We cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility, and with that thought in mind, we have prepared this information to assist our students, parents, faculty and staff in protecting themselves and their property, and in doing so, hope to contribute to a safer campus environment.

**CLERY ACT**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, which requires colleges and universities across the United States to disclose information about crime on and around their campuses.

The "Clery Report" requires institutions of higher education to prepare, publish, and distribute a report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings or computer networks to all current students and employees, and all prospective students and prospective employees upon request. This document contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote crime awareness, campus safety and security.

Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

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

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

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

For more information about the Clery Act, please visit:
http://www.securityoncampus.org/schools/cleryact/

Or contact the U.S. Department of Education at (202) 708-8179.

Midwestern State University is also required to publish an Annual Fire Report. The Annual Fire Report is a part of this Clery Report.

FERPA / BUCKLEY
Buckley Amendment / FERPA Law
With respect to the disclosure of certain documents which may have been used in the production of this report, it is important to note:

The Family Educational Rights and Privacy Act of 1974 (FERPA), commonly known as the Buckley Amendment, was passed by Congress in 1974. FERPA affords students over 18 years of age certain rights with respect to the student’s education records. They are:

• 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 registrar, dean, head of the academic department, or other appropriate official, a written request that identifies 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 record(s) 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.

• The right to request the amendment of the student’s education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the appropriate university official, 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 them of their 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.

• 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 disclosure to university officials with legitimate educational interests. A university official is a person employed by the institution as an administrator, supervisor, instructor, or support staff member (including health
or medical staff and law enforcement personnel); a person serving on the Board or Trustees; a person or company with whom the institution has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another university official in performing his or her tasks. A university official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the institution discloses education records without consent to officials at another institution in which a student seeks or intends to enroll. (NOTE: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

FERPA grants the right to file a complaint with the U.S. Department of Education concerning alleged failures by the institution to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:
Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-5920

MIDWESTERN STATE UNIVERSITY OVERVIEW

University History

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

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

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

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

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

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

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

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

Midwestern State University current enrollment is 6,043 students: 5,360 are undergraduates and 683 are graduates. There are more than 100 student organizations on the campus: 14 nationally affiliated fraternities and sororities. Midwestern offers 43 Undergraduate programs and 24 Graduate programs to its students. Midwestern State University is accredited toward associate, baccalaureate, and master's degrees by:

Commission on Colleges of the Southern Association of Colleges and Schools
1866 Southern Lane
Decatur, Georgia 30033-4097.
Phone: 404-679-4501

University Police Department

Operating 24/7, the Midwestern State University Police Department is located at 3410 Taft Boulevard, Wichita Falls, TX. The University Police Department was established circa 1969 to provide police services for what was then known as Midwestern University.

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

Currently the Midwestern State Police Department has 15 full time employees and five part time employees. There are ten sworn police officers and four full time dispatchers. All officers are sworn Texas peace officers. They have all received the state required training to become peace officers. All dispatchers are also certified by the state as required. All peace officers and dispatchers continue to receive up-to-date training on technology and tactics.
Police Authority

Article I--Statutory Authority
Section 1--Pursuant to the authority granted by Statutory Law of the State of Texas, (Texas Education Code Article 51.200-51.213), these regulations are promulgated for the purpose of providing for the protection, safety, and welfare of the students and employees of Midwestern State University, a state institution of higher education, and for the protection and policing of the buildings and grounds of said institution.

Article II--Police Administration and Supervision
Section 1--There is hereby established at Midwestern State University Department of Public Safety under the control and supervision of a Director /Chief of Police appointed by the university and responsible directly to the President.
Section 2--Officers of the University Police Department are to be bona fide peace officers, bonded and commissioned by the Board of Regents of said university as peace officers. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of police officers while on the property under the control and jurisdiction of Midwestern State University or otherwise in the performance of their duties.
Section 3--All of the general and criminal laws of the State of Texas are declared to be in full force and effect within the areas under the controlled jurisdiction of Midwestern State University, and enforcement of these laws shall be the duty of the officers of the Police Department of the university.
Section 4--It shall be the duty of the officers of the University Police Department to enforce all university regulations stated herein or hereinafter concluded and such other federal, state, and municipal laws applicable on areas under the control and jurisdiction of the university.

The President of Midwestern State University is authorized to provide law enforcement officers to assist other governmental entities, counties or municipalities in time of dire need. This is a mutual pack between Midwestern State University and the City of Wichita Falls. Midwestern State University Police Department has for years reported the University's crime index to the Uniform Crime Report through the Texas Department of Public Safety. We file our own criminal cases with the District Attorney of Wichita County. We constantly work with the area law enforcement on criminal cases and trade information.

Midwestern State Police Officers are duly sworn and licensed as Peace Officers by the State of Texas, and are commissioned by the Midwestern State University Board of Regents pursuant to the Texas Education Code, Section 51.203; entitled “Campus Peace Officers”. Although the officer’s primary duty and jurisdiction is to serve the Midwestern State community, their jurisdiction as police officers extends statewide. Each officer is armed and possesses the same authority under the law as do municipal or county peace officers. The department ensures that each officer complies with the training and standards set out by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). All officers receive the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment.
The Midwestern State Police Department is the primary agency for reporting and investigating criminal activity occurring on the Midwestern State University campus. Officers patrol the Wichita Falls campus 24 hours each day, 365 days a year. The police department provides immediate response to all police, fire and medical emergencies. Accidents involving automobiles and bicycles are also investigated by the police department. Where criminal prosecution is sought, cases are regularly forwarded to the Wichita County District Attorney’s Office or the Wichita County Justice of the Peace Court, or the City of Wichita Falls Municipal Court for filing. Additionally, all criminal cases involving Midwestern State students are also referred to the Office of Student Judicial Programs for review and possible disciplinary sanctions that may be imposed for violations of the Student Code of Conduct.

Police Department Mission Statement

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

Inter-agency Police Services and Assistance Agreements

Due to the sophisticated resources required to properly investigate certain crimes, specifically those involving organized crime, mass violence and terrorism, the Midwestern State University Police Department will arrange in certain circumstances for the assistance of outside law enforcement agencies such as the Wichita Falls Police Department, Wichita County Sheriff’s Office, the Criminal District Attorney’s Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, Federal Bureau of Investigations, United States Secret Service, Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as other local, state and federal agencies. The University Police Department maintains professional working relationships with each of the listed agencies, and routinely trains with other agencies to ensure a timely, efficient and effective response to all crimes occurring on campus. Additionally, Inter-Local Cooperation Agreements between the City of Wichita Falls and Wichita County provide a mechanism for cooperation in coping with emergencies when Midwestern State University is unable to provide the necessary resources.

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

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

**CAMPUS SECURITY AUTHORITIES (CSA’s)**

The following are defined as Campus Security Authorities by The U.S. Department of Education and the Jeanne Clery Act:

**Campus Police Department** – All members of the police department.

**Individuals with Campus Security Responsibility** – Any individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrances to institutional property. Examples of this category include: parking enforcement staff, event security staff and campus safety patrols.

**Individuals Designated by the Campus** – Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. All institutions must publish a number of safety- and security-related policy statements. If you direct the campus community to report criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.

**Officials with Significant Responsibility for Student and Campus Activities** - 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. Examples include: Dean of Students, Student Housing and Resident Life, Student Discipline Officials, Student Judicial Programs, Directors of Student Services Centers, Officials who oversee student extracurricular activities, Director of Athletics, Team Coaches, Faculty Advisors and leaders of recognized student groups. 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.

The following positions meet the above definition and have already been designated as Campus Security Authorities for purposes of Clery Act compliance. Each of the listed departments are required to provide an updated list of any additional designated positions within their respective departments, along with contact information to the Midwestern State University Police Department each year.

**MIDWESTERN STATE UNIVERSITY**

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<td>College of Education</td>
<td>Dean, Faculty Advisors</td>
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<td>College of Fine Arts</td>
<td>Dean, Faculty Advisors</td>
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<td>College of Health Sciences &amp; Human Services</td>
<td>Dean, Faculty Advisors</td>
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<tr>
<td>College of Humanities &amp; Social Sciences</td>
<td>Dean, Faculty Advisors</td>
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Republished September 29, 2017
College of Mathematics       Dean, Faculty Advisors
Graduate School       Dean, Faculty Advisors
Honors College       Dean, Faculty Advisors
Human Resources       Director
International Education       Director
Office of Risk Management       Associate Director
Office of the Provost       Provost
Student Affairs       Vice President, Associate 
Vice President/Dean,
Director Student Conduct

Student Wellness Center       Director
University Student Housing       Director
University Police       Sworn Personnel

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

CAMPUSS CRIME REPORTING DISCLOSURE

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

Crime Statistics Reporting

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

This report contains crime statistics that have been compiled from the 2013-2014 (date correction made 09/29/2017) calendar year and a reprint of the previous two calendar years crime statistics. The crime statistics reported have been compiled from data collected from a number of reporting sources including, the Midwestern State Police Department, State, Municipal and County Law Enforcement Agencies, and non-commissioned Campus Security Authorities.
Crime statistics gathered by the Midwestern State University Police Department are collected and reported on an annual/calendar year basis. Campus Security Authorities report “reportable crimes” using the CLERY INCIDENT REPORT guidelines. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the Midwestern State Police Department via our website, by mail, fax or hand delivery.

Timely Warnings will be distributed to all students when campus authorities (Vice-President for Student Affairs and Enrollment Management and University Police Chief) deem there is a potential threat to the University community in relation to criminal offenses that have occurred on-campus or in areas near campus.

The most commonly reported crimes at Midwestern State University include the theft of unattended and unsecured books, backpacks, purses, wallets, electronics and bicycles. The burglary of open, unlocked, or unattended residence hall rooms, offices and motor vehicles also occurs on occasion. Jewelry, electronic equipment and other portable valuables are common targets of burglars. It should be noted that a number of these types of crimes do not meet the definition or report requirements of the Clery Act, and as such may not be included in Clery Statistics. Accordingly, the 2012-2014 (date correction made 09/29/2017) figures for these types of crimes, when applicable, were reported by the University Police Department to the Uniform Crime Reporting Section, Texas Department of Public Safety, Austin, Texas. National crime figures are published by the Federal Bureau of Investigation, Department of Justice, Washington, D.C. in the publication Crime in the United States for each of the respective years. The UCR crime statistics include only those crimes which are reported to the police entity having jurisdictional control over the location where the crime occurred. Not all crimes, however, are reported to the police. Referrals for violation of the Code of Student Conduct, as described in the Student Affairs Handbook, are included in these statistics.

