



MIDWESTERN

STATE UNIVERSITY™

2015 Annual Security and Fire Safety Report

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CLERY ACT

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

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

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

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

This report complies with the provisions as codified: 1) United States Code Title 20, Chapter 28 Section 1092(f) as amended in 1992 and 1998, 2) United States Code of Federal Regulations, Title 34, Chapter VI, Part 668, Section 668.46, and 3) Texas Education Code. Copies of this report may be obtained from the Midwestern State University Police Department or by visiting the Midwestern State University Police Department Webpage located at: <http://www.mwsu.edu/assets/documents/police/2015-2016-report.pdf>

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

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 6064 students: 5319 are undergraduates and 745 are graduates. There are more than 100 student organizations on the campus: 14 nationally affiliated fraternities and sororities. Midwestern offers 43 Undergraduate programs and 24

Graduate programs to its students. Midwestern State University is accredited to award associate, baccalaureate, and master's degrees by:

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

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

University Police Department

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

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

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

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

Police Authority

Midwestern State Police Officers are duly sworn and licensed Texas Peace Officers and are commissioned by the Midwestern State University Board of Regents pursuant to the Texas Education Code, Section 51.203, entitled "Campus Peace Officers". Although the Department's primary duty is to serve the Midwestern State community, its jurisdiction includes any Texas county in which the University owns, controls or leases property. Each officer is armed and possesses the same authority under the law as do municipal or county peace officers, including full powers of arrest. The Department ensures that each officer complies with the training and standards set out by the Texas Commission on Law Enforcement (TCOLE). All officers receive

the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment.

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

Police Department Mission Statement

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

Inter-Agency Police Services and Assistance Agreements

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

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

Midwestern State University Police learn of off-campus crimes from other local agencies when those agencies request assistance or when they 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 investigating such criminal activity is generally limited to information sharing, cooperation and coordination with other investigating agencies upon request.

Reporting Criminal Activity

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

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

On-campus Crimes and Emergencies - 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 from a campus phone, you may just dial 4239. Residence Hall students are also encouraged to report crimes to their Resident Assistant on-duty, Hall Director or Housing Director.

Off-campus Crimes and Emergencies – Students, faculty, and staff should dial 911 to notify the Wichita Falls Police Department or Wichita County Sheriff Department of off-campus crimes and emergencies. The call will be 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 that are 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 <https://webforms.mwsu.edu/TakeSurvey.aspx?SurveyID=m2LJ452&>.

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.

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.

Campus Security Authorities (CSAs)

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

The following positions are designated as Campus Security Authorities for purposes of Clery Act compliance. 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.

Athletic Department	Athletic Director, All Coaches
College of Business Administration	Dean, Faculty Advisors
College of Education	Dean, Faculty Advisors
College of Fine Arts	Dean, Faculty Advisors
College of Health Sciences & Human Services	Dean, Faculty Advisors
College of Humanities & Social Sciences	Dean, Faculty Advisors
College of Mathematics	Dean, Faculty Advisors
Graduate School	Dean, Faculty Advisors
Honors Program	Director
Human Resources	Director
International Education	Director
Risk Manager	Manager
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	Full-time 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.)

Timely Warning Procedures

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

A timely warning notice will be distributed in a timely manner when it is determined that the incident may pose an ongoing or serious threat to members of the MSU community. These warnings will be distributed if the incident is reported to the MSU PD directly, indirectly (such as through a campus security authority), or by another law enforcement agency.

The department issues/posts Crime Alerts for incidents of

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

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

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual.

MSU PD will draft an email containing the proposed Crime Alert and forward it to the Vice President of Student Affairs and Enrollment Management (VPSAEM) for approval. In the event the VPSAEM cannot be reached, the proposed Crime Alert will be forwarded to the University President for approval. Upon approval of the content, MSU PD will then forward the approved notice to the Marketing and Public Information Office. External Relations will transmit the email containing the Crime Alert to the university community, via the following methods:

- As a blast email to all students, faculty and staff,
- Via the student and staff portals,
- Via Twitter feed, and
- Via Facebook.

The Chief of Police or his designee may, if warranted, cause the crime alert to also be disseminated using the MSU Alert system, in addition to the above-listed methods. In addition, Crime Alerts may also be posted in campus buildings, when deemed necessary. When Timely Warning Notices are posted in campus buildings, they are printed on orange paper and posted in the lobby/entrance area of the affected building(s) for seven days.

