

The University of Texas Rio Grande Valley™

ANNUAL SECURITY & FIRE SAFETY 2021 REPORT

MAIN CAMPUS
Edinburg

SEPARATE CAMPUSES

Brownsville • Coastal Studies • Harlingen Clinical Education Building • McAllen Teaching Site
McAllen Biomedical Research Building • School of Earth, Environmental, and Marine Sciences
Starr County Upper-Level Center • Visual Arts Building • Center for Innovation and Commercialization

Table of Contents

1. Introduction	3
2. The University of Texas Rio Grande Valley Geography.....	4
3. Annual Report Preparation	4
4. Campus Law Enforcement Responsibility	5
5. Campus Security and Building Access	6
6. Campus Safety Initiatives and Resources.....	8
7. Campus Safety Programming.....	15
8. Policies for Reporting Crimes.....	20
9. Reporting & Preventing Sexual Misconduct & Power-Based Violence.....	22
10. Missing Student Notification Polices	34
11. Safety Tips	34
12. Emergency Preparedness.....	35
13. Sex Offender Registry Information	38
14. Drug Free School and Communities Notice	39
15. Fire Safety Report	43
16. Crime Statistics	49
Appendix A – Clery Definitions	60
Appendix B –Penalties for Drug Use	63
Appendix C - Handbook of Operating Procedures.....	72
ASR Revisions	102

1. Introduction

Campus safety is a core priority of The University of Texas Rio Grande Valley (UTRGV) and critical to ensuring a positive learning and working environment. The 2021 Annual Security and Fire Safety Report (ASR) was prepared in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to provide valuable campus security information and statistics about crime on our campuses.

This report includes information about policies, procedures, and programs regarding:

- how students and others should report crimes or other emergencies occurring on campus;
- security of and access to campus facilities;
- crime prevention;
- campus law enforcement and security;
- emergency preparedness;
- alcohol and drugs;
- domestic violence;
- dating violence;
- sexual assault; and
- stalking.

Except where noted, policies indicated in this annual security report apply to all campus locations that comprise UTRGV.

The ASR also provides information about the University Police Department, including its law enforcement arrest authority, working relationships with state and local police, and its mission to protect and serve the campus community.

Further, the report includes statistics for reported Clery Act crimes that occur on campus, off campus university facilities, residence halls, and public property immediately adjacent to the campuses.

We encourage you to review the 2021 Annual Security and Fire Safety Report. For any questions or concerns, feel free to contact the University Police Department at 956-882-7777 or the Office of Student Life and the Dean of Students at 956-665-2260 (Edinburg) or 956-882-5141 (Brownsville/Harlingen).

2. The University of Texas Rio Grande Valley Geography

UTRGV is a state-supported institution of higher education. It has several campuses and various non-campus locations, that it owns or controls, uses for educational purposes and are frequently used by students.

UTRGV Clery Act geography is as follows:

Main Campus	Address
Edinburg	1201 W. University Dr., Edinburg, TX 78539

Separate Campuses	Address
Brownsville	One W. University Blvd., Brownsville, TX 78521
Coastal Studies Lab	100 Marine Lab Dr., South Padre Island, TX 78597
Harlingen Clinical Education Building	2102 Treasure Hills Blvd., Harlingen, TX 78550
McAllen Teaching Site	1800 S. Main St., McAllen, TX 78503
School of Earth, Environmental, and Marine Sciences	901 S. Garcia St., Port Isabel, TX 78578
Starr County Upper-Level Center	138 N. FM 3167, Rio Grande City, TX 78582
Visual Arts Building	2412 S. Closner, Edinburg TX 78539
Biomedical Research Building	2300 E. Dove Ave., McAllen, TX 78504
Center for Innovation and Commercialization	307 E Railroad St, Weslaco, TX 78596

3. Annual Report Preparation

Annual Security & Fire Safety Report

By October 1st of each year, the Annual Security & Fire Safety Report is distributed to all enrolled students and current employees via email. All prospective students and employees can obtain a printed copy upon request from the Office of Student Life or the University Police Department. UTRGV publishes the report on the University Police Department's website www.utrgv.edu/police.

The report includes statistics for the previous three completed calendar years concerning reported crimes that occurred on campus, public property within, or immediately adjacent to and accessible from the campus locations and on non-campus buildings owned or controlled by UTRGV.

The University Clery Compliance Coordinator, which reports to the Senior Vice President for Administration Support Services is responsible for preparing the report in collaboration with University Police, Office of Institutional Equity and Diversity (OIED), Office for Advocacy and Violence Prevention (OAVP), Office of Emergency Management, Office of Environmental Health Safety and Risk Management, Student Health, Student Rights and Responsibilities, Dean of Students, Office of Housing and Residence Life University Housing, Counseling Center and other university departments. The Clery Coordinator works with each entity to provide updated information on their policies and procedures, educational efforts, and programs to comply with the Clery Act.

The Clery Coordinator meets regularly with the Clery Geography Sub-Committee, which consists of members from the School of Medicine, Office of Real Estate, and University Police to review a list of properties for the previous calendar year in order to begin gathering crime statistics. Once the list is finalized, the Clery Coordinator develops letters and sends out email requests to all available police agencies surrounding each of our campuses and non-campus locations. The University Police Department maintains a cooperative working relationship with local, county, and state law enforcement agencies.

In addition to any law enforcement agencies, Campus Security Authorities (CSAs), individuals with significant responsibility for student and campus activities, are also required to report criminal incidents to the University Police Department contemporaneous with occurrence to insure inclusion and avoid duplication of statistics in the annual report.

4. Campus Law Enforcement Responsibility

Safety: A shared responsibility

The University Police Department is responsible for the general welfare of the campus community, which consists of students, faculty, staff, visitors, and vendors on UTRGV campuses. It is the lead agency for the security of the University and the enforcement of all state laws and University rules and regulations relating to motor vehicles and traffic on campus.

Campus offices for the University Police Department are located at:

Edinburg: 501 N. Sugar Road
Brownsville: 2671 FJRM Avenue
Harlingen: 2102 Treasure Hills Boulevard

The University Police Department operates 24 hours a day, 365 days a year, and is staffed by commissioned Texas Peace Officers and supported by civilian personnel and non-commissioned Public Safety Officers. Well-marked exterior emergency telephones are located throughout the campus locations in most parking lots and all elevators. The emergency telephones can be used to report crimes, emergencies, or to request police services. They are monitored and answered by the University Police Department 24 hours a day and are tested on a weekly basis. Emergency phones found to be inoperable are marked as “out of service” and scheduled for maintenance.

Your safety is our priority and concern. As a University, we focus in the prevention of crime, fire, accidents, and other campus hazards. Equally important is your participation in preventing these types of safety risks by promptly reporting crimes and any suspicious activity to the University Police Department. UTRGV components such as Student Success, Office of Emergency Management, Environmental Health, Safety and Risk Management and many others also contribute to making UTRGV a safer place to study, work and live.

This report contains valuable information that will help keep you safe, on and off campus. Please pay special attention to all safety tips. Following them may greatly increase the level of your safety and general welfare. Working together, can allow for a safer and more enjoyable learning environment.

Police Authority

University law enforcement and security is coordinated by the University Police Department, which is a part of the University of Texas System Police (UTSP). UTRGV's police officers are designated by Article 2.12 of the Texas Code of Criminal Procedure and Article 51.203 of the Texas Education Code statutes.capitol.texas.gov/docs/ED/htm/ED.51.htm as the law enforcement officers of the University and are licensed by the Texas Commission on Law Enforcement (TCOLE) with full law enforcement authority. University police officers undergo an extensive application process and thorough background investigation prior to employment. Before being licensed as a Texas peace officer, University police cadets attend an intensive six-month training program at The University of Texas System Police Academy, located in Austin, Texas or a local TCOLE certified training academy. The training that University Police Department officers receive exceeds TCOLE training standards for all Texas peace officers. The University Police Department officers continually receive in-service and specialized training. All officers have been trained in first aid as well as CPR and are authorized to enforce all campus regulations. University Police Officers are trained with a variety of weapon systems as well as a variety of less-than-lethal weapons.

Peace officers employed by the University Police Department have jurisdiction and conduct patrol activity within the counties where the University of Texas System owns or leases property. The University Police Department enforces all laws of the State of Texas, as well as being responsible for public safety services such as crime prevention and community

outreach programs. The University Police Department officers have jurisdictional authority and are vested with the power to investigate crime, search and arrest as authorized by law and to use reasonable and necessary force to protect life and property at all University locations. The primary jurisdiction of peace officers commissioned by University of Texas System Police includes all counties in which property is owned, leased, rented, or otherwise under the control of the University of Texas System.

In addition to commissioned Police Officers, the University also employs non-commissioned Public Safety Officers to assist the University Police Department with security on campus by providing a visible uniform presence in University buildings and properties to deter crime and report suspicious activity to the University Police Department officers. Public Safety Officers do not have police arrest authority.

Relationships with Other Law Enforcement Agencies

The University Police Department maintains close working relationships with local, federal, state, and other law enforcement agencies and routinely shares investigative information. In addition, University Police provides state mandated training to local law enforcement agencies and collaborates with local law enforcement to conduct full scale exercises, such as Active Shooter scenarios. The University Police Department also works closely with area Fire Departments and emergency medical service providers.

The University Police Department is routinely informed by local law enforcement agencies of any criminal activities involving UTRGV students or student organizations. This information may be shared with the Dean of Students. The University Police Department also has the ability to enter into Memorandums of Understanding (MOU'S) with local law enforcement agencies related to the investigation of criminal offenses or other police services. Currently, The University Police Department has a Memorandum of Understanding with Harlingen Police Department, Edinburg Police Department, Brownsville Police Department, and the U.S. Department of Veteran Affairs Police defining the working relationship between the departments in the Harlingen Clinical Education Building.

Daily Crime and Fire Log

The University Clery Coordinator maintains a daily crime log that records all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction by the date the incident was reported. The daily crime log also includes the nature, time, and general location of each crime reported to the department, as well as the disposition of the complaint, if this information is known at the time the log is created. The department posts in the Daily Crime Log within two business days of receiving a report of an incident.

The University Clery Coordinator also maintains a daily fire log with data collected from the Department of Environmental Health, Safety, and Risk Management.

The Daily Crime and Fire Log is available for public inspection by visiting the University Police Department website www.utrgv.edu/police/crime/ and a hardcopy can be requested at the following University Police Department:

Edinburg: 501 N Sugar Road
Brownsville: 2671 FJRM Avenue
Harlingen: 2102 Treasure Hills Boulevard

5. Campus Security and Building Access

Access to classrooms and office buildings for special events after normal business hours, weekends, and holidays is coordinated with the various campus departments overseeing that area. Many of the buildings, offices, labs, computer rooms, and other areas of campus are equipped with electronic access. Except for Residence Halls, academic spaces on campus are generally open one hour before the start of the first class and remain open until one hour after the conclusion of the last class. Non-academic spaces are generally open during normal business hours. Most campus buildings are typically locked on Saturday and Sunday. University Police provides security by vehicular patrol in residence hall parking

lots and foot patrol of the interior common areas. University Police also provides security by vehicular and foot patrol to on-campus buildings and off-campus sites and properties.

Under Texas Education Code Section 51.9315, common outdoor areas of UTRGV – meaning, the outdoor space of UTRGV property that is not used for dedicated UTRGV business or events, an educational function, or a research function either on a permanent or temporary basis – are open for assembly, speech, or other activities as are the public streets, sidewalks, and parks, so long as a person’s conduct is not unlawful and does not materially and substantially disrupt the functioning of UTRGV. Buildings and structures of UTRGV, however, are not open for assembly, speech, or other activities as are the public streets, sidewalks, and parks. Pursuant to the authority conferred upon the Board of Regents by *Texas Education Codes* Section 51.209, in order to protect the safety and welfare of students, employees, and other participants in the programs and activities of the institution it shall be unlawful for any person who is on the property to refuse to identify himself or herself in response to a request by an institutional representative. Persons having no legitimate business to enter on campus may be ejected from the campus on his or her refusal to leave peaceably on request. UTRGV maintains an open-campus policy, but access to the campus facilities may be restricted as necessary to meet safety and security requirements as determined by University officials.

Campus Carry Law

The 84th Session of the Texas Legislature passed Senate Bill 11, known as the “campus carry” law. Individuals who hold a license to carry a handgun may carry a concealed handgun on the grounds of or in buildings of an institution of higher education such as UTRGV.

To ensure compliance with Section 411.0231 of the Texas Government Code (also known as the “campus carry law”) while maintaining UTRGV commitment to providing a safe environment for its students, faculty, staff, and visitors, UTRGV adopted Handbook on Operating Procedures (HOP) policy ADM 02-400: *Concealed Handguns and Other Weapons on Campus* at www.utrgv.edu/hop/policies/adm-02-400.pdf, effective August 1, 2016.

The policy applies to all individuals who may work, attend classes, conduct business, or visit any campus location of UTRGV, including without limitation, employees, faculty, trainees, students, patients, visitors, volunteers, contractors, commercial tenants, or vendors. This policy does not apply to peace officers as defined in Article 2.12 of the Texas Code of Criminal Procedure and does not apply to military service members or officers, inspectors, or investigators employed by a federal agency who are carrying a weapon in the discharge of official duties.

University Housing

Access to the University's residence halls is restricted to student occupants, escorted guests, and authorized University personnel. Unescorted persons are prohibited in the residence halls. Visitation hours for all buildings are Sunday through Thursday from 10:00 a.m. to 1:00 a.m. and Fridays to Saturdays from 10:00 a.m. to 2:00 a.m.

UTRGV does not have student organizations that own or control off campus housing. Residents should immediately report lost access cards, lost keys, malfunctioning locks, and gates to their respective Housing Coordinator.

Heritage, and Unity Residence Halls (Edinburg):

Access to Heritage, Troxel, and Unity Residence Halls is through the main entrance that is supervised by Residence Life staff and has an electronic locking system with ID card access.

Casa Bella Apartments (Brownsville):

Casa Bella is a gated apartment community with ID card access through the main entrance.

The Village Apartments (Edinburg):

Access to The Village Apartments is not restricted.

Facilities Management

Facilities Planning and Operations maintains the buildings, grounds and utility systems for UTRGV. Students are encouraged to report maintenance problems such as missing lights, plumbing problems, or elevators that are not in service to the nearest departmental office. If departmental offices are closed, please report any safety issues to the University Police Department at 956-882-4911.

Facilities personnel respond to reports of inoperable doors, inoperable lights, malfunctioning smoke alarms, broken windows, and requests from the University Police Department. The University Police Department, Environmental Health, Safety and Risk Management, and Facilities Operations survey campus lighting, monitor those areas having defective fixtures, and report the deficiencies to the appropriate personnel for corrective action. Residence Life staff make regular rounds of the facilities daily checking for maintenance problems that may pose a hazard to residents' safety and security. Outdoor emergency telephones are connected directly to the University Police Department and located at various locations throughout the campuses.