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

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

**The term “on-campus housing” means** – any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

**The term "public property" means** - all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

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

Referrals for violation of the Code of Student Conduct, as described in the Student Affairs Handbook, are included in these statistics.

**SEXUAL ASSAULT** - An offense that meets the definition of rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape as used in the FBI's UCR program and included below:

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

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

- **Sodomy** — Oral or anal sexual intercourse with another person, 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 or physical incapacity.

- **Sexual Assault With An Object** — The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.

- **Fondling** — 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** — Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Statutory Rape — Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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

DATING VIOLENCE - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
(1) The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
(2) For the purpose of this definition-
   (i) Dating violence includes sexual or physical abuse or the threat of such abuse.
   (ii) Dating violence does not include acts covered under the definition of domestic violence.

STALKING - (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to--
   (i) Fear for his or her safety or the safety of others; or
   (ii) Suffer substantial emotional distress.

(2) For the purpose of this definition--
   (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
   (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

ALCOHOLIC BEVERAGES - use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages is prohibited, except as expressly permitted by University Policy.

NARCOTICS OR DRUGS - use, possession, sale, delivery, manufacture, distribution, or under the influence of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance or drug related paraphernalia is prohibited, except as expressly permitted by law.
FIREARMS, WEAPONS, & EXPLOSIVES - use or possession of weapons, including handguns, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances; attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or as a result of reckless behavior which results in damage.

HAZING – any intentional, knowing or reckless act directed against a student, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental, physical health, or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking, and/or maintaining membership in any organization whose members are/or include students. The willingness of an individual to participate in such activity will not be a consideration mitigating conduct action. A complete copy of the state law is available in the Dean of Student’s Office.

HATE CRIMES - are defined as any crime involving theft, simple assault, intimidation, destruction damage or vandalism to property, as well as any crimes involving bodily injury reported to local police agencies or to a campus security authority, which manifest evidence that the victim was intentionally selected because of the victims actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity. These incidents are also included in the incidents reported sections above.

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

Statistics Included in the Annual Jeanne Clery Report

The following pages contain the reportable statistics for the Midwestern State University campus from which the University Police Department is required to obtain and publish annual reports under the Jeanne Clery law. Each of the included reports were constructed using data acquired from documents maintained by the University Police Department, Dean of Students, Housing and Residential Life Office, Office of Student Judicial Programs, University Counseling Center, cooperating law enforcement agencies, and other entities within the local community. The specific criminal violations that appear in the following statistics, in addition to those described above that are provided from university sources are:

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

CODE DESCRIPTION
PC 19.02 MURDER
PC 19.03 CAPITAL MURDER
PC 19.04 MANSLAUGHTER
PC 22.011 SEXUAL ASSAULT
PC 22.021 AGGRAVATED SEXUAL ASSAULT  
PC 29.02 ROBBERY  
PC 29.03 AGGRAVATED ROBBERY  
PC 22.02 AGGRAVATED ASSAULT  
PC 30.02 BURGLARY  
PC 31.03 THEFT (VEHICLES)  
PC 31.07 UNAUTHORIZED USE OF A VEHICLE  
PC 28.02 ARSON  
PC 12.47* (HATE CRIMES)

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

**CODE DESCRIPTION**  
ABC 106.06 MAKING ALCOHOL AVAILABLE TO A MINOR  
ABC 106.04 CONSUMPTION OF ALCOHOL BY A MINOR  
ABC 106.05 MINOR IN POSSESSION OF ALCOHOL  
PC 49.031 POSSESSION OF ALCOHOL IN A MOTOR VEHICLE

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

**CODE DESCRIPTION**  
HSC 481.113 MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (PENALTY GROUP 1)  
HSC 481.1121 MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (PENALTY GROUP 1A)  
HSC 481.113 MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (PENALTY GROUP 2)  
HSC 481.114 MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE (PENALTY GROUP 3/4)  
HSC 481.115 POSSESSION OF A CONTROLLED SUBSTANCE (PENALTY GROUP 1)  
HSC 481.116 POSSESSION OF A CONTROLLED SUBSTANCE (PENALTY GROUP 2)  
HSC 481.117 POSSESSION OF A CONTROLLED SUBSTANCE (PENALTY GROUP 3)  
HSC 481.120 DELIVERY OF MARIJUANA  
HSC 481.121 POSSESSION OF MARIJUANA  
HSC 481.129 POSSESSES, OBTAINS A CONTROLLED SUBSTANCE BY FRAUD  
HSC 483.041 POSSESSION OF DANGEROUS DRUG  
HSC 483.042 DELIVERY OF DANGEROUS DRUG
ILLEGAL WEAPONS POSSESSION / WEAPON LAW VIOLATIONS – The violations of laws or ordinances dealing with weapon offenses. Regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

CODE DESCRIPTION
PC 46.02 UNLAWFULLY CARRYING A WEAPON
PC 46.03 PLACES WEAPONS PROHIBITED
PC 4605M PROHIBITED WEAPONS (MISDEMEANOR)
PC 4605F PROHIBITED WEAPONS (FELONY)

The table on the following page contains the applicable statistics gathered for the Clery Report. The respective locations are listed at the top of the table.

UNFOUNDED CRIMES - If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and should not be included in your institution’s statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime. (This does not include a district attorney who is sworn or commissioned.) Note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not “unfound” a legitimate offense. Also, the findings of a coroner, court, jury or prosecutor do not “unfound” offenses or attempts that law enforcement investigations establish to be legitimate. If you disclose a crime statistic and the crime is “unfounded” in a subsequent year, you should revise your statistics. Use a caveat to note that the change in a prior year’s statistics reflects the “unfounding” of a crime.

Note: Midwestern State University had no Unfounded Clery Reportable Crimes for 2014

Note: Midwestern State University crime statistics are located at the end of the Security and Fire Report!

MSU Property in Presidio and Brewster Counties, Texas Crime Reporting

Midwestern State University owns approximately 3,000 acres in Texas in the Chihuahuan Desert that is divided by the Presidio/Brewster Co. line. The majority of the southern border shares a property line with the north-eastern corner of the Big Bend Ranch State Park. The GPS coordinates for the base camp are N 29 – 33.41’, W 103 – 47.65’. There is no physical address and it takes two hours to travel 32 miles to reach the property after the Hwy 169 pavement ends at Plata, TX. Plata is on the map and three houses at most are at this site.

To date we have had no evidence of any criminal activity. The Biology Department leaves much of their camping gear at the metal shed with no evidence of any disturbance.
Information received from the Brewster County Sheriff Department indicates that no Clery reportable crimes have occurred on the MSU property or on any public land adjacent to the MSU property. The Presidio County Sheriff Department reported that no reportable crimes occurred at the aforementioned property.

REPORTING CRIME

Reporting Criminal Activity

All criminal incidents as well as traffic accidents should be reported to the University Police immediately. Midwestern State University’s annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Midwestern State University; and on public property within, or immediately adjacent to and accessible from, the campus. The police department also maintains a daily log of criminal activity, as well as an anonymous reporting web page. The annual security report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. You can obtain a copy of this report by contacting Campus Police or by accessing the following website: http://www.mwsu.edu/police/awareness

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

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

Remember to always be ready to provide:

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

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

In certain instances, a crime victim may be reluctant to file a report fearing the “process” or the loss of his/her anonymity. In such circumstances, crime victims are still encouraged to make a confidential report to one of the designated Campus Security Authorities. At minimum, crime victims will receive important counseling and referral information. Confidential reports are important because they provide valuable information that can enhance the safety of the community-at-large and such reports will (at least) provide a more accurate portrait of actual campus crime. (Remember, help is available, all you need to do is ask.). An Anonymous Report may be made at http://www.mwsu.edu/police/.

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

Staff and Faculty Disciplinary Referrals

In addition to the student administrative disciplinary referrals for alcohol, weapons, drugs and narcotics violations, all institutions of higher education are also required to report all similar administrative disciplinary referrals involving staff and faculty of the institution. The annual Clery report provided by the Midwestern State University Police Department includes all reported referrals provided by Campus Security Officials to the police department during the reporting period. A complete list and description of the faculty disciplinary process can be found at http://www.mwsu.edu/humanresources/policy/index.asp, policy numbers 3.116, 3.124, 3.125, 3.126, and 3.143. A complete list and description of the staff disciplinary process can be found at http://www.mwsu.edu/humanresources/policy/3.2-staff-policies/index.asp, policy numbers 3.216, 3.218 and 3.228. MSU has a policy to protect whistleblowers. It is policy number 3.344 and can be found at http://www.mwsu.edu/humanresources/policy/3.3-employee-policies/index.asp.

Off-campus Criminal Activity

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

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

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

CRIME PREVENTION

Overview

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

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

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

Educational Safety Programs

ACTIVE SHOOTER EDUCATION - The Midwestern State Police Department periodically presents public presentations designed to provide guidance on how to recognize and survive active shooter incidents. The police department has also incorporated the video “Shots Fired, When Lightning Strikes” by the Center for Personal Protection and Safety.

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

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

**BLUE LIGHT EMERGENCY PHONES** - Blue phones have been placed in strategic locations throughout the Midwestern State University campus. When an emergency telephone is picked up, the Midwestern State Police Department will answer and immediately know the location from which the call is being placed.

**CRIMINAL ACTIVITY NOTICES**— Students and employees may be regularly provided with information regarding non-violent crimes that occur on the campus of Midwestern State University through *The Wichitan* and *MSU Alert*. Information regarding crimes which may be an immediate threat to members of the University community and are identified by the Midwestern State Police Department shall be disseminated via multi-media including E-mail, Text Message, Telephone / Cell Phone, News Media and other applicable distribution methods as appropriate.

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

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

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

**OPERATION ID**– Property protection methods including marking assistance, is available through the Midwestern State University Police Department.
POLICE OFFICERS - Armed officers patrol the campus 24 hours a day, 365 days a year on a shift basis. The Midwestern State Police Department has an authorized strength of 20 personnel of which ten are commissioned police officers. The number of staff serving on any particular shift will vary depending on availability and the needs of the campus. In addition to the officers there are five communication officers, three office staff, and two ticket writers.

SEXUAL ASSAULT AWARENESS PROGRAM – Crime prevention program designed to make students aware of how to prevent themselves from becoming a victim of a sexual assault. The program will cover the procedures of how to report a sexual assault and necessary investigative procedures. It will also cover preventive measures for other sex related crimes. The program may involve Midwestern State University Police as well as outside guest speakers who will educate students about sexual assault prevention.