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

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

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

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

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.

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

1. Be aware of all the marked exits from your area and building and refer to the emergency evacuation posters located near the elevators.
2. The evacuation order will be delivered by use of the MSU Alert system and the loud speaker system. Every alarm should be treated as an emergency.
3. To activate the building alarm system, break or remove the protective cover on the fire alarm cover and pull the handle on one of the red boxes located in the hallway.
4. When the building evacuation alarm is sounded or when you are ordered to leave by University Police, walk quickly to the nearest marked exit and calmly ask others to do the same.
5. Assist the disabled in exiting the building, and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairwell and notify University Police of the location.
6. Emergency personnel may assist in evacuation of all building occupants.
7. Outside, proceed to a clear area that is at least 150 feet away from the affected building. Keep walkways clear for emergency vehicles.
8. To the best of your ability, and without re-entering the building, assist University Police in their attempt to determine that everyone has evacuated safely. Departments should pre-determine an assembly point to verify all occupants are safe.
9. A University Police Emergency Command Post will be set up near the emergency site. Keep clear of the command post unless you have important information to report.
10. Do not return to a building until University Police tell you to do so, even if the alarm has ceased.

Emergency Notification Procedures

MSU ALERT is an emergency notification system that gives Midwestern State University the ability to send urgent and emergency information quickly by email and / or text message. By

enrolling in MSU ALERT, subscribers will be able to receive urgent information from university officials. MSU ALERT is a free service to all MSU students, faculty and staff.

Faculty, staff and 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> 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.

In the event an emergency or dangerous situation is believed to exist, campus officials, primarily first-responders of the university police department, will work to confirm the situation. If an emergency or dangerous situation that may immediately threaten the health or safety of students or employees on campus is confirmed by first responders, the highest-ranking police officer (normally the Chief of Police) will consult with the VPSAEM to determine whether the situation requires the initiation of an emergency notification, the content of the notification, and what segment of the campus should be notified, if any. If, in the professional judgment of the Chief of Police and the VPSAEM, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the officials may choose to forego initiating such notification.

Once a decision has been made to initiate the emergency notification system, the Chief of Police or his/her designee will cause the notification to be sent without delay via various medias to the appropriate targeted audience. The notification may be delivered by text, email, social media sites (MSU Alert system) and/or on campus loud speakers. Press releases to public news media may also be employed, if warranted. Emergency notifications that are initiated are to be routinely updated, until the emergency situation has ceased.

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.

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, Bruce and Graciela Redwine Student Wellness Center, Pierce Hall, Killingsworth Hall, Marchman Hall, McCullough-Trigg Hall, Legacy Hall, Vinson Health Center, Counseling Center, and Fain Hall which will have special schedules of normal hours filed with the Administration.

B. Student Use

1. No student will be permitted the use of the buildings anytime except those hours listed under Item A unless 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.

Resident Building Lockout Policy

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

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

Violation of Illegal Entry/Propped Doors

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

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

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

Crime Prevention Overview

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

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

Educational Safety Programs

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

Domestic Violence, Dating Violence and Stalking - Crime prevention program designed to make students aware of how to reduce their chances of becoming victims of 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.

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

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

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

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

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

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

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

Safety-Related Services

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

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

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

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

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

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

Police “Power Shift” - During the work day, an additional dedicated shift of officers are assigned to conduct patrols of academic facilities.

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

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

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

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 – Dean of Students - All new Midwestern State University undergraduates under the age of 25 and non-distance education students must complete a comprehensive online training course from LawRoom, Inc. called “Think About It.” The course covers topics related to consent, bystander intervention, preventing sexual violence, healthy relationships, alcohol and drug abuse, and personal safety. The course must be completed within the students first semester at MSU.

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

Residence Life and Housing - 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 student 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.

Human Resources - All full-time employees at the University are required to complete training on the prevention of sexual harassment, sexual discrimination, and prevention of sexual violence in accordance with VAWA guidelines, when first hired and every two years thereafter.

Bystander Intervention and Risk Reduction

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

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

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

1. Make your limits known before things go too far.
2. Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
7. Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
8. Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.

9. Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow “politeness” to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
10. Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

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

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

REFERENCES

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

Alcohol Policy

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

Guidelines

1. State Law regarding the use of alcoholic beverages must be observed. Violations of State law include the following:
 - a. Consumption of alcohol by an under-aged drinker.
 - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
 - c. Public intoxication.
 - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. Beverages at approved student organization events must be distributed by a TABC licensed third party vendor. A copy of the vendor's current license must be on-file with the Clark Student Center office prior to event approval.
3. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday-Thursday.
4. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking paths, and all other open-air spaces on the campus.
5. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
6. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
7. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.

Substance Abuse

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

the MSU Counseling Center. Additional information, both on the effects of specific drugs and alcohol and drug counseling resources in Wichita Falls and surrounding areas, is available in the Counseling Center and the Vinson Health Center.

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

A. Legal Sanctions

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

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

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

B. Controlled Drug Violations – Administrative Discipline

1. All violations of federal, state, or local laws, or University rules regarding controlled substances will be referred to the University Police Department.
2. In addition to any action which may or may not be taken by civil authorities when laws, rules or procedures regarding controlled substances are violated, the following sanctions may be imposed by the University through the Office of Student Conduct or Office of Residence Life and Housing.
 - a) Manufacture, Sale or Distribution of Illegal Drugs:
 1. First Offense—Possible sanctions include, but are not limited to:
 - Suspension or expulsion from university housing or the university;

- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Fine of \$200;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

b) For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs: Drug paraphernalia (e.g. bong), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

First Offense—Possible sanctions include, but are not limited to:

- Suspension or expulsion from university housing;
- Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred;
- Participation in a drug education activity, at the student's expense and as determined by the Director of Student Conduct (or designee);
- Fine of \$100;
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Second Offense— Possible sanctions include, but are not limited to:

- Expulsion from the university;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Fine of \$200;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

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

C. Alcohol Violations - Administrative Discipline

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

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

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

First Offense—Possible sanctions include, but are not limited to:

- Participation in an alcohol education activity and/or a Minor in Possession course, at the student's expense and as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$50;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Second Offense— Possible sanctions include, but are not limited to:

- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Third and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Suspension or expulsion from university housing and/or the university;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

b) Purchasing, Selling or Providing Alcohol to Minors:

First Offense— Possible sanctions include, but are not limited to:

- Participation in an alcohol education activity at the student's expense and as determined by the Director of Student Conduct (or designee);
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;

- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
- Eligibility restrictions;
- Suspension from university housing and/or the university;
- Community service hours to be performed at a specific location as determined by the Director of Student Conduct (or designee); and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Second and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Expulsion from the university;
- Notification of law enforcement authorities;
- Fine of \$200;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

c) Driving Under the Influence/Driving While Intoxicated: Midwestern State University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of intoxicated as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

First Offense— Possible sanctions include, but are not limited to:

- Loss of driving and/or parking privileges on campus for a specified period of time;
- Participation in an alcohol education activity and/or a Minor in Possession course, at the student’s expense and as determined by the Director of Student Conduct (designee);
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Community services hours to be performed at a specific location as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
- Eligibility restrictions; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Second and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Suspension or expulsion from the university;
 - Notification of law enforcement authorities;
 - Fine of \$200
 - Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
 - Other sanctions as determined by the Director of Student Conduct (or designee).
3. All incoming students (Freshman and Transfer) are required to complete an online Alcohol Education course.

D. Alcohol Abuse Prevention

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

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

The program is innovative, engaging, and informative and was created with students – for students. During the program, students examine the interconnected issues of healthy relationships, alcohol, hooking up, substance abuse, and sexual violence through a variety of interactive, realistic scenarios and guided self-reflection. Students will have the opportunity to earn points and badges as they progress through the program. The program promotes a healthier and safer campus environment for everyone at Midwestern State University.

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

Campus Crime Reporting Disclosure

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

on its website, located at:

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

Crime Statistics Reporting

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

This report contains crime statistics that have been compiled from the 2015 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 “Clery reportable crimes” using Clery guidelines. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the Midwestern State University Police Department via our website, by mail, fax or hand delivery.