6. Campus Safety Initiatives and Resources

General Information

The University Police Department takes a comprehensive approach to campus safety and has a number of initiatives that reduce the risk of an individual becoming a victim of crime. The University Police Department has certified Crime Prevention Officers on staff that have received various training in crime prevention and physical security.

The campus's crime prevention strategy rests on a multilayered foundation of proactive patrol of the campus, crime prevention trainings, buildings, area security surveys, and property registration. This approach relies on the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging community members to take responsibility of their own and other's safety.

Safety Initiatives

Initiatives	Description
CampusShield Mobile App	CampusShield connects you directly with campus police, while also providing: <ul style="list-style-type: none">• Emergency Button – Sends accurate location information to the phone number you designate using geo-fences.• Anonymous Report – Report safety concerns, suspicious activities, and crime tips. Also, it can be used to text an emergency when calling is not ideal. Use photos / videos and report anonymously.• FriendWatch – If your pre-set timer hits 0:00, your emergency contacts are notified. Friends and family members can watch out for each other during potentially dangerous activities.• Safe Walk – Request a safety escort or contact a non-emergency phone number.
Community Policing	The University Police Department utilizes a community policing philosophy with the goals of: Establishing positive contacts with the campus community; identifying real and/or perceived problems that exist in the campus community; and developing programs that aid in resolution of identified problems. To assist in its community policing efforts, the University Police Department uses various modes of transportation, including patrol cars, utility cars, bicycles, and foot patrol.
Crime Prevention Presentations	The University Crime Prevention Officers at UTRGV PD work closely with Residence Life, Students Rights and Responsibilities, and UTRGV student groups to develop and schedule presentations about crime prevention pertaining to personal safety, sexual assault, acquaintance rape, women's self-defense, alcohol and drug awareness, burglary and theft, and office safety. These presentations are conducted as needed for faculty, staff, and students.

Initiatives	Description
Emergency Phones	Emergency phones are located throughout campus locations providing a direct line of communication to the University Police Department for individuals in need of emergency assistance. These phones are strategically positioned along pedestrian walkways, elevators, parking lots and near building entrances. The University Police Department responds to all activated emergency phones even if no words are spoken. Look for the blue lights atop a blue metal column.
Lighting	UTRGV recognizes the importance of maintaining a well-lit campus and all UTRGV parking lots and walkways are illuminated during night-time hours.
Operation ID	Operation ID is a program involving the engraving of a state driver's license number on bicycles that do not already have serial numbers. Engraving is also available for most items of personal importance, upon request. Call the University Police Department at 956-882-7777 for assistance.
Parking Lot Cameras	There are exterior closed-circuit television cameras located throughout all campus locations which monitor and record their respective areas 24 hours a day. These include fixed cameras as well as pan-tilt-zoom cameras that are controlled from the University Police Department's Communications Center. These security cameras act as a deterrent to criminal activity as well as assisting University police officers in their investigations.
Mass Alert System	UTRGV maintains a mass alert system or alerting the University community about campus emergencies, including via cell phone, text messages, and email students, faculty, and staff. These notices also post to the University website. In the event of a campus emergency, a mass alert message will give pertinent emergency information and protective actions to all members of the UTRGV campus community.
Employee Assistance Program	The UT Employee Assistance Program (UTEAP) is a service available to all employees of UTRGV. It provides confidential, professional assistance to help employees and members of their households resolve problems that affect their personal lives or job performance. Safety services include emotional/psychological services and substance abuse/recovery services.

Campus Resources

Office for Advocacy & Violence Prevention (OAVP, formerly OVAVP)

The mission of the Office for Advocacy & Violence Prevention (OAVP) is to work with students, staff, faculty, and community partners to strive for a campus free from interpersonal violence and to facilitate services for victims and survivors of sexual assault, dating abuse, domestic violence, stalking, and sexual harassment. Through educational activities, prevention programs, and support services, our goal is to provide a critical voice for promoting change in beliefs and policies that marginalize members of the campus community who identify as survivors, victims, or bystanders of power-based violence.

Brownsville Campus: 956-882-8282

Edinburg Campus: 956-665-8287

Visit OAVP's webpage at: www.utrgv.edu/oavp/

UTRGV Police Department Victim's Services Specialist

The specialist provides emotional support to students, staff, and faculty, who are victims of a crime throughout the criminal justice process. Also, the specialist provides information to victim's regarding available on or off campus resources, including but not limited to counseling services, housing accommodations, transportation needs, and class schedules. Makes referrals to appropriate UTRGV departments, agencies, and services within the counties; serves as a go-between for victims, survivors, and their families. Provides information on Victim's Rights, Crime Victim Compensation, and Protective Orders to victims. The victims seeking assistance can be of crimes committed on or off campus. The victim services specialist collaborates with UTRGV departments and community agencies on and off Campus to provide outreach/prevention to the community on a variety of social service topics.

Office of Institutional Equity & Diversity (OIED)

The Office of Institutional Equity & Diversity addresses complaints of discrimination, sexual misconduct, and retaliation. OIED further assures UTRGV's compliance with federal and state laws concerning equal employment opportunity and affirmative action mandates and assures compliance in the administration of Title IX. UTRGV is committed to promoting a diverse and inclusive learning and working environment that is free of discrimination, sexual harassment, and retaliation. View the Office of Institutional Equity and Diversity's website at www.utrgv.edu/equity for additional information, and consider reviewing these applicable policies:

ADM 03-100: *Non-Discrimination and Complaint Procedure* at www.utrgv.edu/hop/policies/adm-03-100.pdf

ADM 03-200: *Accommodations for Individuals with Disabilities* at www.utrgv.edu/hop/policies/adm-03-200.pdf

ADM 03-300: *Sexual Misconduct* at www.utrgv.edu/hop/policies/adm-03-300.pdf

If you have any questions, give OIED a call at 956-665-2453.

The Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights & Responsibilities' primary focus is to provide guidance and support to students by addressing a broad spectrum of issues that may act as barriers to their success. The office enforces University community standards through the administration of the UTRGV Student Code of Conduct (Code), STU 02-100 and provides information along with programming to the University community regarding student discipline, judicial hearings, appeals, grievances, students of concern and academic misconduct concerns. The purpose of the University discipline system is to promote student development by addressing behaviors that are inconsistent with community standards and expectations, as defined by the Code. The office conducts fair and impartial hearings regarding alleged violations of the Code, and when appropriate administers proactive and educational sanctions. Student Rights & Responsibilities often coordinates its services with other campus offices in an effort to serve students to the fullest extent. When appropriate, referrals will be made to other University offices to best serve students.

Violations of the Student Code of Conduct are encouraged to be reported to the Office of Student Rights & Responsibilities, which may conduct an investigation or contact the University Police Department if the reported activity appears to be criminal in nature. Student Rights & Responsibilities provides an online reporting system, called Vaqueros Report It, www.utrgv.edu/en-us/student-experience/report-it/ which allows students, staff, and faculty to report any behaviors of concern that occur involving UTRGV students, faculty, staff or departments, whether these behaviors occur inside or outside of the classroom setting. Reportable behaviors may include Student Code of Conduct concerns, academic dishonesty violations, or any other behaviors of concern that may need to be addressed or would like to be discussed.

Student Rights & Responsibilities also endeavors to create a community of respect through the Superhero Project, an active bystander initiative, which encourages students to intervene when they see fellow students engaged in risky behaviors, such as alcohol use/abuse, sexual misconduct, academic dishonesty, violations of the student code of conduct, and suicidal ideation. The Superhero Project provides training and resources to the campus community.

Edinburg: University Center # 315, Phone: 956-665-5375

Brownsville: Calvary # 204, Phone: 956-882-5141

View STU 02-100: *Student Code of Conduct and Discipline* at www.utrgv.edu/hop/policies/stu-02-100.pdf

Student Health

Student Health works to assist students to meet their educational and personal goals by addressing their health concerns during enrollment. Student Health's Health Education section provides health education, wellness promotion, and risk reduction programming to students. Student Health maintain the University's strategic vision of "shared responsibility" to plan, develop, implement, and evaluate health promotion techniques. Student Health is a resource for those in need and designed to provide medical care for uncomplicated illnesses and injuries that are of recent onset and short duration.

Edinburg: 613 N. Sugar Road, next to the University Recreation Building, Phone: 956-665-2511

Brownsville: Cortez Hall # 237, Phone: 956-882-3896

Open Monday through Friday from 8:00 a.m. to 5:00 p.m., closed on weekends and designated holidays.
View the Student Health's webpage at www.utrgv.edu/health-services/

Employee Health Clinics

Employee Health Clinics care for acute and primary care needs of UTRGV employees and their dependents. The clinics are also employee flu clinics and provide other preventive health measures that may be needed. Seasonal flu shots and other vaccinations available, walk ins are available during flu shot season. UTRGV Employee Health Clinics support Environmental Health and Safety employees, in ensuring they are well but safe in their jobs, i.e. mask fitting, annual TB testing, and minor workman's compensation needs.

Employees pay a reduced copay and appointments or walk-ins are available. Open Monday through Friday from 8:00 a.m. to 5:00 p.m.

Harlingen: 2106 Treasure Hills Boulevard #1.326, 956-296-1519
Edinburg: 1214 W. Schunior Road 1st Floor, 956-296-1731
Brownsville: 1 W. University Blvd Cortez Hall 237, 956-882-3896

After hours urgent care is provided at the UT Health RGV Jackson Clinic in Edinburg from Monday through Friday, 5:00 p.m. to 9:00 p.m., and Saturdays from 8:00 a.m. to 12:00 p.m. The clinic is located on 3804 S. Jackson Road Suite #2, Phone: 956-296-3021.

Counseling Center

The Counseling Center helps students with their personal concerns so they can meet the daily challenges of student life. Staffed by licensed mental health professionals, the Counseling Center is open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on designated holidays. The Counseling Center provides mental health and substance abuse services at no cost to currently enrolled students. Counseling Center services are confidential and client records are not part of students' academic records. The Counseling Center operates within professional ethical guidelines and both federal and state laws that protect the privacy of mental health records and assure quality of services.

For health safety reasons and for increasing accessibility, the Counseling Center is now offering counseling services online (telemental health counseling). If a student prefers to meet with a counselor in-person on campus for sessions, this can also be arranged, in accordance with the university's COVID-19 pandemic protocol to ensure health safety.

Edinburg: University Center # 109, Phone: 956-665-2574
Brownsville/Harlingen: Student Union #2.10, Phone: 956-882-3897

24/7 Vaqueros Crisis Line: 956-665-5555

View the Counseling Center's webpage at www.utrgv.edu/counseling/

Collegiate Recovery Program

The Collegiate Recovery Program is a set of services to help students work through the process of recovery from addictive behaviors such as substance abuse. For health safety reasons and for increasing accessibility, the Collegiate Recovery Program is now offering online consultation services and online support groups.

Edinburg: University Center #102, 956-665-2674

View the Collegiate Recovery Program's webpage at www.utrgv.edu/recovery/

The Department of Housing and Residence Life

The Department of Housing and Residence Life offers trainings on security and safety procedures and the enforcement of residence hall regulations to all Residence Life staff, which includes hall coordinators, resident assistants, and office assistants. Safety inspections every semester help students maintain a safe environment. Residence Life staff also conduct programs with resident students to heighten awareness of safety on campus. The University Police Department officers and Department of Environmental Health, Safety and Risk Management representatives participate in residence hall programs and handle all police, fire, and safety issues in the residence halls.

View the Residence Life webpage at www.utrgv.edu/housing/

The Office of Human Resources

The Office of Human Resources (HR) is committed to provide quality services that promote the integrity and well-being of our employees. HR promotes and enforces University community standards throughout the workplace environment at UTRGV and hosts trainings throughout the year to maintain these standards.

The following are examples of HR trainings:

- New Employee Orientation
- Vaqueros Culture of Service Excellence
- Best Practices for Supervisors/Managers
- FLSA Information Session
- E-Learn Employee Enrichment
- Supervisor Excellence Series (12 presentations focused on supervisor preparedness)
- Personal Safety and Awareness
- Communication Awareness & Enhancing Workplace Dynamics
- Managing of a Successful Multi-Generational Workforce
- Organizational Change Transformation & Leading – PeopleSoft 9.2 Implementation
- Employee Wellness Initiatives
- Improving Your Work-Life Balance While Working Remotely.
- Effective Strategies for Managing Stress and Boost Energy When Working Remotely.
- Developing & Maintaining Resilience in Times of Adversity
- Staying Socially Connected While Maintaining Physical Distance
- Mindfulness & Meditation

Brownsville: Vaquero Plaza Building B, 956-882-8205

Edinburg: Maryalice Shary Shivers Building room #2.126, 956-665-2451

View the Office of Human Resource's webpage at www.utrgv.edu/hr

Office of Institutional Compliance

The Institutional Compliance Office at UT Rio Grande Valley serves faculty, staff, and students by supporting a culture of compliance and ethical conduct through an ongoing commitment to integrity, accountability, transparency, and respect in all actions and decisions. We partner with other departments to ensure compliance with institutional policies, regulations, state and federal laws and we do so by:

- Collaborating with Human Resources and assisting with new employee orientation training
- Continuous assessment and monitoring of compliance risk areas
- Implementing controls for identified risks
- Partnering with stakeholders to develop policies and procedures
- Assisting Internal Audits with yearly risk assessments and audits

- Implementing conflict of interest policies and controls
- Compliance reporting to executive leadership

Simply stated, Institutional Compliance is your partner and is here to help.

Compliance Hotline/Raising Questions and Concerns

The University of Texas Rio Grande Valley encourages employees to raise compliance related concerns and to report any suspected violations of law, regulations or policy.

Employees are encouraged to address compliance concerns through UTRGV's normal administrative channels. If you have compliance related questions or wish to report suspected compliance violations of any kind:

1. Talk to your supervisor,
2. Contact the UTRGV Compliance Officer or Compliance Manager, or
3. Call the Compliance Hotline, toll free (877) 882 3999, or
4. File a report on-line via our Web Intake Site: www.utrgv.ethicspoint.com

Both the Web Intake Site and Compliance Hotline are available for situations where conventional channels are uncomfortable or otherwise inappropriate, or for times when you wish to raise a concern anonymously. They are operated by an outside company not affiliated with UTRGV and are available 24 hours a day, 365 days a year.

Your call will be taken by a trained professional who will ask you questions about your concern. Calls can be taken in English or in Spanish. Reports through the web intake site and calls to the toll-free number can be made anonymously and will not be traced.

You do not need to know the exact law, regulation, or policy, or be certain a violation has occurred or will occur. If you are uncertain, the better course of action is to report. It is important that you provide enough information to allow your concerns to be adequately investigated and addressed.

UTRGV policy ADM 04-301: Non-Retaliation at <https://www.utrgv.edu/hop/policies/adm-04-301.pdf>, prohibits retaliation against anyone who, in good faith, reports an instance of suspected non-compliance or participates in a compliance investigation.