DOMESTIC VIOLENC, DATING VIOLENCE AND STALKING - Crime prevention program designed to make students aware of how to prevent themselves from becoming a victim of a domestic violence, dating violence and stalking. The program will cover the procedures of how to report a crime involving domestic violence, dating violence and stalking and necessary investigative procedures. It will also cover preventive measures for these types of crimes. The program may involve Midwestern State University Police as well as outside guest speakers who will educate students about domestic violence, dating violence and stalking prevention. Any prevention program by the MSU Police Department or other associated university groups or outside groups will involve training related to awareness, definitions of offenses, consent, options for bystander intervention and risk reduction.

PREVENTION AWARENESS PROGRAMS

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

MWSU 1233 – College Connections

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

All new Midwestern State University undergraduates under the age of 25 and non-DED students must complete a comprehensive online training course from LawRoom, Inc. called “Think About It.” The course covers topics related to consent, bystander intervention and personal safety. The course must be completed within the students first semester at MSU.

Residence Life

Students who reside in campus housing are offered a presentation titled “Personal Safety & Sexual Violence.” The program was presented by First Step of Wichita Falls. First Step is the local nonprofit organization that provides comprehensive services to survivors of domestic violence and sexual assault. The program at the university provided students with information related to consent, bystander intervention and personal safety.

Sigma Lambda Alpha

This organization sponsors a presentation entitled Sexual Violence Prevention. This presentation discusses how to avoid becoming a victim and prevention techniques.

Student Development & Orientation – Greek Life

A presentation for members of Greek organizations that focuses on binge drinking and related deaths. The film, “The Haze” is shown to all participants.

Safe Spring Break

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

Bystander Intervention

1) Assess the situation. Ensure that all parties are safe, and gauge whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.

2) Decide whether to use direct or indirect action to resolve the problem. Examples of both types of action are below:

- **Direct Actions:** Point out someone’s disrespectful behavior in a manner that will help de-escalate the situation, talk to a friend to ensure he/she is okay, call the police
• Indirect Action: Recommend to a bartender or party host that someone has had too much to drink, make up an excuse to help someone get away from a potential offender, and call the local authorities

3) Know your options. Once you’ve decided whether you want to handle the situation directly or indirectly (or a little of both), think of all the possible options for doing so. For instance, if you’ve decided to speak directly to the person displaying problematic behavior, do you want to do it right there in the moment, or take them aside later? If you want to deal with it indirectly, what resources can you access to help you handle the problem?

4) Intervene – with reinforcements. If safe to intervene, you’re likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.

Source: [https://www.jointservicessupport.org/sapr/strategy.aspx](https://www.jointservicessupport.org/sapr/strategy.aspx)

Risk Reduction

Risk reduction is an attempt to adopt measures to reduce your risks of becoming a victim of a crime.

Never leave your drink unattended.
Do not accept open-container drinks from anyone but a bartender or server. If you are accepting a drink, make sure it is from an unopened container and that you open the container yourself.
Be wary about accepting drinks from anyone you do not know well or long enough to trust.
Attend parties or visit bars with a group of friends, arranging beforehand to watch each other’s drinks.
Watch out for your friends. If a friend shows symptoms of date-rape drug ingestion, seek medical attention immediately.
Do not go out walking or jogging alone.
Always carry a cell phone or emergency alert device with you.
Take a self-defense class.
If you think that you have been a victim, notify the authorities immediately.

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

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

SOLICITORS - Door-to-door solicitation is prohibited on all Midwestern State property. Residents and Staff members are encouraged to report the presence of such persons to residential life personnel, administrative offices and/or the police department. Residents are also advised to keep their resident hall or apartment doors locked at all times. Residents are encouraged not to
hesitate to ask for assistance from any Midwestern State staff member, Resident Advisor, or University Police Officer.

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

**POLICE “POWER SHIFT”** - During the work day, an additional dedicated shift of officers are assigned to conduct patrols of academic facilities.

**SECURITY ESCORTS** – The University Police Department will provide security escorts for students, faculty, staff or visitors upon request.

**LOCK-OUT SERVICES** - The University Police Department will provide vehicle unlock services upon request to anyone on campus who has locked themselves out of their motor vehicle. If a student locks themselves out of their dorm room or apartment, the student must contact Housing personnel.

**BATTERY JUMP BOX SERVICE** - The University Police Department maintains several motor vehicle battery jump boxes for use by students, faculty, staff or visitors. The individual must come to the MSU Police Station and pick the jump box up and use it themselves. An officer will give guidance if necessary.

**CAMPUS POLICY STATEMENTS**

**EMPLOYEE POLICY**

**SEX DISCRIMINATION AND SEXUAL HARASSMENT**

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

B. **Definition**

1. Sex discrimination is defined as conduct directed at a specific individual or group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of sex.
2. Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or

b. submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual, or

c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.

C. Confidentiality
Cases involving sexual harassment will be considered sensitive, and special attention to issues of confidentiality will be given. Dissemination of information relating to the complaint will be limited, in order that the privacy of all individuals involved is safeguarded as fully as possible. Every effort will be made to protect the complainant from retaliatory action by the respondent or other individuals.

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

1. Any member of the MSU community (faculty, staff, or student) having a complaint of sex discrimination or sexual harassment should notify his/her immediate supervisor within ten (10) calendar days of knowledge of the alleged conduct. If the complaint is against the immediate supervisor, the complainant should contact the next higher administrative level. The immediate supervisor for an employee is the university official to whom the employee reports. The immediate supervisor for a student is the chairperson of the academic department where the alleged incident occurred, for incidents that occur within an academic setting, and the dean of students for incidents that occur in a non-academic setting.

2. The complainant’s supervisor, dean of students, or department chairperson, receiving the complaint, hereinafter referred to as the administrator, will counsel with the complainant to determine the extent of the alleged sex discrimination or sexual harassment.

3. The administrator will verbally inform the EEO coordinator (director of human resources) that an informal complaint of sex discrimination or sexual harassment has been filed.
4. The administrator will review the evidence presented by the complainant and will determine if there is cause to believe that a sex discrimination or sexual harassment violation occurred.

5. If in the judgment of the administrator a violation did not occur, the complainant will be so advised and given a verbal explanation of the reason for the determination.

6. If it is determined by the administrator that there is sufficient justification to believe that sex discrimination or sexual harassment did occur, the administrator will notify the respondent that an informal complaint has been filed against him/her and that the complainant wishes to seek an informal resolution. The administrator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to confirm or rebut the charge. Both parties will meet with the administrator, together or separately, and try to reach a mutually agreeable resolution. No formal investigation is involved in the informal resolution process.

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

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

1. The designated investigator will be:
   a. the Vice President for Student Affairs and Enrollment Management for a student’s complaint arising from incidents which occurred in a non-academic setting,

   b. the relevant dean of the college for a student’s complaint arising from incidents which occurred in an academic setting, or

   c. the relevant dean of the college or department director (equivalent budgetary unit head), as appropriate, for an employee other than a student.

2. The written complaint must contain the following information:
   a. complainant’s name, address, telephone number, e-mail address,
b. name of respondent,

c. date(s), place(s), and time(s) of alleged violation,

d. detailed description of specific conduct in violation of policy,

e. copies of any documents pertaining to the incident(s),

f. names of any witnesses to the violation,

g. resolution action requested by complainant,

h. other relevant information, and

i. signature of complainant and date of filing.

3. The investigator will inform the EEO coordinator (director of human resources) that a formal complaint has been filed and provide the EEO coordinator with a copy of the complaint.

4. Within five (5) working days of receipt of a formal written complaint, the appropriate investigator receiving the complaint will send the complainant a written acknowledgement of receipt of the complaint.

5. An investigation will be initiated if it is determined that the formal complaint is complete, timely, and within the scope of the policy. If it is determined that the complaint does not meet the requirements of this policy and the university will not proceed with an investigation, the complainant will be notified in writing by the investigator. The complainant may appeal the determination to not proceed with the investigation to the complainant’s senior administrator, in writing, within ten (10) working days of the notification. If the decision to dismiss is upheld, the decision is final. If the decision is overturned, the investigation will continue.

6. If it is determined that the university will proceed to investigate the complaint, the investigator will give the respondent written notification of the investigation. The investigator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to file a written response within ten (10) working days.

7. The investigator will interview both the complainant and the respondent and persons who are considered to have pertinent factual information relevant to the complaint. Findings will be based on the totality of circumstances related to the incident or conduct and will be considered on the basis of severity, frequency, and
nature of the offense. The investigation will be kept confidential and on a need-to-know basis.

8. The investigator will provide a written statement of findings with supporting documentation and a decision for disposition of the complaint to the EEO coordinator and to the senior administrator representing the department of the complainant.

9. The investigator will provide written notification of the decision to the complainant and to the respondent within fifteen (15) working days after the conclusion of the investigation.

10. Decisions involving disciplinary action will be administered in accordance with university disciplinary policies. The supervisor of the respondent will be notified by the EEO coordinator if disciplinary sanctions are imposed upon an employee of the university.

F. Right of Appeal

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

1. The grievant must send a formal written request for a hearing to the president within ten (10) working days of receipt of the written notification of the disposition of the formal complaint. The request for a hearing must be signed by the grievant. Within ten (10) working days of the date filed, a hearing date shall be set.

2. The president shall appoint an ad hoc committee to review the formal complaint, hear the appeal, and render a decision. The hearing committee shall consist of five (5) persons who are employees of the university, two (2) persons from each classification (faculty, staff, or student) of the principals involved and a chairperson designated by the president. Each principal involved shall have one (1) preemptive challenge.

3. The complainant, respondent, administrator, investigator, and EEO coordinator shall, in advance of the hearing, receive a copy of the written appeal filed with the president. All affected parties shall receive a written notice of the date, time, and place of the hearing. A copy of the written complaint and the appeal will be furnished to the hearing committee.

4. All formal hearings shall be closed to the public except as otherwise required by law. The president’s designee shall preside and conduct the business of the hearing. The principals shall have the opportunity to present their cases through testimony, relevant evidence, and witnesses.
5. The chair of the grievance committee shall within five (5) working days of the conclusion of the hearing submit a written report of the committee’s decision to the complainant, the respondent, the EEO coordinator, and to the president of the university.

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

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

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

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

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

Campus Judicial Charges - Students
Campus judicial charges under the Student Code of Conduct can only be filed if the alleged respondent is a Midwestern State University student, and may be applied to conduct that takes place from the time a person is admitted as a student and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. The referral agent is typically a member of the MSU community, although visitors to and guests of Midwestern State
University are also protected and may initiate grievances for violations committed against them by students of the Midwestern State University community.