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

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

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

Classification Locations

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

institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Campus Housing – any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

Clery Crimes

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

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

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

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

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

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

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

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

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

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

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

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

VAWA Offenses

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

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

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

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

Stalking

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (i) Fear for his or her safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- (2) For the purpose of this definition--
 - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

Arrests and Referrals for Particular Offenses

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

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

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

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

Texas Criminal Statutes

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

Code Description

PC 19.02 Murder
PC 19.03 Capital Murder
PC 19.04 Manslaughter
PC 22.011 Sexual Assault
PC 22.021 Aggravated Sexual Assault
PC 29.02 Robbery
PC 29.03 Aggravated Robbery
PC 22.02 Aggravated Assault
PC 30.02 Burglary
PC 31.03 Theft (Vehicles)

PC 31.07 Unauthorized Use of a Motor Vehicle
PC 28.02 Arson
PC 12.47* (Hate Crimes)

Alcohol Violations – Violations of the Texas Alcoholic Beverage Code.

Code Description

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

Narcotics or Drugs - use, possession, sale, delivery, manufacture, distribution, or under the influence of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance or drug related paraphernalia is prohibited, except as expressly permitted by law.

Code Description

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

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

Code Description

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

Statistics Included in the Annual Jeanne Clery Report

The following pages contain the reportable crime statistics for Midwestern State University. The data was obtained from documents maintained by various offices of the University.

Note: If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and is not to be included in the institution’s statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime. Midwestern State University had no Unfounded Clery Reportable Crimes for 2015 or 2014.

Midwestern State University Crime Chart

	2013					2014					2015				
	Total	On-Campus Property		Other Property		Total	On-Campus Property		Other Property		Total	On-Campus Property		Other Property	
		Residence Halls	Campus Other	Public Property	Non Campus		Residence Halls	Campus Other	Public Property	Non Campus		Residence Halls	Campus Other	Public Property	Non Campus
CLERY CRIMES															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Rape	0	0	0	0	0	1	0	0	0	1	1	1	0	0	0
Sex Offenses-Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses-Fondling	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0
Sex Offenses - Statutory Rape	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0
Aggravated Assault	2	1	1	0	0	1	0	1	0	0	0	0	0	0	0
Burglary	18	11	7	0	0	13	7	4	0	2	8	6	0	0	2
Motor Vehicle Theft	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS															
Weapons	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	3	2	1	0	0	3	2	1	0	0	9	5	4	0	0
Alcohol	1	0	1	0	0	3	3	0	0	0	1	0	1	0	0
REFERRALS															
Weapons	1	1	0	0	0	3	2	1	0	0	1	0	0	0	1
Drugs	18	16	1	0	1	22	21	1	0	0	69	62	7	0	0
Alcohol	54	54	0	0	0	53	49	4	0	0	58	56	2	0	0

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	2013					2014					2015				
	Total	On-Campus Property		Other Property		Total	On-Campus Property		Other Property		Total	On-Campus Property		Other Property	
		Residence Halls	Campus Other	Public Property	Non Campus		Residence Halls	Campus Other	Public Property	Non Campus		Residence Halls	Campus Other	Public Property	Non Campus
VAWA OFFENSES															
Domestic Violence	0	0	0	0	0	4	3	0	1	0	2	1	1	0	0
Dating Violence	0	0	0	0	0	3	3	0	0	0	6	2	4	0	0
Stalking	0	0	0	0	0	4	2	2	0	0	5	1	3	0	1
HATE CRIMES															
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense - Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense - Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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 and Presidio County Sheriff Departments indicates that no Clery reportable crimes have occurred on the MSU property or on any public land adjacent to the MSU property.

Campus Policy Statements

Employee Policy

Sexual Discrimination and Sexual Harassment

Policy Statement

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

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.

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.

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.