Toll Free Hotline: 877-882-3999; www.utrgv.ethicspoint.com

Printed and Online Resources

Event	Description	Department Contact
Printed Crime Prevention Literature	<p>Crime prevention literature related to personal safety, auto theft prevention and residential security is available at various locations throughout all campus locations.</p> <p>Specialized crime prevention literature is available upon request.</p>	<p>University Police Department 956-882-7777 www.utrgv.edu/police</p>
Drug and Alcohol Abuse and Dating Violence	<p>The University Police Department has a number of information brochures and pamphlets available in the lobby of the University Police Station. The information covers topics such as drug abuse prevention (courtesy of the U.S. Department of Health and Human Services), underage drinking and drunk driving (courtesy of the Texas Alcoholic Beverage Commission and the Texas Department of Transportation), dating violence (courtesy of the Center for Disease Control & Prevention).</p> <p>Student Rights & Responsibilities offers all new, transfer and graduate students 24 and under, online training on alcohol use and abuse and sexual misconduct through AlcoholEdu.</p>	<p>University Police Department 956-882-7777</p> <p>Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141</p>
Sexual Misconduct Awareness Print and Online Resources	<p>Sexual misconduct educational resources are meant to educate and inform the campus community about sexual misconduct, in its various forms, highlight the applicable policy, ADM 03-300, identify key stakeholders, such as Title IX Responsible Employees, and educate the community about campus, local, and other resources and services related to sexual violence and sexual misconduct awareness and prevention.</p>	<p>Office of Institutional Equity & Diversity 956-665-2453 www.utrgv.edu/equity</p> <p>Office for Advocacy & Violence Prevention Brownsville Campus: 956-882-8282 Edinburg Campus: 956-665-8287 www.utrgv.edu/oavp/</p>
Culture of Respect (Campus Safety) Brochure	<p>This pamphlet promotes healthy relationships and information to help students recognize warning signs of an unhealthy relationship.</p>	<p>Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141 www.utrgv.edu/srr</p>
Emergency Operation Plan	<p>In this document, you will find procedures for a wide array of incidents which may transpire at any given time while on campus. These procedures outline the recommended practices for certain incidents.</p>	<p>The Office of Emergency Management 956-665-2658 www.utrgv.edu/emergencypreparedness/plans</p>

7. Campus Safety Programming

The UTRGV community provides programs to enhance personal safety, teach proactive crime-reduction strategies, and to help community members develop self-esteem, which contributes to a healthy community. Some programming and presentations are provided on a yearly basis while others are in accordance with events that may be sponsored by various departments or organizations in a given academic year. The programming is designed to 1) inform students and employees about campus security procedures and practices; 2) encourage students and employees to be responsible for their own security and the security of others; and, 3) inform students and employees about crime prevention.

Summary of Community Policing/UTRGV Crime Prevention and Outreach Programs

The following is an overview of some safety programs offered by UTRGV.

The specific times and places for each of these programs is announced through various campus media as they are offered. Programs can also be scheduled individually by contacting the respective departments.

Traditional Programming

Event	Description	Department Contact	Frequency
Rape Aggression Defense (RAD)	The University Police Department offers a 12-hour Rape Aggression Defense course to all female UTRGV students, faculty, and staff.	University Police Department 956-882-7777	Currently postponed due to COVID -19 May be available upon request.
Civilian Response to Active Shooter Events Training (CRASE)	The course is aimed at enabling civilians involved in an active shooter event within a campus environment to respond efficiently, safely, and decisively.	University Police Department 956-882-7777	Currently only available upon request
BASICS (Brief Alcohol Screening and Intervention for College Students)	An online alcohol intervention that works to educate students on alcohol's impact on the body as well providing students an assessment of their drinking behaviors.	Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141 Counseling Center Edinburg: 956-665-2574 Brownsville: 956-882-3897	Provided on a case-by-case basis
Superhero Project Active Bystander Initiative	Presentations and tabling events that promote and empower students to recognize problems, to choose to respond, and to take action. Such as: One Love Escalation Peer led video and discussion that highlights the difference between healthy and unhealthy relationship behaviors so that students can recognize the warning signs of abuse in relationships and how to intervene/report Stalking Awareness Peer led program that defines stalking, how to recognize the warning signs and resources available for reporting, and support.	Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141	Monthly and available upon request

Event	Description	Department Contact	Frequency
National Campus Safety Awareness Month	Occurs during the month of September. Presentations highlight the importance of personal safety both on and off campus.	Student Rights & Responsibilities Edinburg: 956 665-5375 Brownsville: 956 882-5141	Yearly
U in the Driver Seat	A peer-to-peer education program for college students dedicated to reducing their number of drinking and driving as well as distracted driving car crashes. Ongoing presentations and interactive activities to educate students on the dangers of distracted driving with a focus on alcohol awareness.	Student Health Edinburg: 956-665-2511 Brownsville: 956-882-3896	Monthly events throughout the year
Title IX Presentations	Classroom style presentations conducted multiple times throughout the year addressed to students, faculty, and staff that educate and inform the campus community about sexual misconduct, in its various forms, highlight the applicable policy, ADM 03-300, identify key stakeholders, such as Title IX Responsible Employees, and educate the community about campus, local, state, and national resources respecting sexual misconduct.	Office of Institutional Equity & Diversity 956-665-2453	1-2 times a month and available upon request
New Employee Orientation	Training held at least every two months for new UTRGV employees that includes education related to mandatory reporting obligations, sexual misconduct and discrimination policies, resources for victims and survivors and bystanders, and programming related to violence prevention. Mandatory compliance trainings are assigned to all employees and provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community.	Office of Institutional Equity & Diversity 956-665-2453	Twice a month
New Faculty Orientation	Training held yearly for new UTRGV faculty that includes education related to mandatory reporting obligations, sexual misconduct and discrimination policies, resources for victims and survivors and bystanders, and programming related to violence prevention.	Office of Institutional Equity & Diversity 956-665-2453 Office for Advocacy & Violence Prevention Edinburg: 956-665- 8287 Brownsville: 956-882-8282	Yearly

Event	Description	Department Contact	Frequency
New Student and Transfer Student Orientation	<p>Student Rights & Responsibilities' presentation, Vaqueros Care, for Student Orientations (new and transfer) always includes the following topics: Academic Dishonesty, alcohol use/abuse, sexual misconduct/harassment, the Student Code of Conduct violations and Vaqueros Report It. Through this presentation SRR provides resources and informs the campus community about polices and how to recognize and report concerns/behaviors.</p> <p>All new and transfer students are assigned mandatory modules provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community.</p>	<p>Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141</p>	Yearly
AlcoholEdu and Foundry (Everfi)	An online course that prepares students for the unique challenges and responsibilities of campus life. The goal is to help students minimize the risks associated with alcohol, drugs, and sexual violence. All new UTRGV students are required to complete this course prior to completion of their first semester at UTRGV.	<p>AlcoholEdu Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141</p> <p>Foundry (Everfi) Office of Institutional Equity & Diversity 956-665-245</p>	Yearly and on a case-by-case basis.
Ally Safe Zone	The UTRGV Ally Ally Safe Zone program is dedicated to providing support to lesbian, gay, bisexual, transgender, and queer/questioning individuals (LGBTQ+) at the University. Allies include students, faculty, and staff who display an Ally placard outside their office/residence hall room or have an Ally button. This sign identifies them as individuals who are willing to provide a safe haven, a listening ear, and support for LGBTQ+ individuals.	<p>Center for Diversity & Inclusion and DREAM Resource Center Edinburg: 956-665-2260 Brownsville: 956-882-8896</p>	Monthly, perhaps not available in Dec and Jan months.
Suicide Prevention Gatekeeper Training	Geared for the non-mental health professional (i.e. layperson) to build competence and comfort in identifying if a person may be suicidal and assisting that individual in finding and accepting professional help. It involves learning common signs of depression and whether a person may be considering suicide.	<p>Counseling Center Edinburg: 956-665-2574 Brownsville: 956-882-3897</p>	Available upon request.

Event	Description	Department Contact	Frequency
Risk Management Training for Student Organizations	<p>Risk Management Workshop</p> <p>In compliance with Senate Bill 2639, the University provides annual risk management training for leaders of student organizations on the following topics:</p> <ul style="list-style-type: none"> • Possession and use of alcoholic beverages and illegal drugs • Hazing • Sexual Abuse & Harassment • Fire Safety and other safety issues, including firearms or other weapon or an explosive device • Student Organization Travel • Behavior at parties and other events • Issues regarding persons with Disabilities, providing accommodations and Modifications • Adoption of a risk management policy 	<p>Center for Student Involvement (formerly known as the Leadership and Mentoring office)</p> <p>Edinburg: 956-665-2660 Brownsville: 956-882-5111</p> <p>Student Rights & Responsibilities</p> <p>Edinburg: 956-665-5375 Brownsville: 956-882-5141</p>	<p>Yearly, in the fall; a make-up opportunity is offered in the Spring.</p> <p>Additionally, the training is provided on an on-going basis for new student organizations forming throughout the year.</p>
Hazing	<p>In compliance with the Texas Hazing Statute, an annual notification is sent to the University community with information about hazing, its definition, and a list of organizations found responsible for hazing within the previous three years.</p> <p>In compliance with Senate Bill 2639, the University provides annual risk management training for leaders of student organizations which covers the topic of hazing.</p> <p>Hazing Prevention Awareness Week annually promotes anti-hazing and prevention workshops for the campus community.</p> <p>Additionally, the Student Organization Handbook as well as the Greek Life Handbook, includes detailed information about hazing, myths and facts, and where to report incidents of hazing.</p>	<p>Center for Student Involvement (formerly known as the Leadership and Mentoring office)</p> <p>Edinburg: 956-665-2660 Brownsville: 956-882-5111</p> <p>Student Rights & Responsibilities</p> <p>Edinburg: 956-665-5375 Brownsville: 956-882-5141</p>	<p>Yearly</p>
Water Cooler Conversations	<p>Bi-weekly podcast focusing on topics related to power-based violence.</p>	<p>Office for Advocacy & Violence Prevention</p> <p>Edinburg: 956-665-8287 Brownsville: 956-822-8287</p>	<p>Bi-weekly</p>
Masculinidad Saludable	<p>Healthy masculinity project that models interdisciplinary cooperation and encourages collaboration on issues related to gender, healthy and toxic masculinity, and consent in a manner that is victim-centered and research-based through engaging men directly in the effort to address and prevent sexual violence at UTRGV.</p>	<p>Office for Advocacy & Violence Prevention</p> <p>Edinburg: 956-665-8287 Brownsville: 956-822-8287</p>	<p>Bi-weekly</p>

One-time Programming

Event	Description	Department Contact
Consent Fair	Bringing awareness to the university community on what consent is and what it constitutes.	Student Rights & Responsibilities Edinburg: 956-665-5375 Brownsville: 956-882-5141
Annual Purple Day	The Hidalgo County District Attorney's Office in collaboration with all the organizations that are part of the Hidalgo County Family Violence Taskforce participated in the Annual "Purple Day".	Office for Advocacy & Violence Prevention Edinburg: 956-665- 8287 Brownsville: 956-882-8282
Denim Day (International Day of Solidarity Against Sexual Assault)	In observance of National Sexual Assault Awareness and Prevention Month, UTRGV invites students, staff, faculty, and all members of the UTRGV community and extended family to wear jeans.	Office for Advocacy & Violence Prevention Edinburg: 956-665- 8287 Brownsville: 956-882-8282
Let's Talk About Consent	Panel discussion with representatives from University Police, Office of Institutional Equity, Office for Advocacy & Violence Prevention and others on applicable policy standards under ADM 03-300, Sexual Harassment and Sexual Misconduct and societal messaging.	Office for Advocacy & Violence Prevention Edinburg: 956-665- 8287 Brownsville: 956-882-8282
Annual CAVE (Coalition Against Violence & Exploitation) Conference	Annual panel-based, interdisciplinary, free education and awareness conference dedicated to educating first responders, mental health professionals, students, faculty, and staff on issues of violence victimization and primary, secondary, and tertiary prevention programming. The CAVE Conference provides free CEUs to participating professionals.	Office for Advocacy & Violence Prevention Edinburg: 956-665- 8287 Brownsville: 956-882-8282
Getting to Know the Helping Hands Virtual Fair	Awareness campaign held virtually for students, staff, and faculty to offer an opportunity to meet people involved with the various resources, offices, and agencies available on campus and in the community.	Office for Advocacy & Violence Prevention Edinburg: 956-665-8287 Brownsville: 956-822-8289
Live Virtual Reading & Talk with Cyrus Grace Dunham	A live reading by Cyrus Dunham (they/them), critically acclaimed author of the trans memoir A Year Without a Name (Little, Brown, 2019).	Office for Advocacy & Violence Prevention Edinburg: 956-665-8287 Brownsville: 956-822-8289

Event	Description	Department Contact
"From Place to Place" Watch Party	Live watch party event which featured the film "From Place to Place" discussing the hardships foster youth face when aging out of foster care. Event included a Q&A segment with a panel comprised of a local foster parent, the film producer, and a former foster youth featured in the film.	Office for Advocacy & Violence Prevention Edinburg: 956-665-8287 Brownsville: 956-822-8289

8. Policies for Reporting Crimes

The University Police Department is responsible for the welfare of students, faculty, and staff on all UTRGV campuses. The University Police Department is responsible for the security of the University and the enforcement of all state laws and University rules and regulations relating to motor vehicles and traffic on campus. The University Police Department is open 24 hours a day, 365 days a year and is staffed by commissioned Texas Peace Officers and supported by non-commissioned Public Safety Officers, Telecommunication Officers, and other civilian personnel. Emergency telephones are located throughout UTRGV campuses, including parking lots and all elevators. These emergency phones can be used to report crimes, emergencies or to request police services. Emergency phones are monitored and answered by the University Police Department's Communications Center. In addition, UTRGV provides a cell phone App (CampusShield) that can be utilized to contact the police department to report crimes, emergencies, or to request police services. The CampusShield App and the Silent Witness Form located at <https://www.utrgv.edu/police/crime/reporting/index.htm> can be used by victims or witnesses to report crimes on a voluntary, confidential basis.

Promptly Reporting Crimes

UTRGV Police Department encourages accurate and prompt reporting to campus police and appropriate police agencies of all criminal offenses, including incidents when the victim of a crime elects or is unable to make such a report. In case of an emergency or to report a crime, you should call 956-882-4911 or 911.

Individuals who may be victims, complainants, witnesses to a crime, or otherwise become aware of a crime, are strongly encouraged to timely report the incident to the police or a Title IX Responsible Employee. Victims or witnesses can report crimes of sexual violence, as well as, other forms of sexual misconduct on a voluntary, confidential basis pursuant to ADM 03-300 using the online reporting form, OIED Report It located at www.utrgv.edu/equity.

UTRGV Responsible Employees have a duty to report incidents of and information reasonably believed to be Sexual Misconduct as defined within ADM 03-300 to the Office of Institutional Equity & Diversity. All employees at UTRGV are Responsible Employees except those individuals specifically identified as Confidential Employees (such as individuals with the Office of Advocacy & Violence Prevention and any employee with confidentiality privileges as specified within ADM 03-300. Responsible Employees include all administrators, faculty, staff, police officers, resident life directors and advisors, and graduate teaching assistants. Responsible Employees must report all known information concerning the incident of sexual misconduct to the Office of Institutional Equity & Diversity and must include whether a Complainant has expressed a desire for confidentiality when reporting the incident.