The campus judicial system examines violations of university policy as described in the Student Code of Conduct. Campus judicial hearings do not replace or substitute for criminal prosecutions, and students who choose campus judicial hearings are also encouraged to seek redress through the criminal justice system and civil court. So long as the offending student is enrolled at Midwestern State University, there is no statute of limitations on filing judicial charges.

In cases when notice of a complaint which falls under Title IX or involves any form of discrimination is received, the Title IX Coordinator, in consult with the Director of Student Conduct, will appoint an investigator. The investigator(s) will notify the victim/complainant of whether the university intends to pursue the complaint regardless of his/her involvement, inform the victim/complainant of his/her rights in the process, take steps to initiate necessary remedial actions on behalf of the victim/complainant, and conduct a thorough, reliable, and impartial investigation. Upon completion of the investigation, the investigator(s) will make a finding, based on a preponderance of the evidence standard, present the investigation report and findings to the accused individual, and share the findings and update the victim/complainant on the status of the investigation and outcome. The accused individual may accept the findings, accept the findings in part and reject them in part, or reject all findings.

The alleged victim/complainant in any complaint alleging sexual misconduct will be kept apprised of the status of the investigation, receive timely notification in writing of the outcome of any hearing and sanctions, and the rationale for the decision; and have the right to a review if appeal criteria are met.

In cases where the accused individual is found not responsible for the alleged violation(s), the investigation will be closed. The victim/complainant may request that the Title IX Coordinator re-open the investigation or convene a hearing on the basis of extraordinary need.

In cases where the accused individual accepts the finding, the investigator(s) will recommend appropriate sanctions for the violation that will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. If the accused individual accepts these sanctions, the process ends. If the accused individual accepts the findings but rejects the recommended sanctions, there will be a panel hearing on the sanctions, only. This will usually occur within 1-2 weeks from the end of the investigation. All panel hearings for allegations of sexual misconduct, sexual harassment, and other forms of discrimination are conducted by a three member staff/faculty panel drawn from the trained Student Conduct Committee and/or Administrative Hearing Officer pool. Each involved party (complainant and respondent) may have a support person/advisor present. The hearing panel will base their decision(s) on a preponderance of the evidence standard.

In cases where the accused individual rejects the finding that s/he violated university policy, there will be a panel hearing on the allegations within 2 weeks. At the hearing, the investigator(s) will present their findings, the panel will hear from the parties, and any called witnesses. The investigation findings will be considered by the panel, but are not binding on
the panel, which renders an independent and objective finding. If the finding is that of a policy violation, the panel will determine an appropriate sanction(s). Notification of the hearing outcome and any sanctions will be made in writing within 2-3 business days of the hearing.

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

Midwestern State will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The perpetrator will also be notified of the results of any conduct hearing.

Sexual misconduct is a serious offense and such violations are subject to any combination of conduct sanctions. Conduct procedures with individuals found responsible for violation of the nonconsensual sexual intercourse policy face a recommended sanction of university suspension or university expulsion.

Notification of judicial action taken against students is made on a “need to know” basis. Other university agencies or organizations may be required to obtain written release before they can receive notification. Copies of all judicial sanction letters and hearing panel verbatim audio records are archived in the Office of Student Conduct and maintained according to the university’s record retention policy. Additional information can be located at http://mwsu.edu/Assets/documents/student-life/2013-14%20Student%20Handbook.pdf.

**Timely Warning Notices** - The Midwestern State University Police Department Chief of Police or a designee will develop timely warning notices for the University Community to notify members of the community about serious crimes against people that occur on or near campus, where it is determined that the incident may pose an ongoing threat to members of the University community. Timely Warning Notices may be distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus PD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other University community members, therefore; a Timely Warning Notice would not be distributed. Sexual Assaults are considered on a case by case basis depending on the facts of the case, when and where the incident occurred,
when it was reported, and the amount of information known by the Campus Police Department. Timely Warning Notices may be distributed for other crimes as determined necessary by the Chief of Police or his or her designee in his or her absence.

The Police Department Chief of Police or a designee in conjunction with the VP For University Student Affairs and Enrollment Management will develop timely warning notices for the University Community to notify members of the community about serious crimes against people that occur on or near campus, where it is determined that the incident may pose an ongoing threat to members of the University community.

In an effort to provide timely notice to the University community, and in the event of a serious incident which may pose an on-going threat to members of the University community, a blast email, Timely Warning Notice, is sent to all students and employees on campus. The alerts are generally written by the Chief of Police or a designee. They are approved and distributed to the community by Public Information and Marketing. Updates to the University community about any particular case resulting in a Timely Warning Notice may be distributed via blast email, may be posted on the (Police or Campus Alerts) web site or may be shared with *The Wichitan* for a follow-up story. Timely Warning Notice posters may also be posted by University PD in campus buildings when deemed necessary. The university may also choose to use other social media sites to get the Timely Warning out to the community. When Timely Warning Notices are posted in campus buildings, they are printed on orange paper and posted in the lobby/entrance area of the affected building(s) for seven days.

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

Faculty, staff and student are automatically enrolled in MSU ALERT. However, faculty, staff and students do need to go into their accounts and add their personal cell phone number so they can receive emergency messages via text. Go to the MSU Police Department Home Page: [http://www.mwsu.edu/police](http://www.mwsu.edu/police) and then click on “Emergency Alert” (left side menu) and then follow the prompts and fill in all the required information. When listing your phone number, include area code and NO hyphens.

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

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

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

In the event of a confirmed emergency, alerts and safety instructions will be distributed using the most expedient methods available to the specific location affected. Some examples of methods may include, but are not limited to: public address systems, presence and verbal announcements made by emergency personnel, E-mail, telephone, cellular telephone, text message, social media sites and press releases to public news media.

Each member of the Midwestern State community is encouraged to participate in safety exercises, and to become familiar with recommended safety practices. Anytime the University is notified of some type of emergency (weather related, active shooter, HazMat spill, etc.), the University Chief of Police and the VP for Student Affairs and Enrollment Management will consult one another and make a determination as to the extent of the emergency, does it require the University to do a mass notification or what segment of the University needs to be notified, the content of the emergency notification, and then activate the emergency notification system. Immediate decisions will be made on the need to evacuate or lockdown buildings. If evacuation is necessary, the following procedures should be followed:

1. Be aware of all the marked exits from your area and building and refer to the emergency evacuation posters located near the elevators.

2. The evacuation alarm is a loud horn, and is the only audible alarm system used on this campus. Every alarm should be treated as an emergency.

3. To activate the building alarm system, break or remove the protective cover on the fire alarm cover and pull the handle on one of the red boxes located in the hallway.

4. When the building evacuation alarm is sounded or when you are ordered to leave by University Police, walk quickly to the nearest marked exit and calmly ask others to do the same.

5. Assist the disabled in exiting the building, and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairway and notify University Police of the location.

6. Building marshals will assist in evacuation of all building occupants.

7. Outside, proceed to a clear area that is at least 150 feet away from the affected building. Keep walkways clear for emergency vehicles.
8. To the best of your ability, and without re-entering the building, assist University Police in their attempt to determine that everyone has evacuated safely. Departments should pre-determine an assembly point to verify all occupants are safe.

9. A University Police Emergency Command Post will be set up near the emergency site. Keep clear of the command post unless you have important information to report.

10. Do not return to a building until University Police tell you to do so, even if the alarm has ceased.

11. For a list of recommended evacuation areas, visit the University Police website at http://www.mwsu.edu/police

University officials may take into account whether or not issuing a mass notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Once a decision has been made to initiate the emergency notification system, the Chief of Police or his/her designee will send the notification via the various medias to the appropriate targeted audience. The notification may be delivered by text, email, social media sites and/or on campus loud speakers.

The emergency notification system will be tested at least twice a year. The tests may be announced or unannounced tests. The tests will be documented. The emergency response brochure is on the MSU PD website at http://www.mwsu.edu/police under the Related Links Area menu.

**Non-Emergency Crime Alert Bulletins** - In addition to emergency alerts, the Midwestern State University Police Department may also issue Crime Alert Bulletins any time the department is of the opinion that a crime, or series of crimes, poses an on-going risk to the campus community. This includes crimes against persons and property which do not necessarily constitute an “emergency”.

Depending upon the circumstances surrounding a particular offense, non-emergency crime alert bulletins may be widely distributed, or may be limited to a clearly defined segment of the Midwestern State community (eg. crimes targeting campus residents, specific locations such as isolated buildings, facilities, laboratories, or even computer user). Crime Alert Bulletins will generally include a description of reported incidents including: the type of crime, time, date, location, physical description and/or name of known offenders, connections to previously reported incidents, victim profiles, composite drawings, surveillance video stills, or other important information. The distribution of these bulletins typically entails a combination of campus electronic mail, bulletin board postings, flyers, post cards or other display methods in highly trafficked campus property and facilities.
Prohibited and Illegal Weapons - Possession of firearms, fireworks, or explosives of any description, including handguns with a permit on university grounds, university streets, university parking lots or in university student housing. It is a violation of university policy and Texas Penal Code, Chapter 46, Section 46.04 (third degree felony) to bring firearms or other prohibited weapons* onto the Midwestern State University campus. Any student who possesses a firearm or prohibited weapon on the MSU campus (including university housing) will be immediately suspended from the university and dismissal proceedings will be instituted. Additionally, any student violating this code will be subject to criminal prosecution under Texas State Law. Prohibited weapons include but are not limited to an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device (other than a small chemical dispenser sold commercially for personal protection); a zip gun; a knife with a blade over five and one-half inches; a hand instrument designed to cut or stab another by being thrown, a dagger, including but not limited to a dirk, stiletto, and poniard; a Bowie knife, a sword, a machete; and a spear (a knife means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument).

A person with a concealed handgun permit in accordance with Texas Law may possess a handgun and/or ammunition as long as the item(s) are concealed within a vehicle. Handguns or other firearms are prohibited outside of a vehicle, or within a vehicle without a concealed handgun permit, on property owned, leased, or rented by Midwestern State University.

Air Soft Gun Policy

A. Air soft guns are considered weapons and are banned from all university housing including but not limited to residence hall rooms, apartments, hallways, lounges, restrooms, lobby areas, courtyards and parking lots.

B. Violations of the Air Soft Gun Policy will result in:

- Confiscation of the gun and ammunition, which will not be returned.
- Restitution for the cost of damages to Housing & Residence Life property.
- Community Service
- Probation.