Formal Disposition of Complaint

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

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

- b. the relevant dean of the college for a student's complaint arising from incidents which occurred in an academic setting, or
 - c. the relevant dean of the college or department director (equivalent budgetary unit head), as appropriate, for an employee other than a student.
2. The written complaint must contain the following information:
- a. complainant's name, address, telephone number, e-mail address,
 - b. name of respondent,
 - c. date(s), place(s), and time(s) of alleged violation,
 - d. detailed description of specific conduct in violation of policy,
 - e. copies of any documents pertaining to the incident(s),
 - f. names of any witnesses to the violation,
 - g. resolution action requested by complainant,
 - h. other relevant information, and
 - i. signature of complainant and date of filing.
3. The investigator will inform the EEO coordinator (director of human resources) that a formal complaint has been filed and provide the EEO coordinator with a copy of the complaint.
4. Within five (5) working days of receipt of a formal written complaint, the appropriate investigator receiving the complaint will send the complainant a written acknowledgement of receipt of the complaint.
5. An investigation will be initiated if it is determined that the formal complaint is complete, timely, and within the scope of the policy. If it is determined that the complaint does not meet the requirements of this policy and the university will not proceed with an investigation, the complainant will be notified in writing by the investigator. The complainant may appeal the determination to not proceed with the investigation to the complainant's senior administrator, in writing, within ten (10) working days of the notification. If the decision to dismiss is upheld, the decision is final. If the decision is overturned, the investigation will continue.
6. If it is determined that the university will proceed to investigate the complaint, the investigator will give the respondent written notification of the investigation. The investigator will inform the respondent that retaliation against the complainant is prohibited and offer the respondent an opportunity to file a written response within ten (10) working days.
7. The investigator will interview both the complainant and the respondent and persons who are considered to have pertinent factual information relevant to the complaint. Findings will be based on the totality of circumstances related to the incident or conduct and will be considered on the basis of severity, frequency, and nature of the offense. The investigation will be kept confidential and on a need-to-know basis.

8. The investigator will provide a written statement of findings with supporting documentation and a decision for disposition of the complaint to the EEO coordinator and to the senior administrator representing the department of the complainant.
9. The investigator will provide written notification of the decision to the complainant and to the respondent within fifteen (15) working days after the conclusion of the investigation.
10. Decisions involving disciplinary action will be administered in accordance with university disciplinary policies. The supervisor of the respondent will be notified by the EEO coordinator if disciplinary sanctions are imposed upon an employee of the university.

Right of Appeal

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

1. The grievant must send a formal written request for a hearing to the president within ten (10) working days of receipt of the written notification of the disposition of the formal complaint. The request for a hearing must be signed by the grievant. Within ten (10) working days of the date filed, a hearing date shall be set.
2. The president shall appoint an ad hoc committee to review the formal complaint, hear the appeal, and render a decision. The hearing committee shall consist of five (5) persons who are employees of the university, two (2) persons from each classification (faculty, staff, or student) of the principals involved and a chairperson designated by the president. Each principal involved shall have one (1) preemptive challenge.
3. The complainant, respondent, administrator, investigator, and EEO coordinator shall, in advance of the hearing, receive a copy of the written appeal filed with the president. All affected parties shall receive a written notice of the date, time, and place of the hearing. A copy of the written complaint and the appeal will be furnished to the hearing committee.
4. All formal hearings shall be closed to the public except as otherwise required by law. The president's designee shall preside and conduct the business of the hearing. The principals shall have the opportunity to present their cases through testimony, relevant evidence, and witnesses.
5. The chair of the grievance committee shall within five (5) working days of the conclusion of the hearing submit a written report of the committee's decision to the complainant, the respondent, the EEO coordinator, and to the president of the university.

Disposition of Hearing Committee's Decision

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

Retaliation

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

False Charges

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

Sexual Harassment/Discrimination Awareness Training

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

Monitoring

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

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 an advisor of their choosing present throughout the conduct investigation and any subsequent hearing process. 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 investigatory findings and conclusions, 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, any sanctions, and rationale will be made in

writing to both the complaining and responding party 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 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. A full list of conduct sanctions available at Midwestern State University include the following:

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

for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

- i) Restriction of Visitation Privileges: May be levied on a residential or non-resident student. The parameters of the restriction will be specified.
- j) University Housing Probation: The student is put on official notice that, should further violations of housing or university policies occur during a specified probationary period, the student may immediately be removed from university housing.
- k) University Housing Reassignment: The student is reassigned to another university housing facility. Housing personnel will decide on the reassignment details.
- l) University Housing Suspension: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing.
- m) University Housing Expulsion: The student's privilege to live in, or visit, any university housing facility is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- n) Eligibility Restriction: The student is deemed "not in disciplinary good standing" with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Conduct and terms of this conduct sanction may include, but are not limited to, the following:
 - 1. Ineligibility to hold any office in any registered student organization or hold an elected or appointed office at the university; or
 - 2. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a participant, player, manager or student coach, etc.
- o) University Suspension: The student is separated from the university for a specified period of time, and upon the satisfaction of specific conditions, after which the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Suspension on the student's official academic transcript. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing. Prior to reapplication for university admission, the student must contact the Director of Student Conduct.
- p) University Expulsion: The student is permanently separated from the university. The student is barred from being on campus and the student's presence at any university-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Expulsion on the student's official academic transcript.