All students, employees, and guests should promptly report all criminal incidents, accidents, and medical emergencies to the University Police Department using the telephone numbers listed on this page or the CampusShield App. Individuals may also report incidents in person at the University Police Department. Upon receipt of the call, University police officers are dispatched on a priority basis according to the seriousness of the calls received. Once a crime is reported, and if appropriate, the officer will complete a police report after the required action has been taken. Reports of criminal offenses are forwarded to the Criminal Investigations Division (CID) of UTRGV Police Department. To check on the progress of an investigation a person may contact the CID at 956-665-3273.

Emergency Numbers (Consider programming these numbers into your cell phone):

Location	Contact Information
Off-Campus Emergency	911
On-Campus Emergency Edinburg	956-882-4911
On-Campus Non-Emergency Edinburg	956-882-7777
On-Campus Emergency Brownsville/Harlingen	956-882-4911
On-Campus Non-Emergency Brownsville/Harlingen	956-882-7777

City of Edinburg

Department	Contact Information
Police Emergency	911
Police Non-Emergency	956-383-7411
Fire Emergency	911
Fire Non-Emergency	956-383-7691

City of Brownsville

Department	Contact Information
Police Emergency	911
Police Non-Emergency	956-548-7000
Fire Emergency	911
Fire Non-Emergency	956-548-7000

City of Harlingen

Department	Contact Information
Police Emergency	911
Police Non-Emergency	956-427-8787
Fire Emergency	911
Fire Non-Emergency	956-216-5940

Campus Security Authorities (CSA)

UTRGV acknowledges that some individuals may be hesitant about reporting crimes to the police but may be more inclined to report incidents to other campus-affiliated individuals designated as Campus Security Authorities. Campus Security Authorities are individuals who have significant responsibility for student and campus activities such as resident assistants, athletic staff, student affairs staff, and student organization advisors. The Campus Security Authorities may contact the University Police Department for further assistance. CSA's have a responsibility to report to the UTRGV Police Department.

While reports can be made to any Campus Security Authority, several recommendations are listed below:

Office	Edinburg	Brownsville/Harlingen Campus
Office of the Dean of Students	956-665-2260	956-882-5141
Office for Student Rights & Responsibilities	956-665-5375	956-882-5141
Office of Institutional Equity & Diversity	956-665-2453	956-665-2453
Office of Housing and Residence Life	956-665-3439	956-882-7191

Confidentiality

Crimes reported to professional counselors at UTRGV's Counseling Center are exempt from disclosing information to the UTRGV Police Department (except by law in cases where there is an immediate threat to the safety of individual, other persons, children, or the elderly) because of their function within the scope of their professional license or certification as a counselor. These officials also encourage complainants they counsel to report crimes on a voluntary, confidential basis for inclusion in annual crime statistics.

Crime Reporting Methods for Off-Campus Locations

Reports of crimes that occur off-campus may also be made to the UTRGV Police Department and the proper law enforcement agencies will be contacted if necessary.

On an annual basis, the Clery Coordinator makes every attempt to obtain crime statistics for non-campus buildings and public property from the law enforcement agencies with jurisdictions for their respective areas. UTRGV does not have student organizations officially recognized by the institution that own or control non-campus buildings.

Once again, the University Police Department **strongly encourages** crime complainants to report all criminal activity to police in order to insure prompt evaluation for timely warning or emergency notification and for inclusion in the statistics for the ASR.

9. Reporting & Preventing Sexual Misconduct & Power-Based Violence

Policy Statement

It is the policy of The University of Texas Rio Grande Valley to provide an educational and working environment for our students, faculty and staff free of sexual misconduct. This commitment is core to our institutional culture, reflected in our policies and practices, and is in accordance with state and federal law, such as Title IX and the Clery Act.

UTRGV prohibits the crimes of sexual misconduct, which includes non-consensual sexual contact, sexual assault, sexual exploitation, interpersonal relationship violence (such as dating and domestic abuse, gender-based discrimination, stalking, and sexual harassment).

Primary Prevention Programming

Power-based violence happens when someone uses power, control, or intimidation to harm someone physically or emotionally. With the goal of maintaining and fostering a University living, learning, and working environment for students that is free of sexual misconduct and power-based violence, the University sponsors education and awareness programs and activities, as described in earlier sections of this ASR, and identifies available support service resources via print and online media, also as described above. Educational programs that raise awareness to incoming students and employees are conducted during orientations and throughout the year. This programming includes research-based best practices regarding violence awareness and prevention, healthy relationships, bystander intervention, and risk reduction without victim-blaming. This programming is designed to decrease perpetration and bystander inaction and increase empowerment for victims, in order to promote safety, to help individuals, the campus and local community to address conditions that facilitate violence.

UTRGV sponsors educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking during new student orientation, employee orientation, and throughout the year. This training includes information on bystander intervention, such as practicing the "4Ds," and identification of risk reduction techniques. Risk reduction includes identification of safety planning options, identifying the various ways a report can be made, communication of the grievance procedures, and providing the name and contact details of wellness support resources, such as the Office for Advocacy and Violence Prevention, that can help individuals tailor an individualized support plan. These primary prevention programs also include a statement that UTRGV prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (see Appendix C). The definitions of dating violence, domestic violence, sexual assault, stalking, consent, and information as to the applicable jurisdiction are provided (see Appendix C).

Students and employees are made aware of the ways to make a report, the procedures the institution follows when one of these crimes is reported and given information as to rights within disciplinary proceedings applicable to students or employees (see Appendix C).

Safe and positive options for bystander intervention include:

- a. reporting sexual misconduct to the Office of Institutional Equity and Diversity, and
- b. direct links to the OIED website, www.utrgv.edu/oied which includes specific bystander intervention approaches, such as:
 - i. **Direct:** This is when someone steps in and directly intervenes to call out the situation, such as, “please stop with the raised voice, I can’t hear myself think.” Be careful if taking a direct approach to not put yourself or the person you are trying to help in danger.
 - ii. **Distract:** Doing anything (safe) that distracts someone else enough from continuing abusive behavior. This can be anything from saying, “Hey, you have something weird on the back of your shirt that is crawling around” to “someone is looking for you in another room.” If someone is distracted looking at, or focused on something else, this leaves room for the person in potential danger to get out of the situation, with you, or a group of friends.
 - iii. **Delegate:** Figure out a safe plan to help someone out of a bad situation with others who have greater social power, such as a party host, security guard, police officer, or group of mutual friends that can keep the situation from escalating and are better equipped to de-escalate the situation.
 - iv. **Delay:** Speaking with the person who is potentially in a distressing situation and asking that person a question like, “Hey, are you okay?” or “Can I do something?,” when a natural opportunity presents itself to speak when it is safe. “Delay” strategies can also take the form of finding others to assist with an intervention and to inform a plan of safe and respectful action. The online training for students also includes short hypothetical videos to demonstrate bystander strategies in action.

Applicable Policies

Policies that address sexual misconduct and gender-based misconduct are UTRGV Handbook of Operating Procedures ADM 03-100: *Non-Discrimination & Complaint Procedure*; ADM 03-300: *Sexual Misconduct*; ADM 03-400: *Consensual Relationships*; and STU 02-100: *Student Conduct and Discipline*. These and other important University policies are publicly available on our University’s website: www.utrgv.edu/hop/

Reporting Sexual Misconduct

The University strongly urges students, faculty, staff, and third parties to report sexual misconduct to the Title IX Coordinator, a Deputy Title IX Coordinator, a Responsible Employee, or University Police. The University Police Department is not contacted when sexual misconduct occurs, unless a victim wishes to make a formal report to PD or there is an emergency threat to health or safety. Victims of sexual misconduct can secure information confidentially through the Office for Advocacy & Violence Prevention, if he or she is not ready to make a formal report to the police. If requested, Campus Security Authorities (CSA) can help victims of sexual misconduct report to law enforcement, but CSAs may also honor a victim’s or survivor’s request not to do so.

If the victim is incapacitated or is unable to make a report, a report should be filed on behalf of the victim. Reporting is best done as soon after the incident as possible but may be done at any time. Individuals also having knowledge of a sex-based crime (including dating violence, domestic violence, and stalking) are strongly encouraged to timely report that crime to the police. These individuals are also encouraged to contact the service providers identified below to discuss options for safe and positive intervention on behalf of the victim.

UTRGV Title IX Coordinators

Role	Position Title	Department Location	Phone
Title IX Coordinator	Chief Institutional Equity & Diversity Officer	Office of Institutional Equity & Diversity EMASS 2.124 - Edinburg Campus	956-665-2453
Deputy Coordinator: Students	Associate Dean for Student Rights & Responsibilities	Student Rights & Responsibilities Cavalry#204 - Brownsville Campus	956-882-5140
Deputy Coordinator: Athletics	Deputy Athletics Director/SWA	Athletics HPE1 1.102 - Edinburg Campus	956-665-2205
Deputy Coordinator: Staff & Faculty	Human Resources Business Partner	Human Resources MASS 2.140 - Edinburg Campus	956-665-3815
Deputy Coordinator: School of Medicine (SOM)	Associate Dean for Student Affairs	SOM Student Affairs EMEBL 1.129A Edinburg Campus	956-296-1414

A complainant can pursue a criminal charge and a University disciplinary charge at the same time; however, students may also choose to pursue a disciplinary complaint without pursuing criminal charges. Complainant support and resources are available even if a victim elects not to pursue criminal charges or University disciplinary action.

The University strongly encourages the prompt reporting of sexual misconduct and power-based violence. Delays in reporting can greatly limit the University's ability to stop alleged misconduct, collect evidence or take effective action against individuals or organizations accused of violating policy.

Declining to File a Report

As noted above, victims and UTRGV students have the right not to file a report, which includes the right to decline to participate in an investigation if someone were to report on their behalf. However, victims are highly encouraged to seek medical attention, including counseling, either on- or off-campus. Victims and students who wish to file a report at some future date may do so by contacting University Police or the Title IX Coordinator.

Please note, a delay in reporting could weaken or result in a loss of evidence used to determine whether an individual is responsible for sexual misconduct.

How to Report

Sexual misconduct reporting options, such as the online reporting form, OIED Report It, are easily accessible and a comprehensive list of ways to report is available on the Office of Institutional Equity & Diversity website: www.utrgv.edu/equity/. Students and employees are directed to this website in writing through email.

The information that is available on the website for students and employees includes:

- information about their rights and options through the sexual misconduct grievance procedure,
- information about the importance of preserving evidence that may assist in proving that the alleged sexual misconduct occurred or that may be helpful in obtaining a protection order and what steps to follow to file for a protective order,
- how and who to contact to make a report,
- information about the option to report to PD or campus authorities and
- the option to receive assistance from an advocate when making a report through the Office for Advocacy and Violence Prevention.

Further, information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community, to the extent identifiable, are also listed on the OIED and OAVP website.

Reports to UTRGV can be made anonymously through the OIED Report It Form.

Confidentiality & Reporting

The degree to which confidentiality can be protected, depends upon whether the individual to whom the sexual misconduct is reported serves as a mandatory reporter. Under Texas law all UTRGV employees are required to report to the Title IX Coordinator or a Deputy Title IX Coordinator conduct reasonably believed to be sexual harassment, sexual assault, stalking or dating violence by or against a student or employee at the time of the incident. In addition, most employees at UTRGV must also report to the Title IX Coordinator all known incidences of sexual misconduct (a broader category of misconduct) committed by or against a student or employee; these employees are referred to as, "Title IX Responsible Employees." All employees should make their mandatory reporting obligation(s) clear, prior to a disclosure, and it is best if complainants ask the person that they outcry to if that individual has any mandatory reporting obligations.

When choosing a reporting resource, please consider that privileged reporting consists of those communications that legally can't be disclosed to any other person without the reporting person's consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the complainant is a minor.

Under state law, UTRGV Confidential Employees are required to report, at a minimum, statistical de-identified information, related to reports of sexual assault, dating violence, stalking and sexual harassment. Confidential Employees include advocates and counselors with OAVP, counselors in Counseling Center, health care providers in Health Services, researchers conducting Institutional Review Board (IRB) approved research studies involving student participants, an employee serving as an advisor for a student respondent or student complainant under ADM 03-300, or pastoral counselors. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee's communications confidential or privileged under other law (such as attorneys) are also considered "Confidential Employees."

Confidential Employees may not include any information that would violate a student's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

A person may speak confidentially (as discussed above and in accordance with ADM 03-300) with:

- Office of Advocacy & Violence Prevention Staff
- University Counseling Center (Counselors, Psychiatrists, or Psychologists)
- University Health Service Medical Staff (Physicians, Nurses, or Nurse Practitioners)
- Off-Campus clergy, counselors, physicians, and certain social service agencies.

Confidential employees report only statistical information. If and when they deem it appropriate, will inform the persons they are counseling on how to report crimes on a voluntary, confidential basis.

Record Keeping

UTRGV maintains all publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, to the extent permissible under law.

Student records of the grievance process are disciplinary records under FERPA. Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA) and included in the employee's official employment record.

Family Educational Rights and Privacy Act (FERPA)

The Family Education Rights and Privacy Act (FERPA) protect students' education records and disciplinary complaints made to the Dean of Students Office. FERPA prohibits the University from releasing these records to persons outside the institution without the students' consent, except in response to lawful subpoena or as otherwise required by law.

Seeking Medical Care/Emergency Room Examination

Any person who has been the victim of a sex-based crime may go directly to the emergency room of any local hospital for medical attention, although it is preferable to go to a medical facility that has dedicated forensic nurses (SAFEs or SANEs) on staff – these are listed below. For life-threatening conditions, call 911, or the University Police Department at 956-882-4911.

Students are not required to criminally prosecute the case or file a police report, unless the sexual assault survivor is a minor. Students also can seek treatment or advice at University Student Health for any medical concerns including: physical exams, treatment of sexually transmitted infections, pregnancy testing, and/or to obtain emergency contraception. All medical information and services provided are considered confidential. However, if a student decides to pursue criminal or civil legal action, the student will be required to sign a Health Service Medical Information Release Form to allow their attorney, the police, or the University to gain access to medical information applicable to the sexual misconduct.

Area hospitals that can provide rape exams and evidence collection are:

Hospital	Directory Information
Doctors Hospital at Renaissance	956-362-8677 5501 S. McColl Rd. Edinburg, TX 78539
Valley Baptist Medical Center	956-389-1100 2101 Pease St., Harlingen, TX 78550

Students are encouraged to have an exam conducted as quickly after the incident as possible.

Medical-Legal Evidence Collection

A person who has been the victim of dating violence, domestic violence, stalking, or sex-based offenses (particularly rape, forcible oral copulation, or sodomy) is urged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. If the sex-based offense occurred within 72 hours, a free and confidential exam can still be administered at local hospitals. However, the sooner sex-based offenses are reported, the more likely evidence will remain.