Gambling – Gambling in any form (defined as illegal by state law) on university premises or in university student housing is prohibited.

Alcoholic Beverages - Use, possession, manufacture or distribution of alcoholic beverages except at social functions which have been registered and approved according to the MSU Alcohol Policy and in Bridwell Courts, Sunwatcher Village and Sundance Court in
accordance with the guidelines published in the Housing and Residence Life Handbook; or driving while intoxicated or public intoxication.

Alcohol Policy

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

Guidelines
1. Alcoholic beverage functions must conform to state law.
2. State law prohibits the sale of alcoholic beverages without a liquor license. This shall include the free distribution of alcoholic beverages in connection with a function for which a cover charge has been assessed.
3. Public intoxication is considered to be offensive and in violation of this policy. Inappropriate and imprudent behavior will result in disciplinary sanctions.
4. Texas state law prohibits the consumption of alcoholic beverages in a public place at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon and on all other days at any time between the hours of 2:15 a.m. and 7:00 a.m.
5. Alcoholic beverages may be served at scheduled university events only with prior approval by the Dean of Students. Applications for approval must be submitted in writing ten days prior to the event. Approval will be based upon organization planning, frequency of the event, groups served by the activity, activity focus, and the use and distribution of alcohol.
6. Alcoholic beverages at approved university events must be distributed under conditions which ensure compliance with state law with regard to consumption, intoxication, drinking age, distribution, sale, etc. The Dean of Students provides appropriate guidelines.
7. It shall be a violation to possess, sell, distribute, or consume alcoholic beverages at athletic events, while on property owned or leased by Midwestern State University, whether the event is sponsored by the university or an outside organization.
8. It is the responsibility of university organizations, organizational officers and advisors, and individuals to be aware of these guidelines and their application to individual, as well as organizational, activities. The Clark Student Center office will provide information to student organizations as to duties and responsibilities of advisors

Substance Abuse

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

Use, possession, distribution, manufacture, sale or administration to another of illegal drugs including all controlled substances, and other substances that are the object of an offense under the Texas Controlled Substances Act (Article 4476-15, Vernon’s Texas Civil Statutes) is prohibited.

A. Legal Sanctions

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

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>TYPE</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Consumption or Possession (Secs.106.04 and 106.05.)</td>
<td>Misdemeanor</td>
<td>$25 to $200</td>
</tr>
<tr>
<td>1st Violation</td>
<td></td>
<td>Not less than $500 but not more than $1000</td>
</tr>
<tr>
<td>2nd Violation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing for or Furnishing Alcohol to a Minor (Sec. 106.06.)</td>
<td>Misdemeanor</td>
<td>$100 to $500</td>
</tr>
<tr>
<td>Public Intoxication</td>
<td>Class C Misdemeanor</td>
<td>Up to $500 fine</td>
</tr>
<tr>
<td>(Texas Penal Code, Sec. 42.02)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Drugs</td>
<td>Varies according to placement of The drug on schedules And in possession</td>
<td>Up to $10,000 fine and 5 – 99 years in prison</td>
</tr>
</tbody>
</table>

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

B. Controlled Drug Violations – Administrative Discipline

1. All violations of federal, state, or local laws, or University rules regarding controlled substances will be referred to the University Police Department.
2. In addition to any action which may or may not be taken by civil authorities when laws, rules or procedures regarding controlled substances are violated, the following actions shall be taken by the University.

   a. FIRST OFFENSE: Within the discretion of the Dean of Students, suspension or expulsion from the University or enrollment in a drug education program approved by the Dean of Students. Parental notification if student is under 21. The student must take an online drug education course and complete all required components.

   b. SECOND OFFENSE: If the student fails to comply with any requirements imposed as a consequence of a first offense or on a second offense, the student will be subject to expulsion from the University.

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

C. Alcohol Violations - Administrative Discipline

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

   1. All violations of federal, state, or local laws or rules regarding alcohol will be reported to the University Police Department.

   2. In addition to any action which may or may not be taken by civil authorities when laws, rules or procedures regarding alcohol are violated, students will be sanctioned at the discretion of the Dean of Students or the Director of Housing and Residence Life as follows:

      a. FIRST OFFENSE: Written reprimand and/or disciplinary probation; attendance at an educational program on alcohol abuse and payment of a $25 program fee; and parental notification (at the discretion of the Dean of Students if the student is under 21 years of age). The student must complete an online Alcohol Education Sanctions course.

      b. SECOND OFFENSE: Disciplinary probation; referral for assessment of alcohol problem; community service; and parental notification (if student is under 21).

      c. THIRD OFFENSE: Suspension from the University for no less than one full semester.
3. All incoming students (Freshman and Transfer) are required to complete an online Alcohol Education course.

**Hate Crimes**

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

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

**Sex Offender Registration**

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

In October 2000, the Federal Campus Sex Crimes Prevention Act 20 U.S.C. § 1092(f)(1)(I) amended Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994. The Campus Sex Crimes Prevention Act required sex offenders who are required to register under state law to also provide notice of their enrollment or employment at any institution of higher learning in the state where he/she resides starting in October 2002. Institutions of higher learning are required to issue a statement in their annual Clery Report detailing where members of their campus community can obtain information concerning registered sex offenders. [20 U.S.C. § 1092(f)(1)(I)].

A. PROCEDURE:

1. Definitions:
   
a. Faculty / Staff – Employees of the University, to include volunteers who work with students.

b. Students – Any person enrolled at the University for educational purposes, to include full, part-time students, and both graduate and undergraduate.

2. Responsibilities

   a. Twice a year, in the fall and in the spring semester, the University Police Department will download from the state Sex Offender registry a list of Sexual Offenders who are residing in and around Wichita County. From the list the Police Department will check to ascertain if there is any Faculty, Staff or students who are listed as Sex Offenders in the State

   b. The Police Department will compile a list of Offenders who are Faculty, Staff or Students and forward the list to the Vice President of Student Affairs and Enrollment Management (VPSAEM) for his/her decision on how the information should be released or is released to the University Community.

   c. The information contained in the list provided to the VPSAEM will be: name, status with university, type of offense, date of offense and risk factors if determined by the State.

   **Sexual Assault Investigations** - Sexual Assault is defined as a stranger or acquaintance who commits sexual assault through forcible sodomy, forcible sexual penetration, however slight, of
another person’s mouth, anal or genital opening with any object. These acts must be committed without the victim’s consent either by force, threat of force or violence, intimidation or through the use of the victim’s mental or physical helplessness. Sexual assault also includes the touching of an unwilling person’s intimate parts (defined as genitilia, groin, breast or breasts, or buttocks or clothing covering them) or forcing an unwilling person to touch another’s intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim’s mental or physical helplessness.

If a sexual assault occurs, the following personnel should be contacted:

A. University Police
B. Medical treatment for Victim
C. VP for Student Affairs and Enrollment Management
D. Associate VP for Student Affairs/Dean of Students
E. Director, Student Conduct Office
F. Director of Housing or designee, if incident occurred in housing
G. MSU Counseling Center

CONSENT, defined in accordance to Texas Law: a person is deemed to not having given consent if

(1) the actor compels the other person to submit or participate by the use of physical force or violence;
(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
(8) the actor is a public servant who coerces the other person to submit or participate;
(9) the actor is a mental health services provider or a health care services provider who
causes the other person, who is a patient or former patient of the actor, to submit or
participate by exploiting the other person's emotional dependency on the actor;
(10) the actor is a clergyman who causes the other person to submit or participate by
exploiting the other person's emotional dependency on the clergyman in the
clergyman's professional character as spiritual adviser; or
(11) the actor is an employee of a facility where the other person is a resident, unless
the employee and resident are formally or informally married to each other under
Chapter 2, Family Code.

Investigative techniques should be as follows:

A. Human Relations Issue

1. Officers must treat the victim with compassion, consideration, understanding and patience while collecting necessary evidence and asking pertinent questions.

2. When talking to the victim, the officer must attempt to use language appropriate to the victim's age, intelligence and emotional condition.

3. Officers will use medical terms when referring to various parts of the body avoiding all slang.

4. Officers must not ask any questions which are irrelevant to the investigation.

5. During the course of investigation, officers must not express to the victim any personal opinion as to whether or not a sex offense has been committed.

6. The officer will ask the victim if they would like to use a Pseudonym (an assumed name) for the purpose of reporting the incident.

7. During the course of investigation, officers will under no circumstances undertake to perform a physical examination of a sexual assault victim.

8. An officer dispatched to a hospital or doctor's office to investigate the offense will leave the room during the physical examination of the sexual assault victim.
9. If the victim requests to speak to a female officer, every effort will be made to accommodate the request.

B. Initial Police Contact with the Sexual Assault Victim

1. First and foremost all officers and investigators involved in the case SHALL ensure that the victim(s) needs for her/his mental health and physical health are addressed and the appropriate steps taken to address these issues.

2. If the victim is in need of immediate medical attention, the officer will summon emergency medical service (EMS) and administer first-aid.

3. A preliminary interview with the victim is necessary so that the responding officer can relay information that may be vital to the apprehension of the offender.

4. When possible the victim will be interviewed at MSUPD in a quiet, non-threatening environment where minimal interruptions can occur.

5. The victim's needs should be provided for whenever possible, to include refreshments (if appropriate).

6. The responding officer should obtain the following information necessary to complete the original offense report:

   a. Specific offense committed, including a description of what happened and the elements of the crime(s).

   b. When and where the sexual assault took place.

   c. The extent of injuries sustained by the victim.

   d. The identity or description of the offender(s), if known.

   e. Where the offender(s) lives and/or works, if known.

   f. The direction in which the offender(s) fled the scene and by what means, including a description of any vehicle.

   g. Names, addresses, phone numbers of witnesses and another person who can contact the victim.

   h. Victim's home, work and third person contact phone number and address.
7. The officer assigned to respond to a sexual assault complaint is responsible for the preliminary investigation and should contact the Sergeant as soon as possible.

8. Evidence collected at the crime scene (bed linens, weapons, victim's clothing) will be collected in accordance with appropriate evidence collection procedures.

9. Preliminary questioning of the victim should be limited to the initial officer and the supervisor if necessary and should be done in private.

10. The victim should be asked to undergo a sexual assault kit examination by a SANE examiner at the United Regional Hospital, which may provide the following:

   a. Important evidence necessary for the investigation.
   
   b. Medical treatment which the victim may require for possible pregnancy, disease or injury.
   
   c. Successful prosecution of the offender.