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

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.

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 and Housing Handbook; or driving while intoxicated or public intoxication.

Hate Crimes

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

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

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>.

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)].

Local 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 Response Protocol

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 genitalia, 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.

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

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/Title IX Coordinator
- E. Director, Student Conduct Office
- F. Director of Residence Life and Housing or designee, if incident occurred in housing
- G. Director of MSU Counseling Center

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/Title IX Coordinator, Director of Student Conduct, and the Director of Residence Life and 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 from 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 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 non-forcible 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 be receive a suspension or an expulsion from the university. A list of all conduct sanctions is in the Student Code of Conduct (p. 96 – 98) and can be found online at [https://mwsu.edu/Assets/documents/Student%20Handbook%202016-17%20\(web\).pdf](https://mwsu.edu/Assets/documents/Student%20Handbook%202016-17%20(web).pdf).

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:

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

2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.
3. 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).

Sex/Gender Discrimination Policy

Section VI: Code of Student Conduct, Subsection Section 11

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/gender 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/gender 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 to the parties of the complaint; 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: <http://www.dol.gov/oasam/regs/statutes/titleix.htm>.

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 is inebriated, blacked out, unconscious, or cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

Finally, there is a difference between seduction and coercion; coercion is 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; and/or
 5. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.
- e) *Dating Violence*: Violence between those in a continuing relationship of an intimate or romantic nature with one another. The existence of such a relationship shall be determined with consideration of:
- the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.
- f) *Domestic Violence*: Violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating or had cohabitated with the victim as a spouse or intimate partner, or a person similarly situated to a spouse, adult or youth victim protected by domestic or family violence laws.
- g) *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition...
1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

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

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:

- a. *Confidential Reporting:* If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers or victim advocates off-campus rape crisis resources, or off-campus members of the clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center are available to help you free of charge and can be seen on an emergency basis during normal business hours.
- b. *Private Reporting:* You may seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address sexual misconduct, such as hall directors, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and can help

you make decisions about who can help you best. Some of these resources, such as resident assistants (RAs), are required to share incident reports with their supervisors. If your personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect your privacy to the greatest extent.

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

Domestic Violence, Dating Violence and Stalking Procedures 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.

Accommodations and Protective Measures

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

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 Protocol

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 Residence Life & Housing 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 Residence Life & 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 & Housing 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 Residence Life & Housing (or designee)
 - 8. Gather information collected by the Hall Director.
 - 9. Turn collected information over to University Police.
 - 10. Assist University Police as requested.
- C. University Police

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

Fire Safety Report: 2015

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

Fire – Defined

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

Fire Safety Equipment

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

Fire Safety Education

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

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

Future Improvements

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

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 Residence Life & Housing
4. Dean of Students
5. Associate Vice President of Student Affairs

6. Vice President for Student Affairs & Enrollment Management
7. President of University.

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

Residence Hall Descriptions

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

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

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

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

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

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

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

Fire Drills

Midwestern State University conducts regular fire drills for all housing students. During 2015 the Office of Residence Life & Housing conducted twelve fire drills in housing facilities. In 2015 Midwestern State University conducted fire drills during the spring 2015 and fall 2015 semesters for the resident housing units. Written procedures were distributed to residents at Mustang Village Apartments.

Fires Reported

No reportable fires occurred during 2015.

Persons Notified

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

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

Allowable and Prohibited Items

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

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

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

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

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

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

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

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

- c. The following items are also not permitted in University Housing and will be confiscated if found:
- Candles
 - Knives (small pocket knives and table knives are allowed)
 - Any explosive device including all forms of fireworks.

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

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

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 are to congregate at a safe distance from the building (at least 100 feet) on the Sunwatcher Plaza between the Clark Student Center and Prothro-Yeager Hall (near the Sunwatcher Statue).
8. Students should not reenter University Housing until instructed to do so by Fire Department personnel, Campus Police, or the Residence Hall/Apartment Director.

Statistics for Reported Fires in On-Campus Student Housing Facilities								
Year	No. Fires Reported	Location	Fire No.	Cause	No. of People Injured	No. of Deaths	Value Damage Range	Case Report No.
2013	0	-	-	-	-	-	-	-
2014	1	Sunwatcher Village Apts.	1	Cooking	0	0	\$100 - \$999	CR2014-000163
2015	0	-	-	-	-	-	-	-