To help preserve evidence, the victim is encouraged to try to avoid:

- bathing or douching
- washing hands or face
- urinating
- drinking any liquids
- if oral contact has occurred, the complainant is encouraged to refrain from smoking, eating, or brushing their teeth
- if clothes are changed, soiled clothes should be placed in a paper bag (plastic can destroy crucial evidence)

Preserving evidence is important in that it may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

Counseling

Counseling can be obtained following an incident involving sexual misconduct, no matter how much time has elapsed since the incident. On and off-campus resources are available 24 hours a day, 7 days a week for students, faculty and staff members. A list of the available resources can be accessed on the Counseling Center website at: www.utrgv.edu/counseling/services/.

On-campus counseling services are available for students at the Counseling Center located in the University Center Room 109 (Edinburg) or Student Union Room 2.10 (Brownsville).

Counseling services are free and confidential. Counseling services are available for faculty and staff through UT Employee Assistance Program or through psychological services provided through their individual insurance and is confidential. The Rape Crisis Center of Mujeres Unidas/Women Together in McAllen (956-630-4878) or Friendship of Women in Brownsville (956-544-7412) provides emergency services for victims of family violence, legal advocacy, transitional supportive Housing, and other services for survivors of sexual assault, abuse, or incest.

Immediate Response Following a Report of Sexual Misconduct

When a report is received by UTRGV, the University through the Title IX Coordinator, a Deputy Title IX Coordinator or a Title IX Responsible Employee, will first urge the student, staff and faculty to attend immediately to any medical needs. The person making the report is provided information as to medical resources and related support service resources in writing. The complainant, the person making the report, will also be informed of his or her right to file a police report or file a disciplinary complaint against the respondent, the person accused of misconduct, and may be given a copy of ADM 03-300, the sexual misconduct policy, in writing. If desired, the Title IX Coordinator or a Deputy Coordinator will also help that person contact the University Police or the Office for Advocacy and Victim Prevention.

Please note that confidential medical and counseling records regarding the complainant's sexual history is not provided to the respondent and is not admissible at any University disciplinary proceeding.

As noted, supportive measures are also evaluated pursuant to ADM 03-300, such as screens to reduce the likelihood of interactions between a student complainant and student respondent in residence halls, campus buildings, and as relates to student activities.

Timely Warning and Emergency Notifications

If a report of a sex-based offense reveals that there is an immediate threat to the health or safety of students or employees on campus, or that an on-going serious or continuing threat to the campus community exists, a Timely Warning will be issued. The purpose of the Timely Warning is to enable individuals to protect themselves and to increase safety awareness, as well as to seek information that will lead to the arrest and conviction of the perpetrator. The complainant's name and other personally identifiable information will **not** be included in any Emergency Notification or Timely Warning.

Notification of Rights and Options

Following a report of dating violence, domestic violence, sexual assault, stalking, and other forms of sexual misconduct, whether the offense occurred on or off campus, OIED provides the student or employee a written explanation of the student's or employee's rights and options through ADM 03-300 in writing through email. UTRGV's grievance procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking are provided in writing at that time through inclusion of ADM 03-300.

Protective Orders and No Contact Orders

UTRGV complies with Texas law in recognizing Protective Orders through the Crime Victims' Compensation Act. A Protective Order is a civil court order, a violation of which can be a crime, which is issued to protect a person from continuing acts of family violence or stalking. It will direct the abuser to stay a certain distance (usually 200-500 feet) away from the protected person's home, school, or place of employment, prohibit the abuser from committing conduct that would harass or alarm the protected person, and prohibit the abuser from committing further acts of violence or stalking against the protected person. A victim must apply for a Protective Order through the court system; UTRGV Victim's Services (UTRGV Police Department) will assist the victim with starting this process. Detailed information about how to apply for a protective order is provided to the victim on the OIED website www.utrgv.edu/equity/know/protective-orders. If a student or employee has a Protective Order, UTRGV strongly encourages they provide a copy of the Protective

Order to the UTRGV PD who can assist in enforcing the order if necessary. UTRGV may issue an institutional no contact order if deemed appropriate or at the request of the complainant or respondent. If UTRGV receives a report that such an institutional no contact order has been violated, it will initiate disciplinary proceedings appropriate to the status of the respondent (student, employee, etc.) and will impose appropriate sanctions if the respondent is found responsible for violating the no contact order.

Victims have the right to seek assistance from UTRGV PD with respect to enforcement of orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or as issued by UTRGV.

Supportive Measures

OIED provides written notification to victims about the availability of supportive measures and offers supportive measures. Written information about existing on-campus and off-campus support services, which includes contact information for the services to victims when reports are received is also sent.

UTRGV will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of sexual misconduct whether or not a formal complaint is filed with OIED or University Police, when applicable.

Supportive measures may include, but are not limited to, housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, mutual restrictions on contact between the parties, change in work or housing locations, leaves of absences, increased security and monitoring of certain areas of campus or other similar measures tailored to the individualized needs of the parties.

OIED maintains as confidential any supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of OIED to inform the appropriate action and to provide an appropriate supportive measure.

Summary of Sexual Misconduct Administrative Complaint Process

The University responds to all reports, and if appropriate, conducts formal investigations pursuant to ADM 03-300. Investigations are conducted in a fair, prompt, and impartial manner. As needed, the University may adopt remedial measures or sanctions based on the situation. The standard of evidence used when investigating and resolving complaints is the preponderance of the evidence standard.

Rights of the Complainant & Respondent

- Protection under applicable privacy laws (e.g. Title IX & FERPA)
- To be informed of the University's complaint handling and disciplinary process
- No notice when an investigation is initiated simultaneously in writing
- To the presence of an advisor of choice
- An opportunity to respond to findings
- To be informed of the outcome

Preliminary Assessment

- OIED will review all reports that the sexual misconduct policy was violated.
- OIED sends in writing information to the named victim that includes reporting options, the availability of supportive measures, evidence preservation information, and pertinent policies.
- Contact between the two parties will be limited to the extent possible given the circumstances
- If an investigation is opened, the University will also seek and review relevant evidence.
- At the conclusion of the investigation, the University will prepare a report and both parties will be notified.
- When an investigation is initiated and during any stage of the investigation, if the respondent is determined to pose a threat to the physical health or safety, the University may initiate an interim action in the form of student emergency removal or employee administrative leave.

Student Emergency Removal

A student respondent may be removed from UTRGV's education program or activity on an emergency basis if, after an individualized safety and risk analysis, it is determined that such a removal is justified because the respondent poses an immediate threat to the physical health or safety of an individual arising from the allegations of sexual misconduct. Under these circumstances, the Respondent will be notified in writing of the emergency removal from UTRGV's education program or activity by the Dean of Students, and the respondent will have an opportunity to challenge the decision following the emergency removal by directing the challenge within 1 day of receipt of the notification to the Dean of Students. The Dean of Students will respond within 2 days. The Dean of Students decision is final.

Employee Administrative Leave

An employee respondent may be placed on administrative leave, in accordance with UTRGV's policy and procedures on employee administrative leave, during the pendency of a grievance process, as outlined in ADM 03-300.

Investigations

The purpose of investigations, which includes interviewing the parties and witnesses, is to gather and assess evidence. Complainants, witnesses, and respondents are protected from coercion, intimidation, interference, harassment, retaliation, and discrimination for filing a complaint or assisting in an investigation pursuant to ADM 03-300.

Findings

If the University official finds, by the preponderance of the evidence, that the alleged violation did occur, the University will take disciplinary action pursuant to ADM 03-300.

If a policy violation is found against a student, students are afforded an opportunity to appeal. Although procedural requirements are not as formal as those existing in the courts of law, the student conduct disciplinary process provides procedural safeguards for complainant and respondent alike. Both the complainant and the respondent are entitled to the same opportunity to:

- access information that will be considered by a hearing official,
- present relevant witnesses and other evidence, and
- have others present during the hearing and related meetings or proceedings.
- University resources and services, such as counseling and academic support, will be made available to the complainant and respondent.

Disciplinary Proceedings

ADM 03-300 identifies for students and employees the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including: a description of each type of disciplinary proceeding applicable to students and employees, the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding, information about how to file a disciplinary complaint, and how the institution determines which type of proceeding to use based on the circumstances of an allegation (see Appendix C). ADM 03-300 identifies that in cases not involving Title IX Sexual Harassment that the applicable disciplinary policy that applies to students or employees will take effect. The UTRGV disciplinary policies are ADM 04-303 Discipline and Dismissal of Classified Employees, ADM 04-305 Probationary Period for Classified Employees, STU 02-100 Student Conduct and Discipline, and ADM 06-507 Termination of a Faculty Member During Term of Appointment, which are available on our University's website: www.utrgv.edu/hop/

The standard of evidence used with respect to disciplinary proceeding is the preponderance of the evidence standard. UTRV will conduct a prompt, fair, and impartial process from the initial investigation to the final result.

Sanctions

Regardless of whether criminal charges are filed, students found to be responsible for sexual misconduct may be subject to sanctions.

If applicable, possible sanctions and remedies for student respondents, may include:

- a. Educational training;
- b. No shared classes or extra-curricular activities;
- c. Disciplinary probation;
- d. Withholding of grades, official transcript, or degree;
- e. Bar against readmission, bar against enrollment, drop from one or more classes, or withdrawal from UTRGV;
- f. Suspension of rights and privileges, including but not limited to participation in athletic or extracurricular activities;
- g. Denial of degree;
- h. Suspension from UTRGV for a specific period of time. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the UTRGV's procedures when all conditions of the suspension are met;
- i. Expulsion (permanent separation from UTRGV). Expulsion creates a permanent notation on the student's academic transcript;
- j. Revocation of degree and withdrawal of diploma; or
- k. Other sanction(s) or remedies as deemed appropriate under the circumstances.

If applicable, possible sanctions and remedies for employee respondents, may include:

- a. Employment probation;
- b. Job demotion or reassignment;
- c. Suspension with or without pay for a specific period of time;
- d. Dismissal or termination;
- e. Ineligible for rehire; or
- f. Other sanction(s) or remedies as deemed appropriate under the circumstances.

Sanctions may vary depending on the severity of the violation and the accused's conduct history. The sanctions for non-consensual sexual intercourse also depend on the record and the violation, which may include expulsion, suspension, removal from campus housing, educational intervention, no-contact orders, loss of privileges, and restrictions from participating in extracurricular activities.

- Both the complainant and the respondent will be informed in writing of the outcome of each stage of the disciplinary proceedings.
- Both the complainant and the respondent may appeal based on the grounds specified using the appeal process specified or ADM 03-300, as applicable.

Disclosure of Results of Disciplinary Proceedings Policy Statement

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the 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 purposes of this paragraph.

Sexual Misconduct Training for Key Personnel

All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over Sexual Misconduct hearings and appeals receive training each academic year about applicable prohibited conduct, grievance processes, due process, and policies related to Sexual Misconduct.

All investigators receive appropriate training regarding issues related to prohibited sexual misconduct and gender-based discrimination and on how to conduct investigations that are equitable, impartial, and that promote safety and accountability.

Important University Definitions Specific to Sexual Misconduct

The definitions specific to sexual misconduct (listed in Appendix A) are the definitions adopted by the University, in accordance with policy ADM 03-300 Sexual Misconduct. Please note that in any criminal action brought by law enforcement, the criminal definitions would apply.

UTRGV recognizes that two consenting adults should be free to conduct a personal relationship if they so wish when the relationship does not interfere with the goals and policies of UTRGV; however, some romantic, dating, or sexual relationships, although consensual, do create conflicts of interests. UTRGV has established policy, ADM 03-400 Consensual Relations and can be found at www.utrgv.edu/hop/policies/adm-03-400.pdf.

Texas State Law Definitions

If a person would like to press criminal charges for an alleged violation of a criminal law, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply, not the definitions used in our University policies, identified above.

These definitions are not used for the purpose of reporting Clery Act statistics.

(Clery Crime definitions are listed in Appendix A).

Texas Family Code Sec. 71.004. FAMILY VIOLENCE

Family violence means:

- An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code.

Texas Family Code Sec. 71.003. FAMILY

“Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Texas Family Code Sec. 71.0021. DATING VIOLENCE

“Dating Violence” means an act, other than a defensive measure to protect oneself, by an actor that:

- Is committed against a victim or applicant of a protective order:
 - with whom the actor has or has had a dating relationship; or
 - because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

- is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

Texas Penal Code Sec. 22.011. SEXUAL ASSAULT

A person commits an offense if the person:

- Intentionally or knowingly:
 - Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- Intentionally or knowingly:
 - Causes the penetration of the anus or sexual organ of a child by any means;
 - Causes the penetration of the mouth of a child by the sexual organ of the actor;
 - Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT

A person commits an offense if the person:

- Intentionally or knowingly:
 - causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- Intentionally or knowingly:
 - causes the penetration of the anus or sexual organ of a child by any means;
 - causes the penetration of the mouth of a child by the sexual organ of the actor;
 - causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and,
 - causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
 - by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
 - by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
 - uses or exhibits a deadly weapon in the course of the same criminal episode;

- acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or
- administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;
- the victim is younger than 14 years of age; or
- the victim is an elderly individual or a disabled individual.

CONSENT: Texas defines consent in this context by defining what “without the consent of the other person” means. A sexual assault or aggravated sexual assault under Texas law is **WITHOUT CONSENT** if:

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

Texas Penal Code Sec. 42.072. STALKING

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
 - Bodily injury or death for the other person;
 - Bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - That an offense will be committed against the other person's property;
- Causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and,
- Would cause a reasonable person to:
 - Fear bodily injury or death for himself or herself;
 - Fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - Fear that an offense will be committed against the person's property; or
 - Feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

10. Missing Student Notification Polices

Should anyone believe that a student is missing within (24) hours, they should **immediately** contact the University Police Department and a Residence Life or Student Affairs staff member.

When resident students move into their residence halls, they are given the opportunity to identify a person that UTRGV shall notify within twenty-four (24) hours of a determination by the University Police Department or appropriate police authorities that the student is missing. Student contact information can be updated on the My.UTRGV.Edu – Assist and is kept confidential. Unless otherwise required by law, contact information will only be accessible to authorized campus officials and law enforcement personnel as part of a missing person investigation. However, should an un-emancipated student under the age of eighteen be determined as missing, in addition to notifying the designated contact person, the University is required, by law, to notify the custodial parent or guardian within twenty-four (24) hours of such determination. The University Police Department will immediately investigate the official missing student report. If the student is not located during the ensuing twenty-four (24) hours, or sooner as conditions may dictate, the University will notify the appropriate police authorities as well as the student's confidential contact person (and/or parent as necessary.)