   **NOTE:** Victims of sexual assault who are minors should be transported to United Regional Hospital for medical examination and testing. The hospital is located at 1600 11th Street, Wichita Falls, TX.

11. If 120 or more hours (5 days) have transpired between the time of the sexual assault and the reporting time, the victim is encouraged to seek medical attention from his/her private physician.

12. If the victim insists that the initial medical examination be performed by his/her private physician, an attempt is made to persuade the victim to have the examination performed at the University Hospital Emergency Room.

13. If the victim agrees to have the medical examination at the United Regional Hospital, the officer will immediately notify the hospital and the victim will be transported by EMS, if possible.

14. The officer will accompany the victim to the hospital and following the examination, if possible, will return the victim to MSUPD for further interviewing.

15. At the hospital, the officer should provide the staff with any available information about the sexual assault which may assist in the examination and evidence collection procedures.
16. The officer documenting the report is responsible for notifying the SANE examiner of the victim's case report number so that the sexual assault kit can be properly identified. If a number is not available at the time the victim is brought in for the examination, the officer will notify the hospital as soon as a case number is available and provide that number to hospital staff.

17. The SANE examiner will forward all Sexual Assault exam kits to the MSU PD investigator.

18. The officer taking the report will provide the victim with the case report number.

19. The officer must include the name of the attending physician in the report.

20. The officer should obtain a signed Release of Medical Information Form (copy attached to this policy) and include it with the case package when the case is presented to the Wichita County District Attorney's office.

21. If the victim reports the sexual assault to MSUPD after a sexual assault kit examination has been completed by United Regional Hospital officials, the investigator assigned to the case will provide the MSUPD case report number to the hospital officials so the sexual assault kit can be cross referenced.

C. Emergency Notification

1. The Chief of Police or his/her Designee will notify the VP of Student Affairs & Enrollment Management, the Associate VP of Student Affairs/Dean of Students, Office of Dean of Students and the Director of Housing, if the incident occurred in Housing, will be notified immediately in all cases of Sexual Assault of a student.

D. Follow-up Procedures

1. The investigator assigned to investigate the sexual assault case will have the case from assignment until close of the investigation.

2. If the victim requests to speak to a female officer, every effort will be made to provide one for the victim. The victim may have a friend or parent present (only one of the victim's choice) during the oral interview as moral support. The friend or parent should not speak or answer questions for the victim.

3. The investigator may inform the victim of how to contact the following organizations which will offer assistance to sexual assault victims:
   a. MSU Counseling Center (940)397-4618
   b. First Step (940)692-1993 or 1(800)658-2683
E. Comprehensive Follow-up Procedures

1. The investigator will arrange for a comprehensive interview with the victim. At this time a notarized written statement will be obtained from the victim.

2. The investigator, the victim, and a friend or parent (only one of the victims' choice) will be present during the interview. The friend or parent should not speak or answer for the victim.

3. The investigator will explain to the victim that some of the questions asked during the interview may seem embarrassing or even insulting, but they are necessary to:
   a. help uncover the identity and/or modus operandi of the offender, and;
   b. help prepare the victim for questioning by defense counsel in court.

4. The investigator will always present questions in a manner that encourages conversation rather than implies interrogation.

5. The investigator will explain the judicial process to the victim in detail with regard to what will occur following the arrest and prosecution of the case through the District Attorney's office.

F. Special Investigative Information

Contact United Regional Hospital Social Worker (940)764-6823 or contact the main United Regional Hospital # (940)764-7000 and ask for the ED Social Worker on duty

1. Social Worker will contact the appropriate SANE staff for their response.

2. For acute cases for adults, adolescents and children who may have been medically cleared by a local health care provider to avoid going through the Emergency Department at United Regional, they will need to provide the SANE examiner with a document from the health care provider stating that the person has been medically cleared and able to have a forensic exam conducted.

3. If the victim is a juvenile, contact Patsy’s House (940)322-8890 and make arrangements for a forensic interview. This will normally be done by the investigator or sergeant. When dealing with a juvenile victim ALL Caution should be taken not to have to re-interview them. If at all possible only get very basic information form the juvenile victim and then let the MSU Investigator or the Forensic Investigator conduct the extensive interview.
4. If it has been over 120 hours since the sexual assault occurred the call to the United Regional Hospital Social Worker MUST occur during normal business hours (8am – 4pm, Monday – Friday).

5. MSU Counseling Services and/or First Step Counseling Services are to be made available to all victims of sexual assault or other sex related crimes.

In reference to campus disciplinary action in an alleged sex offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. Sanctions that the university may impose regarding sexual assault or other forcible or nonforcible sex offenses may include no sanctions if accused is found not responsible, interim suspension pending the disciplinary proceeding, and upon final determination a student may receive a suspension or an expulsion from the university. A list of all conduct sanctions is in the Student Code of Conduct (p. 98 – 99) and can be found online at http://mwsu.edu/Assets/documents/student-life/2013-14%20Student%20Handbook.pdf.

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

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

a. Submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or education.

b. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.

c. Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment. This article is consistent with the institutional policy on sexual harassment (MSU Policies and Procedures Manual 4.161).

Section VI: Code of Student Conduct, Subsection Section 11: Sex/Gender Discrimination Policy
Midwestern State University is committed to complying with all requirements as set forth by Title IX of the Education Amendments of 1972 (“Title IX”). As such, discrimination on the basis of sex or gender will not be tolerated in any of MSU’s education programs or activities. Such discrimination includes, but is not limited to: sexual harassment; sexual violence; sex or gender-based bullying; hazing; stalking; dating violence, domestic violence, and failure to provide equal opportunity in admissions, activities, employment or athletics.

The Midwestern State Title IX Coordinator will be informed of, and oversee, all complaints of sex discrimination and is responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Questions or concerns regarding Midwestern State and Title IX may be directed to one or more of the following resources:

Midwestern State University Title IX Coordinator
Name: Matthew Park, Associate Vice President of Student Affairs/Dean of Students
Contact Info: Clark Student Center, Room 104
(940) 397-7500
matthew.park@mwsu.edu

Midwestern State University Deputy Title IX Coordinator
Name: Dail Neely, Director of Student Conduct/Clark Student Center
Contact Info: Clark Student Center, Room 116
(940) 397-6273
dail.neely@mwsu.edu

Midwestern State University Deputy Title IX Coordinator
Name: Dawn Fisher, Director of Human Resources
Contact info: Hardin Building. Rm 210
(940)397-4221
dawn.fisher@mwsu.edu

United States Department of Education
Office for Civil Rights
Phone: (800) 421-3481
Email: ocr@ed.gov

Midwestern State University will make every effort to successfully complete the grievance process for complaints of sex discrimination over a period of 60 days or less. All parties involved are entitled to periodic status updates on the progress of the complaint and any subsequent appeals.

During the investigation and/or grievance process for complaints of sex discrimination, the university may take a number of interim actions in order to ensure the preservation of a complainant’s school experience and the overall university environment. These actions may include, but are not limited to: issuance of university no contact order on the accused individual; residence hall/apartment room change for one or more involved parties; changes in academic
schedules or assignments for one or both parties and interim suspension of the accused
student/respondent.

To read more about Title IX of the Education Amendment of 1972, please visit:

Midwestern State University 2014-2015 Student Handbook

Section VI: Code of Student Conduct, Subsection 12: Sexual Misconduct Policy

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

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

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

Violations of the university Sexual Misconduct Policy

Sexual misconduct is a serious offense and such violations are subject to any combination of
conduct sanctions. Conduct procedures with individuals found responsible for violation of the
nonconsensual sexual intercourse policy face a recommended sanction of university suspension
or university expulsion. A partial list of Midwestern State University sexual conduct policy
violations is listed below.
a) Sexual Harassment: Gender-based verbal or physical conduct that has the effect of unreasonably interfering with an individual’s work or academic performance or creates an intimidating, hostile or offensive working or educational environment. There are two types of sexual harassment:

1. Hostile Environment includes situations in which there is harassing conduct that is sufficiently severe, pervasive/persistent and objectively offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim’s) and objective (a reasonable person’s) viewpoint. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include, but are not limited to:

   • The frequency of the speech or conduct;
   • The nature and severity of the speech or conduct;
   • Whether the conduct was physically threatening;
   • Whether the speech or conduct was humiliating;
   • The effect of the speech or conduct on the alleged victim’s mental and/or emotional state;
   • Whether the speech or conduct was directed at more than one person;
   • Whether the speech or conduct arose in the context of other discriminatory conduct;
   • Whether the speech or conduct unreasonably interfered with the alleged victim’s educational or work performance;
   • Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
   • Whether the speech or conduct deserves the protections of academic freedom.

2. Quid Pro Quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in educational or employment action.

b) Nonconsensual Sexual Intercourse (or attempts to commit the same):
• Any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, without consent and/or by physical force.

c) **Nonconsensual Sexual Contact** (or attempts to commit the same):
• Any intentional sexual touching, however slight, with any object, by a person upon another person, without consent and/or by physical force.

d) **Sexual Exploitation**: Taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

1. Prostituting another student;

2. Non-consensual video or audio recording of sexual activity;

3. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one’s consensual sexual activity;

4. Engaging in voyeurism (Peeping Tommery); and/or

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

e) **Retaliation** exists when an individual harasses, intimidates or takes other adverse actions against a person because of the person’s participation in an investigation of discrimination or sexual misconduct or their support of someone involved in an investigation of discrimination or sexual misconduct. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The university will impose sanctions on any individual found to be engaging in retaliation.

Confidentiality and Reporting Sexual Misconduct

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

b. **Confidential Reporting**: If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers, off-campus rape crisis resources, or off-campus members of the
clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center are available to help you free of charge and can be seen on an emergency basis during normal business hours.

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

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

DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING PROCEDURES

I. POLICY

The department assigns domestic or family violence (domestic disturbance), dating violence and stalking calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to these types of cases. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance or dating violence or stalking call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE
To define domestic and dating violence, stalking and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

A. Assault

Intentionally, knowingly, or recklessly causes bodily injury to another including the person’s spouse or threatens to cause imminent bodily injury to another including the person’s spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.

B. Domestic Violence

(1) A felony or misdemeanor crime of violence committed--
   (i) By a current or former spouse or intimate partner of the victim; 
   (ii) By a person with whom the victim shares a child in common; 
   (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; 
   (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or 
   (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime.

C. Dating Violence

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

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

      (i) Dating violence includes sexual or physical abuse or the threat of such abuse.
      (ii) Dating violence does not include acts covered under the definition of domestic violence.

D. Domestic violence shelters/programs
Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

E. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.

F. Family or household member

1. Spouses, whether or not residing in the same home.

2. Former spouses, whether or not residing in the same home.

3. Persons who have a child in common, whether or not they have ever been married or resided together.

4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.

5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.

6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

7. (See Sections 71.003, 71.004, and 71.005 of the Family Code.

G. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order

2. Protective order

3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the
actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

H. Stalking

(1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   (i) Fear for his or her safety or the safety of others; or
   (ii) Suffer substantial emotional distress.

(2) For the purpose of this definition—
   (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
   (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

IV. PROCEDURES - General responsibilities

A. Department personnel shall refer victims of domestic violence, dating violence, stalking or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.

B. Department personnel shall be trained about domestic violence, dating violence, and stalking and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

C. Dispatcher (communications center) responsibilities

   1. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
2. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall determine the following, if possible:

   a. Who is complaining? Phone number? Whereabouts and identity of the suspect/aggressor?

   b. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?

   c. Is the crime (incident) in progress or when did it occur?

   d. Is a weapon involved?

   e. Have people at the scene been injured? Is an ambulance needed?

   f. Presence of children? Witnesses?

3. At this point, if evidence of injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch officer(s) (two officers preferred) immediately and an ambulance, if needed. The dispatcher shall perform a TCIC and Protective Order inquiry and give the results to the responding officer(s) before their arrival at the scene. Keep the caller on the telephone, if possible, and obtain additional information:

   a. Suspect's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.

   b. Was alcohol or drugs involved?

   c. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of suspect/aggressor?

   d. A history of previous arrests?

   e. A protective order in effect?

4. If time permits, the dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response.

5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
6. Dispatchers shall not cancel police response to a domestic violence, dating violence or stalking complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant’s request.

V. PROCEDURES - Patrol responsibilities

A. Arrival at the scene

1. Obtain all available information from the dispatcher before arrival.

2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.

B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving officers.

C. Officers shall activate their PARDS before they exit their patrol unit(s).

D. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.

E. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).

F. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.

1. Initial contact with occupant(s).

   a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the dorm/apartment (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the dorm or apartment.

   b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
c. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.

d. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable belief that the safety of people inside is in jeopardy. Officers should contact MSU Housing Staff and they in turn may conduct a safety and welfare check of the occupants of the dorm room or apartment.

e. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.

f. A roommate can consent to the search of premises used jointly by multiple occupants. This also applies if the involved subjects are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.

G. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).

1. Officers shall evaluate the following elements when considering a warrantless entry:

   a. The degree of urgency involved and the time required to get a warrant.

   b. The possibility of danger to others, including officers left to guard the site.

   c. Whether the suspected offense is serious or involves violence.

   d. Whether officers reasonably believe that person(s) may be armed.

   e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.
2. Once inside, establish control by:
   a. Inquiring about the nature of the dispute.
   b. Identifying disputants.
   c. Being aware of potential weapons in surroundings.
   d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
   e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries if possible.
   f. Ascertain whether a protective order has been violated.
   g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
   h. Transport family/household members to the hospital, safe shelter, or magistrate if necessary.

3. Officers shall transport victims to a safe location as they wish or as the circumstances require.

4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

H. Interviewing all disputants

   1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

3. Officers shall attempt a low-key approach in domestic violence, dating violence and stalking cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.

4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.

5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).

6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

I. Interviewing the victim

1. Ascertain the following information from the victim:
   
   a. What happened?
   
   b. Any injuries, who caused them, and what weapons or objects were used.
   
   c. Relationship to suspect.
   
   d. Any threats made against victim or others.
   
   e. Forced sexual contact against victim's will.
   
   f. Any court cases pending against suspect or any protective orders in effect.
   
   g. Is suspect on probation or parole?
   
   h. Did suspect threaten others, particularly children, damage property, or hurt pets?

J. Interviewing witnesses
1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.

2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.

3. If witnesses provide information about prior assaults, document them to help establish a pattern.

4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

K. Collection of Evidence

Officers should ensure they treat a domestic violence, dating violence or stalking offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling Crime Scene personnel to do so.

2. Photograph any damages or injuries received by any parties.

VI. PROCEDURES - Arrests

A. Officers may make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person’s family or household. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present.

B. Officers should attempt to determine who the primary aggressor is in the situation and arrest that individual as long as there is the probable cause to support the case.

C. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

D. In cases where the conditions of a protective order have been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
E. Officers making arrests for domestic violence, dating violence or stalking may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.

F. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).

G. In determining probable cause, the officer shall not consider:

1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.

2. Whether the complainant has not sought or obtained a protective order.

3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.

4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.

5. That the complainant has not begun divorce proceedings.

6. Assurances of either disputant that violence will stop.

7. The lack of visible bruises or injuries.

8. Denial by either disputant that violence occurred.

H. Factors favoring the decision to arrest

1. Arrest is the most appropriate response when these factors are present:

   a. Serious, intense conflict.

   b. Use of a weapon.

   c. Previous injury or damage.

   d. Previous court appearance against the offending party.

   e. Previous attempt to sever the relationship.

   f. Previous calls for law enforcement help.

   g. When a felony has occurred.
h. Evidence of drugs or alcohol use at the assault.

i. Offenses committed with the officer present.

j. Valid warrants on file for other crimes.

k. A protective order has been violated.

l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

I. Making the arrest

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.

2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect if necessary and arrange for an arrest warrant.

3. If an arrest must be made because a protective order has been violated, verify its validity by:
   
a. Examining the victim's copy, if available.

b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.

J. If the abusive person is not arrested

1. Complete an incident report and give a copy or arrange to have a copy given to the victim.

2. Inform the victim that the department will begin proceeding to procure a warrant for the offender if an offense occurred.

3. Advise the victim of the importance of preserving evidence.

4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.

6. Regardless of whether an arrest is made, the officer shall provide the “Notice to Adult Victims of Family Violence” to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

7. Assure the victim that Midwestern state University Police Department shall assist in future emergencies and explain measures for enhancing his or her own safety.

K. Gathering evidence:

1. Physical evidence takes three forms in domestic violence, dating violence or stalking cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.

2. The victim's account of injuries sustained should be corroborated by a physician if possible.

3. When feasible, take photographs of injuries.

4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.

5. Collect evidence according to the same principles as applied to any crime scene.

6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime.

7. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

8. Get copies of any messages sent via electronic (computer, cell phones, Twitter, other social media, etc.) means.

9. Photograph injuries of all involved parties.

L. Documenting the incident

1. All incident reports on domestic violence, dating violence and stalking shall follow general reporting procedures.

2. Include in all reports of domestic violence:
a. Facts and circumstances of domestic violence, dating violence and stalking shall include a description of why one disputant was deemed the predominant physical aggressor.

b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.

c. The victim's statements as to the number of prior calls for law enforcement assistance.

M. The disposition of the investigation.

1. In any case involving domestic violence, dating violence and stalking thoroughly document probable cause to arrest.

2. If an arrest is not made for domestic violence, dating violence and stalking the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:

   a. What referral information was given.

   b. The name of any counselor contacted.

   c. Why no arrest was made, nor any warrant issued.

3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services.

4. Regardless of whether an arrest is made, the officer shall provide the “Notice to Adult Victims of Family Violence” to the victim which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

N. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify the Chief of Police.

2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal criminal investigation

   a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.

   b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.

   c. The investigator shall speedily present the case to the district attorney.

4. Upon termination of the criminal investigation, the Chief may assign an officer to undertake an internal administrative investigation into the incident consistent with Policy 2.4. The Chief may suspend the employee pending the outcome of the investigation.

   a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.

   b. If the internal administrative investigation supports a violation of agency policy, the Chief of Police shall take appropriate action consistent with Policy 2.5. Further, if the investigation confirms that domestic violence, dating violence or stalking occurred, the Chief of Police may require counseling, psychological evaluation, demotion, or termination of employment.

   c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.

   d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.
5. If the situation involves an officer of another law enforcement agency, the case shall be handled just as any other similar case is required to be handled. The patrol officer shall notify his or her immediate supervisor who in turn shall notify the Chief of Police. The Chief of Police or his or her designee will notify someone from the command staff of the law enforcement agency where the suspect is employed.

VII. PROCEDURES - Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic or dating violence and stalking)

1. The EPO aims to protect the health or safety of a victim of domestic violence, dating violence or stalking. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrates own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.

   a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the District Attorney.

   b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.

   c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or possessing a firearm, and provide other relief.

2. An officer can petition for an EPO by telephone or in person.

3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.

4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provide with a copy and informed of its requirements.

5. A copy is also delivered to the Chief of Police and communications center for the jurisdiction where the victim resides.

B. Protective Orders from Other States
Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

**Federal Timely Warning Obligations**

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

**Workplace Violence** - Violence in the workplace can be defined as the acts, threats or violence that arise out of either disputes or antagonistic interpersonal relationships between employees, visitors, customers, and/or their employees in and around the place of employment. Workplace violence can be categorized into three areas: stranger violence, client violence, and employee violence. In an effort to provide a safe and secure workplace, free from violence or threats, for all those involved in the business of Midwestern State University, the institution has developed policies against violence in the workplace. Midwestern State University recognizes the high cost of violent incidents and the disruptive effect they have on employees and productivity. Personal harassment, including stalking, abusive behavior, threats and acts of violence are not tolerated.

In the event that a concern of potential issues that may escalate into workplace violence is reported, a campus Behavioral Intervention Team, made up of representatives from the Midwestern State Police Department, Student Affairs, Student Counseling Services and institutional managers may be called to review the relevant facts surrounding the potential threat. The committee will provide recommendations to the manager responsible for the employee in question. Recommendations may include mandatory counseling services through the Employee Assistance Program, disciplinary sanctions, administrative leave or termination of employment. Complaints of workplace violence should be reported immediately to the Midwestern State Police Department by calling 911 or (940)397-4239.

**Missing Persons** – A person residing on the campus of Midwestern State University has the option of listing a confidential name to be notified in the event they are reported missing, and this name is separate from their emergency contact information. Should a student decline to list a separate name, the person listed as the emergency contact will be notified in the event the resident is reported missing. If the notification is made to the Office of Housing or Residence Life staff, the appropriate Hall Director should be immediately notified to assess the situation. If the notification is made to the University Police, the Police Department should immediately notify the Office of Housing and work together to get the appropriate Hall Director to assess the situation. University Police and/or Housing Office personnel will notify the designated contact person within 24 hours of the individual being reported missing. If a student is under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24
hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

All Missing Persons shall be reported to the University Police immediately. If a student is reported as missing for a full 24 hours, the University Police Department and Housing Personnel will initiate their Missing Persons Notification Procedures. The Police or Housing may initiate the procedures prior to the 24 hour requirement.