For the complete policy please read STU 01-400: *Notification Regarding Missing Resident Students* at: www.utrgv.edu/hop/policies/stu-01-400.pdf

11. Safety Tips

Whether on campus or any public place, here are some general safety tips to keep in mind:

- Travel in groups-often there is safety in numbers. If you are going to separate from your group, tell someone when you will return. Take a cell phone with you.
- Park in well-lit areas.
- If you feel threatened, cross the street or enter a store or business.
- Have your keys in hand as you approach your car. Check under the car and the back seat before you enter.
- Alcohol and other drugs can impair your perceptions and decision-making. Do not place yourself in a vulnerable position by being intoxicated or under the influence of other drugs.
- If you do drink, set a limit and stick to it. Don't drink on an empty stomach. Also: don't leave a drink unattended. If you are away from your drink any amount of time, toss it. It's not worth the risk.

Out & About

- **Use the CampusShield Mobile App** to request the **Safe Walk** program. Officers will walk students between campus locations 24 hours a day, 7 days a week. Call 956-882-7777 to request the service. Check out how to download and other App features at www.utrgv.edu/police/services/mobile-app/
- If you feel threatened or if you want to report something suspicious, use one of the **Emergency Phones** on campus. The phones, distinguished by their blue lights, connect directly to the University's Police Communications Center 24 hours a day.
- Program the University's police emergency number line into your cell phone: **956-882-4911** or call 911.
- Notify the University Police Department if you notice anything suspicious or unusual.

In the Residence Halls

- **Always** lock your door; even when you are sleeping or just going down the hall.
- **Report** lost or stolen residence hall keys immediately to your residence hall staff.
- **Report** any malfunctioning locks, doors, or windows to your residence life staff.
- **Do not** allow strangers to enter your room or your residence hall.
- **Do not** prop any exterior doors open to allow unescorted visitors into the residence hall.
- **Do not** leave your keys lying around in your room when you are not in the room.
- **Do not** leave messages on your door about when you will be returning to your room.

Living in Off-Campus Housing

- **Always** lock doors and windows. Many times thieves enter through unlocked doors and windows. Ask your landlord to install a deadbolt, if one is not present.
- **Do not** answer the door in the middle of the night unless you are expecting someone. Ask your landlord to install a peephole in your front door. If you see someone unexpected at your door during the overnight hours, call 911.
- If you are leaving home, leave on a light or a radio or a TV to make it appear that someone is home.
- Let the University Police Department know if a streetlight is out.

12. Emergency Preparedness

Emergency Response Procedures

The UTRGV Office of Emergency Management (OEM) www.utrgv.edu/emergencypreparedness/ is committed to openly engaging the university community in preparation, response, recovery and mitigation of emergencies through an all-hazards approach. OEM's highest priority is to help provide a safe and secure environment for UTRGV students, faculty, staff, and visitors. The Office of Emergency Management works cooperatively with all members of the UTRGV community, University of Texas System, Texas Division of Emergency Management, Cameron County and Hidalgo County Emergency Management, City of Brownsville Office of Emergency Management and City of Edinburg Fire Department to achieve this objective.

To further enhance safety/security OEP has established an Emergency Operations Plan (EOP) which is available at: www.utrgv.edu/emergencypreparedness/files/documents/emergency-operations-plan.pdf, with threat specific annexes to provide a comprehensive, all-hazards approach to emergency management. The EOP is an operational plan that establishes policies, procedures, responsibilities, and organizational structure to be implemented during emergencies and disasters, both during campus-wide emergency planning and during an actual emergency incident. OEP encourages the university community to stay engaged in preparedness by knowing what types of threats/hazards are of concern on campus, how to prepare for and respond to emergencies, and the importance of staying informed during an emergency.

UTRGV Incident Management Team

UTRGV has also established an Incident Management Team (IMT) to carry out its EOP in the event that it is activated. Large-scale emergencies require a coordinated response effort between the University and local emergency response agencies. The IMT is comprised of members from the following divisions:

- Academic Affairs, Student Success, and P-16 Integration
- Athletics
- Deputy President
- Finance & Administration
- Governmental and Community Relations
- Health Affairs & Dean, School of Medicine
- Research, Graduate Studies & New Program Development

and other supporting departments. During an actual emergency, the IMT evaluates information from various sources and provides feedback and support to the Emergency Management Coordinator. The IMT's support role during an emergency incident is carried out in UTRGV's Emergency Operations Center (EOC) or remotely via phone. The UTRGV Emergency Management Coordinator is responsible for overall management of the IMT operations.

Emergency Response

The UTRGV Police Department (UTRGV PD) is the primary first responder to any emergency situation on all UTRGV campuses. University and city emergency responders, such as UTRGV's Environmental Health, Safety and Risk Management (EHSRM), City Fire Departments, and City Police Departments among others, may also respond to the emergency scene depending on the scope of the emergency. UTRGV's OEP has developed an Emergency Reference Guide

(ERG) which is available on the OEP webpage: www.utrgv.edu/emergencypreparedness/files/documents/emergency-desk-ref-guide-utrgv.pdf. The ERG provides information regarding protective actions to be taken during emergencies, such as an active shooter incident, suspicious package discovery, tornadoes and severe weather, hazardous materials, and medical emergencies among other situations. The ERG outlines how to shelter-in-place and what to do during an evacuation. It also provides emergency contact phone numbers.

Evacuations

In most cases, evacuations apply only to buildings immediately affected. In some cases, the evacuation could apply to the entire campus. Some potential causes for emergency evacuations may include, but are not limited to a major fire or explosion, hazardous materials release, structural failure, bomb threat, chemical/biological/radiological spill. Evacuations are typically prompted by continually sounding fire alarms or by an official announcement through UTRGV's emergency notification system, and are advised not to re-enter the building until the all-clear is given by either UTRGV PD or by an official announcement via UTRGV's emergency notification system.

Confirmation of an Emergency or Dangerous Situation

To confirm a significant emergency or dangerous situation is occurring on campus, UTRGV police officers are dispatched to the location where the incident has been reported. If responding officers confirm by way of investigation or observation that a significant emergency or dangerous situation is occurring, the police field supervisor will ensure that appropriate UTRGV officials are notified by the UTRGV police dispatch center.

Emergency Notifications

UTRGV automatically enrolls students, faculty, and staff into UTRGV's emergency notification system with contact information (university email address and mobile number) provided to the institution. Given UTRGV's distributed campus model, notifications do not get segmented to specific populations or UTRGV locations.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate life safety threat to students, faculty, or staff occurring on any UTRGV campus, the UTRGV Police Communication Operators or the UTRGV Emergency Management Coordinator will, without delay, notify the entire campus community. An emergency notification will be sent to the entire campus community through UTRGV's Emergency Notification System, unless in the professional judgment of emergency response officials, the notifications will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

UTRGV uses a single mass notification system with pre-scripted fill in the blank notification templates that have been developed and approved by UTRGV PD and OEM to create and disseminate emergency notifications via:

- Cell phone
- Text message
- University email address
- Desktop notification to University-managed desktops or computers
- University's official Facebook and Twitter page.

An official "all clear" message will be issued by the same mass notification system after emergency has been concluded.

Guests visiting UTRGV can enroll into receiving emergency notification text messages by texting a specific "hashtag phrase" to 888-777, this information is given to event and camp coordinators to distribute to event or camp attendees.

OEP staff and UTRGV Police Communication Operators are trained on how to activate the emergency notification system, develop messages and alerts, and are authorized to send an Emergency Notification to the UTRGV campus community without prior administrative approval if any significant emergency or dangerous situation were to occur on campus. UTRGV administrators will be promptly notified and briefed by the Chief of Police, or the designee, of any major incidents.

Some examples of significant emergencies or dangerous situations may include, but are not limited to the following:

- Outbreak of meningitis, norovirus;
- Fire;
- Tornado;
- Gas leak;
- Armed intruder;
- Bomb threat;
- Civil unrest or rioting;
- Explosion; and
- Nearby chemical or hazardous waste spill;

The Office of Emergency Management (OEM) administers and conducts monthly testing of the emergency notification system.

The University will also post information on its homepage at www.UTRGV.edu. UTRGV's University Marketing and Communications is charged with notifying the media in the event of an emergency. Follow-up information will be posted to the University's website and provided to the media as available.

Emergency Preparedness Exercises

UTRGV's Emergency Management Coordinator develops emergency preparedness exercises and coordination activities to test emergency plans and capabilities. These preparedness exercises provide the university's emergency responders and Incident Management Team members the opportunity to learn their roles, responsibilities, and procedures before an actual emergency. All exercises are designed using the Homeland Security Exercise and Evaluation Program (HSEEP) methodology to ensure consistency with the National Incident Management System and Incident Command System. Emergency exercises are evaluated with after action reports, meetings, and identify discussion of lessons learned to explore new or improved means of coordination before, during, and after an emergency at any UTRGV campus.

Emergency preparedness exercises typically including participants from local, county and state, emergency management and emergency response agencies. Exercise reports and documentation are maintained internally with UTRGV's OEM along with UTRGV's Emergency Operations Plan and related response annexes.

Emergency preparedness Full-Scale Exercises are conducted annually and announced to the campus community via university email, text message, and is published on the main UTRGV Facebook and Twitter page. To avoid panic or confusion local news media and local, county and state, emergency management and emergency response agencies are advised of these exercises in advance of the full-scale exercise date and are advised of the start and finish time.

Emergency preparedness functional exercises, which include tabletop exercises or workshops are only announced to exercise participants and not to the campus community as these do not interfere with day-to-day campus operations.

Timely Warnings

In the event that a crime occurs on University controlled locations, or on surrounding public property, and in the judgment of the University Police Department the crime constitutes a serious or on-going threat to the campus community, a Timely Warning will be drafted and issued by the University Police Department. The Timely Warning will then be published electronically via the UTRGV email Listserv to all current University students, faculty, and staff. The purpose of a Timely Warning is to provide individuals information about the incident that will: enable persons to protect themselves; heighten safety awareness; aid in the prevention of similar crimes; and seek information that will lead to an arrest and conviction of the perpetrator.

Whether an incident triggers the need for a Timely Warning is considered on a case-by-case basis. Factors that are considered include: the type of alleged crime (including whether the offense is a Clery reportable offense); the facts of the incident (including where and when the incident occurred); when the incident was reported; and the extent of

information known by the University Police Department. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UTRGV community members and a Timely Warning would not be necessary. In cases involving sexual assault, if the report of the assault is reported long after the incident occurred, there may not be the ability to distribute a “timely” warning notice to the community.

Every attempt will be made to distribute a Timely Warning soon after the incident is reported; however, the release of the Timely Warning is subject to the availability of facts concerning the incident.

UTRGV may also follow the Timely Warning process for crimes that are not categorized as Clery crimes and crimes that occur outside UTRGV’s Clery geography if it is determined the incident represents a serious or continuing threat to the UTRGV Community.

UTRGV is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Timely Warning emails typically include:

1. Date and time or timeframe of the incident
2. A brief statement of the incident
3. Physical description of the suspect, if available
4. Other relevant and important information
5. Appropriate safety tips
6. UTRGV Police contact information

Timely Warnings shall not include the names of complainants or personally identifiable information.

Emergency Notifications V. Timely Warnings

If there is an immediate threat to the health or safety of students or employees occurring on campus, UTRGV will follow its emergency notification procedures. No Timely Warning based on the same circumstance will be issued. However, follow-up information will be disseminated to the community as needed.

Additional Communication

In the event of a significant on-campus emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty or staff, the University will also post information on its homepage at www.UTRGV.edu. UTRGV’s University Marketing and Communications is charged with notifying the media in the event of an emergency. Updated information will be posted to the University’s website and provided to the media as available.

13. Sex Offender Registry Information

The Texas Department of Public Safety (DPS) maintains the Sex Offender Registration Database for the State of Texas. All sex offenders in the State of Texas are required by Chapter 62 of the Texas Code of Criminal Procedure to register with the local law enforcement agency where they reside. This information is then placed in the Texas DPS sex offender database which may be accessed by the public at: <https://publicsite.dps.texas.gov/SexOffenderRegistry/Search>.

Sex offenders who are enrolled at UTRGV must notify the University Police Department every semester. The University Police department tracks all sex offenders currently attending and/or enrolled at the university.

14. Drug Free School and Communities Notice

General Information

UTRGV is a drug-free school and complies with the Drug Free Work-place Act of 1990. The Drug Free School and Communities Act of 1989 requires institutions of higher education to adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol. Information concerning these programs must be distributed to students annually. For information regarding these policies, please refer to the Drug Free School and Communities Act provided by the Office Student Rights & Responsibilities at: www.utrgv.edu/srr/files/documents/srr-drug-free-school-and-communities-notice.pdf

UTRGV is committed to maintaining a safe and healthy environment for the campus community. Alcohol and other drugs should not interfere with the University's educational mission. All UTRGV students, faculty members, staff members, administrators, and visitors are subject to local, state, and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs. University Police will investigate violations of State and Federal drug laws to file charges and/or refer for administration disciplinary action.

Federal and state laws and The Rules and Regulations of the Board of Regents of The University of Texas System require UTRGV to develop policies and enforce sanctions related to the abuse of alcohol and other drugs. These policies and sanctions are only one aspect of the university's initiative to develop a campus community in which alcohol and drugs do not impede the educational mission of the institution.

UTRGV consistently enforces disciplinary sanctions for violations of standards of conduct related to alcohol and drug use through a broad spectrum of enforcement policies that are implemented institution wide.

Associated Risks of Substance Abuse and Penalties (*detailed in Appendix B)

Alcohol

Effects of Occasional and Extended Use:

Liver disease, heart disease, pancreatitis, cirrhosis of the liver, hepatitis, Fetal Alcohol Syndrome, slowed reaction, high blood pressure, stroke, birth defects, cancer of the esophagus, mouth, throat, and larynx (voice box), breast cancer, colon cancer, rectal cancer, unconsciousness, memory loss, impotence, weight gain, premature aging, bad breath, infertility, heart attacks, stomach ulcers, and colitis.

Marijuana

Effects of Occasional and Extended Use:

Memory and learning difficulties, distorted perception; difficulty in thinking and problem solving; loss of coordination; increased heart rate, heart attack, burning and stinging of the mouth and throat, heavy cough, respiratory illnesses, cancer of the respiratory tract and lungs, decreased immune system functioning, depression, anxiety, personality disturbances, altered neurological development in infants, drug craving, irritability, sleeplessness, and increased aggression.

Cocaine & Crack Cocaine

Effects of Occasional and Extended Use:

Constricted peripheral blood vessels, dilated pupils, increased temperature, heart rate, and blood pressure, restlessness, irritability, anxiety, paranoia, depression, ulceration of the mucous membrane of the nose, cardiac arrest or seizures, and respiratory arrest.

Heroin, Opium, Morphine, Codeine and Demerol

Effects of Occasional and Extended Use:

Fatal overdose, spontaneous abortion, collapsed veins, infectious diseases including HIV/AIDS and hepatitis, infection of the heart lining and valves, abscesses, cellulitis, liver disease, pulmonary complications, pneumonia, cellular tissue death, malnutrition, low blood pressure, and seizures.