When a missing person report is made regarding a student residing in Midwestern State University Housing, the following protocol will be enacted:

**Assess the Situation: (Hall Director)**

A. Search room and building for individual. If not located, proceed to step B.
B. What are the circumstances that lead one to report a person is missing?
C. What was the emotional state of the missing individual?
D. What are the missing person’s normal habits?
E. How long has the individual been missing?
   1. Last time the person was seen?
   2. Who were they with at the time?
   3. Last known destination?
   4. What type of transportation did he/she have?
F. Description of missing individual.
   1. Age and build.
   2. Clothes they were wearing when last seen.
   3. Facial hair, glasses, color and length of hair, etc.
   4. Other unusual or identifying characteristics, e.g., braces, scars, etc.

**Actions to be Taken:**

A. Hall Director
   1. Notify Director of Residence Life, or the Dean of Students.
   2. Notify the University Police.
   3. Notify missing person contact information listed on the housing application. If the student did not designate an individual to be contacted in the event of a missing person report, notify the person listed as their emergency contact.
B. Director of Housing and Residence Life (or designee)
   1. Gather information collected by the Hall Director.
   2. Turn collected information over to University Police.
   3. Assist University Police as requested.

C. University Police
   1. VP For University Advancement and Student Affairs
   2. TCIC/NCIC
   3. Area law enforcement agencies

**CAMPUS FACILITIES ACCESS AND SECURITY**

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

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

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

**Building Access**

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

B. Student Use

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

C. Resident Hours

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

D. Resident Lock and Key Policy

1. Keys Issued to Students – Each student is issued a key to his/her room/apartment at the time he/she checks into University Housing. Students assigned to the residence halls will be issued an entrance door key card. Keys issued to a student must not be given to any other individual.
2. Lost Keys – If a student loses his/her key(s) he/she is to immediately inform the Hall Office or Resident Assistant. If the key(s) cannot be located within 48 hours, the student’s lock will be changed and new keys issued. At a student’s request, locks will be changed immediately. The fee for a lock change is $44.00 per lock.
3. Lost and Damaged Key Cards – a lost key card jeopardizes the safety and security of the building’s residents and must be reported to Campus Card Services, the Hall Office or Resident Assistant immediately. All lost I.D. cards must now go through the University One-Card office located in the Clark Student Center. Damaged key cards should be turned into the University One-Card office so that a replacement card can be issued. A student may be charged if the card damage occurred through abuse.

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

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

1. Students will be asked to fill out a building lockout form at the building office.

2. Upon a fifth building lockout, students will be required to pay a $10.00 building lockout fine.

F. Violation of Illegal Entry/Propped Doors

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

1. Residents and guests of Sundance Court, Killingsworth Hall, Pierce Hall, and McCullough-Trigg Hall are expected to enter the buildings through the main entrances. The back or side doors are not to be used to enter these buildings.

2. Building windows are never to be used to enter a building, and only in emergency circumstances would they be used to exit a building.

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

ANNUAL FIRE REPORT: 2014

Fire Safety Report

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

Fire – Defined

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

Fire Safety Equipment

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

Fire Safety Education

Through the use of fire drills, Midwestern State University provides fire safety and education for students. These are conducted several times per semester. MSU Housing Staff also provides life safety information about the complex and evacuation routes for the MSU residents contracted to stay at the private apartment complex.

Future Improvements

Midwestern State University Associate Director Physical Plant/Risk Management and Safety Officer regularly evaluates the fire safety systems being utilized on the campus and makes recommendations when changes are required.

Fire Procedures

If a fire is reported in a Midwestern State University Residential Facility, the RA on-duty or a student reporting the fire should notify the Wichita Falls Fire Department at 911 immediately.
The following is a list of other campus officials who should be notified:

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

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

**Residence Hall Descriptions**

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

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

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

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

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

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

Mustang Village Apartments – a three story private apartment complex in which the university contracted for the Calendar Year 2014 for 31 apartments that housed 93 students. The complex consists of 11 buildings: one office/community room building and 10 residential buildings. Features of the fire protection include smoke detectors and sprinkler systems in each apartment.

Fire Drills

Midwestern State University conducts regular fire drills for all housing students. During 2014 the Housing Office conducted twelve fire drills in housing facilities. In 2014 Midwestern State University conducted fire drills during the Spring 2014 and Fall 2014 semesters for the resident housing units. Written procedures were distributed to residents at Mustang Village Apartments.

Fires Reported

Note: Pursuant to an internal audit conducted in the summer of 2017, the following chart was added to more accurately represent the mandatory data. The statistics included in the chart below are considered to have been modified/added effective September 29, 2017.
## Persons Notified

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

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

## Allowable and Prohibited Items

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

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

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* Queen Mary University, London; Months of July Only
a. Students are permitted to possess and use the following electrical items in University Housing:

Irons  Hair Dryers  Hot Rollers
Fish Tanks  Fans  VCR’s
Televisions  Radio/Stereo  Pencil Sharpeners
Computers  Sewing Machines  DVD Players
Coffee Makers  Clocks  Hair Trimmers
Corn Poppers  Hot Pots  Curling Irons
Blenders  Hand Mixers  Electric Blankets
Refrigerators (less than 4.5 cubic feet)  Razors

Other electrical items may be allowed. Please check with your Hall Director/Complex Coordinator BEFORE you bring an unlisted item into University Housing. Students are encouraged to use breakered power strips. No extensions cords, other than breakered power strips, are allowed in University Housing. NOTE: All electrical cords must be disconnected (unplugged) during school breaks and/or when University Housing is officially closed.

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

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

C. Other PROHIBITED items:

Candles

NOTE: The electrical system in University Housing has definite limitations. Overloading these systems can present fire and safety hazards. THEREFORE, NO EXTENSIONS CORDS ARE ALLOWED. Any resident found to be exceeding the electrical capacity of their room/apartment will have restrictions placed on their use of the electrical system.
Grills are not permitted unless they are kept ten (10) feet from all structures.
Smoking and open flames are also prohibited in all of the Midwestern State University residential facilities.

**Evacuation Procedures**

It is essential for each student to know what to do if and when an evacuation of the hall is necessary. University Housing conducts at least two emergency evacuation drills each semester. **THE BACK STAIRWELLS IN KILLINGSWORTH AND PIERCE HALLS MUST BE USED FOR EVACUATION, AS THESE STAIRWELLS ARE FIRE RESISTANT. ANY STUDENT WHO FAILS TO EVACUATE THE BUILDING WILL BE CHARGED A $25.00 FINE.**

The procedure for evacuation is:

1. Killingsworth Hall and Pierce Hall – All students on the south side of the residence hall (the side towards the Fine Arts building) use the south stairs at the back (west end) of the building. All students on the north side of the residence hall should use the north stairs at the back (west end) of the building. The center stairs can also be used.

2. McCullough-Trigg Hall - All students use the stairwells at the end of the hallways (DO NOT use center stairwell for fire evacuation).

3. When evacuating the building, remain calm, walk (DO NOT RUN), and keep to the right side of the stairwell (Emergency personnel may be using the same stairwell to enter the building).

4. Sundance Court - All students should vacate their apartment and the premises immediately. Students should meet in the soccer field parking lot, directly across from the Sundance Court and listen for directions.

5. Sunwatcher Village Apartments - All students should vacate their apartment and the premises immediately. Students should meet in the McCullough-Trigg parking lot, directly across from the Sunwatcher Village clubhouse and listen for directions.

6. Mustang Village Apartments - All students should vacate the facility and the premises immediately. Students should meet in the parking lot areas of the apartment complex.

7. All residents from Killingsworth, Pierce and McCullough-Trigg Halls are to congregate at a safe distance from the building (at least 100 feet) in the rear parking lot.

8. Students should not reenter University Housing until instructed to do so by Fire Department personnel, Campus Police, or the Residence Hall/Apartment Director.
## Clery Act Statistics 2012 and 2013: Wichita Falls Main Campus

**MIDWESTERN STATE UNIVERSITY**

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### Clery Act Statistics 2014: Wichita Falls Main Campus

#### Primary Crimes

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* Pursuant to an internal audit, these values have been amended to reflect the correct values, based on the audit findings. These values are correct as of September 29, 2017.

** Values in this category are a subset of values in the “On Campus” category.

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

The total number of unfounded crimes for this campus in the 2014 calendar year is 0.
## Clery Act Statistics 2014: Simulation Center Campus*

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</tr>
<tr>
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</tr>
<tr>
<td>Incest</td>
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</tr>
<tr>
<td>Statutory Rape</td>
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</tr>
<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Burglary</td>
<td>0</td>
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</tr>
<tr>
<td>Motor Vehicle Theft</td>
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</tr>
<tr>
<td>Arson</td>
<td>0</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>On Campus¹</th>
<th>Noncampus</th>
<th>Public Property</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Viol. Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Viol. Arrests</td>
<td>0</td>
<td>0</td>
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</tr>
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<td>Weapons Law Viol. Arrests</td>
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<table>
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<tr>
<th>VAWA Offenses</th>
<th>On Campus¹</th>
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</tr>
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<tbody>
<tr>
<td>Domestic Violence</td>
<td>0</td>
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<tr>
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</tr>
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</tbody>
</table>

* Pursuant to an internal audit, this chart has been added to reflect statistics for the Simulation Center campus, which was not previously recognized as a stand-alone campus in 2014. These values are correct as of September 29, 2017.

### UNFOUNDED CRIMES

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

### HATE CRIME REPORTING

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

¹ This campus did not have any On-Campus Student Housing Facilities in 2014.
### Clery Act Statistics 2014: Queen Mary University – London*

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>On Campus</th>
<th>Noncampus</th>
<th>Public Property</th>
<th>Residential Facilities**</th>
<th>Total</th>
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<tbody>
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<td>Murder / Non-negligent Manslaughter</td>
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* Pursuant to an internal audit, this chart has been added to reflect statistics for the MSU Study Abroad - London campus (Varney House), which was not previously recognized as a stand-alone campus in 2014. These values are correct as of September 29, 2017.

** Values in this category are a subset of values in the “On Campus” category.

**UNFOUNDED CRIMES**

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

**HATE CRIME REPORTING**

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