Lysergic Acid Diethylamide (LSD), Phencyclidine (PCP)

Effects of Occasional and Extended Use:

Dilated pupils, higher body temperature, loss of appetite, sleeplessness, dry mouth, tremors, blocked speech, psychosis, extreme image distortion, violent behavior, flashbacks, hallucinations, increased heart rate and blood pressure, flushing, sweating, dizziness, numbness, drowsiness, convulsions, coma, heart and lung failure, ruptured blood vessels in the brain, death, affects memory, perception, concentration and judgment, paranoia, fearlessness, anxiety, may affect hormones related to growth, nausea, blurred vision, vomiting, drooling, loss of balance, delusions, catatonia, depression, and weight loss.

MDMA (Ecstasy)

Effects of Occasional and Extended Use:

Confusion, depression, sleep problems, severe anxiety, paranoia, muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, chills or sweating, increases in heart rate and blood pressure, brain damage, drug craving, rapid eye movement, acne-like rash, liver damage, Parkinson's disease – stimulant (like amphetamine) and hallucinogenic (like LSD) effects.

Barbiturates and Tranquilizers

Effects of Occasional and Extended Use:

Shallow breathing, slurred speech, sluggishness, fatigue, disorientation, lack of coordination, dilated pupils, disinhibition, sleepiness, impairs memory, judgment and coordination, irritability, paranoid and suicidal ideation, depression of the respiratory center in the brain resulting in death, tremors, elevated blood pressure and pulse, sweating, seizures, emotional instability, vision problems, sexual dysfunction, chronic tiredness, menstrual irregularities, breathing disorders, hallucinations, vomiting, sleep, and eating disorders.

Gamma Hydroxy Butyrate (GHB)

Effects of Occasional and Extended Use:

Coma and seizures, nausea and difficulty breathing, insomnia, anxiety, tremors, sweating, and unconsciousness.

Rohypnol ("Roofies")

Effects of Occasional and Extended Use:

Amnesia, death, muscle reaction, seizures, dependence, blackouts, dizziness, disorientation, nausea, decreased blood pressure, visual disturbances, gastrointestinal disturbances, urinary retention, headache, muscle pain, extreme anxiety, tension, restlessness, confusion, irritability, numbness, tingling, loss of identity, hallucinations, delirium, convulsions, shock, and cardiovascular collapse.

Ketamine ("Special K")

Effects of Occasional and Extended Use:

Dream-like states and hallucinations, delirium, amnesia, impaired motor function, high blood pressure, depression, and potentially fatal respiratory problems.

Inhalants

Effects of Occasional and Extended Use:

Unconsciousness, heart failure and death, suffocation, hearing loss, peripheral neuropathies or limb spasms, central nervous system or brain damage, bone marrow damage, liver and kidney damage, blood oxygen depletion, and Kaposi's sarcoma.

Note: *Distribution of controlled substances in or near schools and colleges can result in penalties twice the regular penalty for the same offense. Trafficking in drugs can result in forfeiture of property including motor vehicles, vessels, money, real property, and other personal property.*

Note: *Use of ANY controlled substance to aid in committing a crime of violence (including sexual assault) is a violation of federal law that could be prosecuted in addition to the underlying crime. Penalties may be as great as 20 years in prison*

with the penalties increased if the perpetrator has a prior conviction or if death or serious bodily injury results from the use of the controlled substance.

University Sanctions – Students

Alcohol

Unauthorized consumption, possession or distribution of alcohol is a violation of Student Conduct and Discipline STU 02-100. Sanctions may include, but are not limited to, attendance at workshops, educational sanctions, disciplinary probation, and removal from the residence halls, including loss of privileges, suspension, dismissal, and other sanctions appropriate to the violation. The use of alcoholic beverages must comply with Texas law and is strictly limited to persons 21 years of age or older. The possession, transportation, and/or consumption of alcohol by individuals less than 21 years of age is strictly prohibited. UTRGV police officers enforce laws regulating the use of alcoholic beverages and underage drinking. Officers may issue court appearance citations or affect an arrest if required by law. In addition, student violators are referred to the Student Rights and Responsibilities office and Housing and Residence Life as appropriate.

Drugs

Possession, use or distribution of marijuana or any narcotic, hallucinogenic or other drug in either the refined or crude form which is prohibited by law is a violation of STU 02-100 Student Conduct and Discipline. Sanctions may include, but are not limited to, attendance at workshops, educational sanctions, disciplinary probation, and removal from the residence halls, including loss of privileges, suspension, dismissal, and other sanctions that may apply upon return to campus as deemed appropriate to the violation.

University Sanctions –Employees

Alcohol

Employees who are under the influence, possess, use or furnish alcohol to a minor violates University policy ADM 04-109: *Alcohol and Drug Free Workplace* www.utrgv.edu/hop/policies/adm-04-109.pdf and may receive appropriate sanctions, up to and including termination.

Drugs

Possession or use of illegal drugs on University property or any other property where University business is being carried out is a violation of University policy. Unlawful manufacture, distribution, dispensing, possession, or use of any drug or controlled substance is a violation of University policy. Employees who violate these rules may be subject to sanctions up to and including termination.

For more information about the University's Alcohol Policy and the University's Drug Free Workplace Policy visit the Office of Student Rights and Responsibilities webpage at: www.utrgv.edu/srr/.

Resources

Students

Information and services are available for students at:

Student Health

Edinburg: 956-665-2511

Brownsville: 956-882-3896

Substance Abuse Services are provided through the Counseling Center

Edinburg: 956-665-2574

Brownsville/Harlingen: 956-882-3897

Services offered include triage, intake, screening, and assessment for substance abuse, mental health, and co-occurring problems. Services also include individual and group counseling for issues related to abuse, addiction recovery, and recovery maintenance. These services include referrals for education and other support services within the University community and the community at large. All clinical services in substance abuse are provided by an experienced and licensed addiction therapist.

In addition, peer-to-peer education and prevention is provided by the Super Hero Project and HEADSUP peer education group which provides educational programs and activities such as:

- Health Info Fairs
- Sexual Responsibility Under the Influence
- ACOA Syndrome Awareness
- Arrive Alive
- Sexual Assault Awareness Month and events such as National Collegiate Alcohol Awareness Week and Safe Spring Break Week

The Peer education group HEADSUP is focused on promoting a positive campus community that reflects the attitudes, behaviors, and values of a healthy lifestyle.

On Campus Support and Resources (available to students)

Office	Contact Information Edinburg	Brownsville/Harlingen
Counseling Center	956-665-2574	956-882-3897
Student Health	956-665-2511	956-882-3896
Collegiate Recovery Program	956-665-2674	956-882-3897
University Police Department	956-882-7777	956-882-7777

Employees

The UT Employee Assistance Program (UTEAP) is a service available to all employees of UTRGV. It provides confidential, professional assistance to help employees and members of their household resolve problems that affect their personal lives or job performance, including assistance with alcohol and other drug abuse concerns.

For more information, contact Human Resources Benefits Administration or visit the UTEAP website www.uth.edu/uteap/.

Community Resources

Office	Contact Information	Location
Palmer Drug Abuse Program	956-687-7714	115 N. 9 th Street, McAllen, TX 78501
Behavioral Health Solutions of South Texas (most commonly known as Rio Grande Valley Council)	956-787-7111	5510 N. Cage Blvd, Pharr, TX 78577
Tropical Texas Behavioral Health	956-289-7000 or 1-800-813-1233 Crisis Hotline 1-877-289-7199	1901 S. 24 th Avenue, Edinburg, TX 78539
Tropical Texas Behavioral Health	956-547-5400 1-800 813-1233 Crisis Hotline 1-877-289-7199	861 Old Alice Rd, Brownsville, TX 78520
Tropical Texas Behavioral Health	956-364-6500 800-813-1233 Crisis Hotline 1-877-289-7199	103 N Loop 499 Harlingen, TX 78550
Tropical Texas Behavioral Health	956-520-8800 1-800 813-1233 Crisis Hotline 1-877-289-7199	2215 W. Business 83 Weslaco, TX 78596

Office	Contact Information	Location
South Texas Behavioral Health	956-388-1300 1-888 977-1400	2102 W. Trenton Rd Edinburg, TX 78539
Valley AIDS Council	956-668-1149	300 S. 2 nd Street Suite 101 McAllen, TX 78501
Valley AIDS Council	956-541-2600	857 E. Washington, Suite G, Brownsville, TX 78520
Valley AIDS Council	956-428-2653	2306 Camelot Plaza Harlingen, TX 78550
Mujeres Unidas	956-630-4878 1-800-580-4879	511 N. Cynthia St, McAllen, TX 78501
Lower Rio Grande Valley Alcoholics Anonymous	Help Line 1-888-880-9718	www.lowrgvaa27.org
Narcotics Anonymous – Lower Rio Grande Valley	956-949-1900 Help Line 1-800-407-7195	www.drugstrategies.org

Hotlines/Online Resources

Title	Contact Information	Website
SAMHSA's National Helpline	1-800-662-HELP (4357)	www.samhsa.gov/find-help/national-helpline
National Suicide Prevention Lifeline	1-800-273-TALK (8255)	suicidepreventionlifeline.org
Behavioral Health Treatment Services Locator	Online Resource	findtreatment.samhsa.gov/
RAINN Hotline	800-656-HOPE (4673)	www.rainn.org/
Mujeres Unidas Hotline	1-800-580-4879	mujeresunidas.org
Not Alone – Together Against Sexual Assault	Online Resource	www.justice.gov/ovw/protecting-students-sexual-assault
National Sexual Assault Hotline	1-800-656-4673	www.rainn.org/about-national-sexual-assault-telephone-hotline
Love is Respect	1-866-331-9474	www.loveisrespect.org
National Domestic Violence Hotline	1-800-799-7233	www.thehotline.org/

15. Fire Safety Report

The Higher Education Opportunity Act (HEOA) was signed into law in August 2008 and contains several crucial campus safety components. One of the main provisions of the HEOA is the Campus Fire Safety Right-to-Know Act, which calls for all Title IV eligible institutions that participate in Title IV programs and maintain on-campus student housing facilities to publish an annual fire safety report that outlines fire safety systems, policies, practices, and statistics.

The Fire Safety information contained in this section is available by visiting the Environmental Health, Safety & Risk Management (EHSRM) office:

Edinburg: 501 N Sugar Road, Edinburg TX 78539, Phone: 956-665-3690

Brownsville: 2671 FJRM Avenue, Brownsville TX 78520, Phone: 956-882-5930

Reporting Fires and Evacuation

The following outlines the specific instructions in the event you discover a fire:

- If a fire is noticed, make the decision to extinguish the fire or immediately exit the building.
- **Do not** try to extinguish the fire unless you have access to an inspected fire extinguisher, and you have been properly trained in the use of the fire extinguisher.
- **Do not** fight the fire if it is already beginning to spread beyond the location where it started, if you can't fight the

fire with your back to an exit, or if the fire can block your only exit.

- If you are successful in extinguishing the fire, immediately notify the University Police Department.
- If you choose to exit the building, on the way out of the building, pull a fire alarm system pull station. It may be necessary to break the glass or raise the pull station cover to pull the alarm. **Remember that an alarm may also sound when the pull station cover is raised, however, the main alarm is not sounded in this case and it is necessary to activate the alarm.** Some common locations of pull stations are at stairwell doors and exits. By sounding the alarm, occupants of the building are notified of a fire hazard and should evacuate the building. In addition, the University Police, EHSRM, and local Fire Departments are notified immediately if the alarm is sounded.
- Ensure that you make yourself available to the appropriate authorities to provide information regarding the location and source of the fire.

Have an Exit Strategy

UTRGV continued the Have an Exit Strategy program which promotes self- awareness and self-responsibility by the students, staff and visitors at UTRGV. In addition to public safety, adopting and utilizing this program assists UTRGV in meeting the requirements for the Federal Legislation on University Fire Safety as well as the Texas Legislation of Risk Management for Campus Organizations.

Reported Fires

The following table is a compilation of fires that occurred at each on-campus housing facility during the previous three completed calendar years. It includes statistics outlining the number of fires, the cause of each fire, the number of injuries and deaths related to the fire and the value of property damage related to the fire.

Statistics and Related Information Regarding Fires in Residential Facilities for 2018-2020

Residential Facilities	Total Fires 2018	Total Fires 2019	Total Fires 2020	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Heritage Hall 410 N. Sugar Rd. <i>Edinburg Campus</i>	0	0	0	n/a	n/a	n/a	n/a	n/a
Troxel Hall 424 N. Sugar Rd. <i>Edinburg Campus</i>	0	0	0	n/a	n/a	n/a	n/a	n/a
Unity Hall 509 N. Sugar Rd. <i>Edinburg Campus</i>	0	0	0	n/a	n/a	n/a	n/a	n/a
Village Apartments 603 N. Sugar Rd. <i>Edinburg Campus</i>	0	0	0	0	n/a	n/a	n/a	n/a
Casa Bella 2651 FJRM Ave <i>Brownville Campus</i>	0	1	0	1	Unintentional stovetop fire.	None	None	\$0 - \$99

The Daily Fire Log is available for public inspection and a hardcopy upon request at the University Police Departments:

Edinburg: 501 N Sugar Road, Edinburg TX 78539
 Brownsville: 2671 FJRM Avenue, Brownsville TX 78520
 Harlingen: 2102 Treasure Hills Boulevard, Harlingen TX 78550

UTRGV Residence Halls, Annual Number of fire drills, and Designated Assembly Areas

Casa Bella, Heritage Hall, Troxel Hall, and Unity Hall are fully equipped with automatic wet sprinkler systems, an automatic fire alarm system, audio visual devices, heat and/or smoke detectors, etc., in all required areas. Hard-wired smoke detectors are included in each dorm room. For redundancy, the fire alarm system in each one of the facilities is directly wired to both the University Police Headquarters and a central monitoring station. All systems are in compliance with the current regulatory requirements. Each hall is equipped with fire extinguishers in common areas. Fire extinguishers are inspected monthly, annually and provided a 6-year maintenance and a 12-year hydrostatic testing or recharging when needed.

The Village Apartments are equipped with a fire extinguisher in the kitchen area and outside each apartment, and hard wired smoke detectors near the sleeping areas. A general fire alarm system is activated by a pull station located outside each residential unit. This system is inspected annually. Fire extinguishers are inspected monthly, annually and provided a 6-year maintenance and a 12-year hydrostatic testing or recharging when needed. Each smoke detector is cleaned, inspected and tested for operation annually. All residents are requested to notify the Resident Assistant if there are problems with the smoke detectors or if the fire extinguisher has been discharged.

Student Housing Fire Safety Systems Chart:

Residence Halls	Number of Beds	Sprinkler or Fire Suppression	Sprinkler in Storage and Trash Room	Detection Type (Heat/Smoke)	Fire Alarm Sound	Strobe Lights
Heritage Hall 410 N. Sugar Rd. <i>Edinburg Campus</i>	192	Yes	Yes	Smoke	Yes	Yes
Troxel Hall 424 N. Sugar Rd. <i>Edinburg Campus</i>	24	Yes	Yes	Smoke	Yes	Yes
Unity Hall 509 N. Sugar Rd. <i>Edinburg Campus</i>	396	Yes	Yes	Heat & Smoke	Yes	Yes
Village Apartments 603 N. Sugar Rd. <i>Edinburg Campus</i>	212	No	No	Smoke	Yes	Yes
Casa Bella 2651 FJRM Ave <i>Brownville Campus</i>	319	Yes	Yes	Heat & Smoke	Yes	Yes

All residence hall advisors and camp counselors are trained to be evacuation assistants. Training is conducted at the beginning of the fall, spring, and summer semesters. When the fire alarm is activated, the evacuation assistants are trained to guide all residents to the nearest exit and assemble 150 feet away from the building upwind of any fire and away from any emergency crews, to pre-determined assembly areas. Assembly areas are subject to change, however, depending on the circumstances related to the fire. Evacuation assistants are required to wear orange vests so they can be easily identified and provide appropriate information to the emergency crews upon arrival to the scene of the fire. All residents are mandated to immediately evacuate the building by following the fire drill procedures outlined in the UTRGV Emergency Response Plan and the UTRGV Guide to Campus Living.

UTRGV conducts a minimum of three fire drills in each occupied residence hall per academic year. A drill is conducted in the summer, fall, and spring semesters. Additional fire drills are conducted to address the camps that are held on the UTRGV campus in the summer session to ensure that new employees and children attending camps are familiar with the fire safety policies at the University.

The following table outlines:

- student housing locations,
- the minimum number of drills conducted in each location on an annual basis,
- and the designated assembly area.

Residence	2020 # of Fire Drills	Assembly Area(s)
Heritage Hall 410 N. Sugar Rd. <i>Edinburg Campus</i>	0 (no drill conducted due to Covid-19)	East side towards the covered walkway.
Troxel Hall 424 N. Sugar Rd. <i>Edinburg Campus</i>	0 (no drill conducted due to Covid-19)	East side towards the covered walkway.
Unity Hall 509 N. Sugar Rd. <i>Edinburg Campus</i>	0 (no drill conducted due to Covid-19)	North side of the Vaqueros village parking lot and West side of the University Police Department parking lot Q1.
Village Apartments 603 N. Sugar Rd. <i>Edinburg Campus</i>	0 (no drill conducted due to Covid-19)	North-west side of the apartments.
Casa Bella 2651 FJRM Ave <i>Brownville Campus</i>	0 (no drill conducted due to Covid-19)	Volleyball and basketball courts

All fire drills and false alarms resulting in the evacuation of the dorms or apartments are evaluated by EHSRM in respect to the following criteria:

- Was the total time to exit less than five minutes?
- Did police arrive within two minutes?
- Did all persons exit the building in orderly fashion?
- Did all persons assemble 150 feet from the building upwind of the fire?
- Were doors and exit doors properly shut?
- Did the evacuation assistants perform their respective duties?
- Did all alarms and emergency lights work properly?
- Were all persons accounted for?

An evaluation form is completed, and a copy is provided to all stakeholders in the process including EHSRM (fire safety management), University Police (response), and the Director of Housing and Residence Life (evacuation). If any aspect of the process is not adhered to (e.g., total time to exit), the drill is conducted again later to ensure that all respective systems are in place.

Tobacco-Free Workplace Policy

The University of Texas Rio Grande Valley (UTRGV) has a responsibility for and is committed to promoting the health, well-being, and safety of UTRGV students, faculty, staff, and visitors. Tobacco prevention programs are most effective when supplemented by strong tobacco-free policies and when they are incorporated into a broader community effort to reduce tobacco use. Considering this information, and to ensure compliance with external cancer research funding requirements, it is the UTRGV's intent to prohibit tobacco products and smoking devices on UTRGV property.

See tobacco free workplace policy ADM 04-108 www.utrgv.edu/hop/policies/adm-04-108.pdf for more information.

Open Flames

The use of candles (including birthday candles), incense, oil lamps, or any other item using an open flame is strictly prohibited in the residence halls.

Portable Space Heaters

Since great care must be taken to utilize portable heaters properly, their use is discouraged on campus. All portable space heaters are required to be approved by EHSRM prior to use. For the safety of all residents, use and/or possession of these appliances in the residence halls are prohibited.

Portable Appliances

The following portable appliances are prohibited from use in all residence hall rooms:

- Space heaters
- Air conditioners
- Electric blankets
- George Forman grills/propane grills
- Deep fat fryers
- Charcoal burners
- Heaters
- Hot plates
- Sun lamps
- Halogen, spider & oil lamps
- Toasters
- Toaster ovens
- Coffee pots without an automatic shut-off
- Refrigerators that are not UL approved with a three-pronged plug with a maximum capacity of 2.5 feet
- Blenders
- Rice cookers
- Crock pots
- Electric skillets/griddles/wok
- Any other appliances with an open heating element, moving sharp edges, or other moving/electric parts
- Microwave ovens are prohibited in Heritage Hall and Troxel Hall.

The following are permitted appliances that can be used in all residence hall rooms:

- Heat controlled hot pots
- Auto shut-off coffee makers without hot plates
- Refrigerators no larger than 3.1 cubic feet (Heritage and Troxel Hall residents may bring their own refrigerator, Unity Hall residents are provided with a unit)

Furnishings

Residents are permitted to bring personal items such as rugs, throw pillows, curtains, and bedspreads. However, all tapestry, window curtains, and rugs must have a fire retardant/flame retardant label (NFPA 701, ASTM E-84) affixed to the fabric. Residents are not permitted to drape or cover lights or ceilings in any manner. Paper or other flammable decorations (posters, collages, etc.) should be used in moderation.

Decorations

Decorations including, but not limited to, boxes, cardboard, mazes, hay, bamboo, cotton batting, straw, vines, and pallets are prohibited in the residence halls. The use of live Christmas trees is also prohibited in the residence halls. Any electrical decorations, which may be used on Christmas trees must be UL listed and approved by EHSRM. Halogen lamps and string lights are not allowed. Routine inspections of Christmas decorations are conducted by EHSRM. Prior to the holiday season, a letter reinforcing the policies is issued by the Office of Housing and Residence Life.

Extension Cords

The use of extension cords is discouraged in all residence halls, however, if an extension cord must be used; there are several guidelines that must be followed:

- All extension cords must have a surge protector and be UL listed and approved.
- All extension cords must only be used within the appropriate rating.
- If a cord on the appliance being used has a three-pronged adapter, the extension cord must also be three pronged.
- Splicing together of extension cords, and the plugging together of multiple extension cords are not allowed.
- Extension cords may never be run under rugs or carpet or through walkways or windows.
- Extension cords shall only be used for temporary functions, such as special events or ceremonies.
- Extension cords shall not be used for more than 4 hours at a time.

Evacuation Assistants

All evacuation assistants are mandated to attend Evacuation Assistant training prior to assuming the respective responsibilities. Training includes Fire and Life safety, evacuation procedures, evacuation procedures for the disabled, and fire extinguisher training.

Employees

All employees potentially involved in responding to an emergency (EHSRM, Facilities, the University Police Department, Residence Hall employees) or involved with activities that involve the use of ignition sources are mandated to attend Fire and Life Safety Training which include evacuation assistant training and fire extinguisher training. In addition, fire safety training is included in other mandated courses such as laboratory safety.

For those employees that are not directly related to emergency response, a variety of fire and life safety training programs are available to all UTRGV on a voluntary basis. Routine fire safety training is provided on a monthly basis and all UTRGV faculty, staff, and students are invited to attend. The training includes fire and life safety, emergency planning, emergency evacuation, and portable fire extinguisher.

Students

EHSRM and Residential Life work together each year to provide fire and life safety education to students living on campus. Residential Advisors attend fire and life safety training. Student residents receive fire safety training during the beginning of the fall semester or orientation sessions. In addition, students are reminded about fire evacuation procedures during hall meetings, floor meetings, after problems occur during fire drills, and accidental activation of the alarm.

At the current time, all facilities are in compliance with National Fire Protection Association (NFPA) Standards.

Future Fire Safety Initiatives

The University continually strives to improve campus fire safety. All new building construction and renovations are completed in accordance with applicable fire codes. All buildings that do not have a fire sprinkler system and undergo significant renovation, shall have a fire sprinkler system installed in accordance with NFPA rules and regulations. Currently, no specific plans in place for future fire safety initiatives.

As per federal law, UTRGV is required to annually disclose statistical data on all fires that occur in On-Campus Student Housing facilities. Listed below are the **non-emergency** numbers to call to report fires that have already been extinguished in On-Campus Student Housing. If you are not sure whether University Police is aware of such a fire, use one of these numbers to report it.

Office	Contact Information
University Police Department	Edinburg 956-882-7777 Brownsville/Harlingen 956-882-7777
Department of Environmental Health and Safety (Monday through Friday from 8:00 a.m. to 5:00 p.m.)	Edinburg 956-665-3690 Brownsville/Harlingen 956-882-5930

16. Crime Statistics

The tables below contain statistics for Clery reportable crimes on-campus, on-campus student housing (residential), non-campus, and public property locations. This report contains the statistics for the previous three years – 2018, 2019, and 2020. Clery reportable statistics are provided in separate tables for the UTRGV main campus (Edinburg) and each of the separate campuses as that term is defined by Clery.

The University of Texas Rio Grande Valley (UTRGV) was created by the Texas Legislature in 2013 as the first major public University of the 21st century in Texas. This transformative initiative provided the opportunity to expand educational opportunities in the Rio Grande Valley. UTRGV became operational on September 1, 2015.

Clery Reportable Geography Definitions

On-Campus Property is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the first part of this definition, 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). In our tables below, On-Campus includes all crimes reported to have occurred on campus even the same crimes that are reported for the On-Campus Student Housing category.

On-Campus Student Housing Facilities is defined as 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. In our tables below, the crimes reported in the On-Campus Student Housing category are also included in the On-Campus category. This category is provided as a "sub-set" of the On-Campus total to provide the community with an understanding of the On-Campus crimes that were reported for specific Student Housing locations on campus. UTRGV only has On-Campus Student Housing Facilities in the Brownsville and Edinburg campuses, which are reflected in the tables below.

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

Non-Campus Buildings or Property are defined as 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 the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

In our tables below, the crimes statistics for non-campus locations are all listed on the main campus table in Edinburg, TX.

Refer to Appendix A for Clery Reportable Crime Definitions.

The University of Texas Rio Grande Valley
Main Campus - Edinburg, TX 78539

Offense	Year	On Campus	Non-Campus	Public	Total	*Residential	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Rape	2020	0	0	0	0	0	0
	2019	2	1	0	3	1	0
	2018	2	0	0	2	2	0
Fondling	2020	0	0	0	0	0	0
	2019	1	0	0	1	0	0
	2018	2	0	0	2	0	0
Incest	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Robbery	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Burglary	2020	0	0	0	0	0	0
	2019	1	0	0	1	1	0
	2018	0	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0	0
	2019	1	0	0	1	0	0
	2018	0	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	1	0	0	1	1	0
Dating Violence	2020	2	0	0	2	1	0
	2019	5	1	0	6	1	0
	2018	5	0	0	5	3	0
Stalking	2020	3	0	0	3	0	0
	2019	11	0	0	11	2	0
	2018	6	0	0	6	0	0
Liquor Law Arrests	2020	0	0	0	0	0	0
	2019	7	0	0	7	4	0
	2018	6	0	0	6	6	0
Drug Law Arrests	2020	2	0	1	3	1	0
	2019	13	3	0	16	0	0
	2018	17	0	0	17	4	0
Weapons Law Arrests	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	1	0	0	1	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	10	0	0	10	10	0
	2019	17	0	0	17	17	0
	2018	2	6	0	8	2	0
Drug Law Violations Referred for Disciplinary Action	2020	4	0	0	4	4	0
	2019	3	0	0	3	2	0
	2018	15	0	0	15	14	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Arson	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: 2020: No Hate Crimes Reported for 2020
2019: One On-Campus Vandalism of property categorized by Race bias.
2018: One On-Campus Vandalism of property categorized by Race bias.

*Residential statistics are a subset of the on-campus statistics

The University of Texas Rio Grande Valley
Separate Campus – Brownsville, TX 78520

Offense	Year	On Campus	Public	Total	*Residential	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Rape	2020	1	0	1	1	0
	2019	2	0	2	1	0
	2018	0	0	0	0	0
Fondling	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	1	0	1	0	0
Incest	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2019	1	0	1	0	0
	2018	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Burglary	2020	0	0	0	0	0
	2019	2	0	2	1	0
	2018	0	0	0	0	0
Motor Vehicle Theft	2020	1	0	1	**0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Dating Violence	2020	1	0	1	1	0
	2019	1	1	2	0	0
	2018	1	0	1	1	0
Stalking	2020	0	0	0	0	0
	2019	5	0	5	3	0
	2018	2	0	2	0	1
Liquor Law Arrests	2020	1	0	1	1	0
	2019	0	0	0	0	0
	2018	11	0	11	11	0
Drug Law Arrests	2020	1	0	1	1	0
	2019	0	0	0	0	0
	2018	2	0	2	0	0
Weapons Law Arrests	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	8	0	8	8	0
	2019	16	0	16	16	0
	2018	15	0	15	15	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
	2019	4	0	4	4	0
	2018	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Arson	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, One (1) for 2018
Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

*Residential statistics are a subset of the on-campus statistics
** Crime stat revised for 2020. See last page for ASR Revisions.

The University of Texas Rio Grande Valley
Separate Campus - Clinical Education Building - Harlingen, TX 78550

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
 Separate Campus - Coastal Studies Lab, South Padre Island, TX 78597

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
Separate Campus - McAllen Teaching Site, McAllen, TX 78503

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero(0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
Separate Campus - Starr County Upper-Level Center, Rio Grande City, TX 78582

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
 Separate Campus - Visual Arts Building, Edinburg, TX 78539

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
 Separate Campus - School of Earth, Environmental, and Marine Sciences
 Port Isabel, TX 78578

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019 or 2018

The University of Texas Rio Grande Valley
Biomedical Research Building (*opened in 2019*)
McAllen, TX 78504

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019

Hate Crime Reporting: No Hate Crimes Reported for 2020 and 2019

The University of Texas Rio Grande Valley
Center for Innovation and Commercialization
Weslaco, TX 78596

Offense	Year	On Campus	Public	Total	Unfounded
Murder/Non Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Total Unfounded Crimes: Zero (0) for 2020, Zero (0) for 2019, Zero (0) for 2018

Hate Crime Reporting: No Hate Crimes Reported for 2020, 2019, or 2018

Appendix A – Clery Definitions

Types of Criminal Offenses

Criminal Homicide

- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of a human being by another.
- **Manslaughter By Negligence:** The killing of person through gross negligence.

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program are considered Sexual Assault (Sex Offenses) crimes for the purposes of Clery Act reporting.

- **Rape** is defined as the penetration by cisgender or non-cisgender, 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 defined as the touching of the private body parts of another person for the purposes of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Robbery

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

Aggravated Assault

An unlawful assault or attempted assaulted by one (or more) persons of another for the purpose of inflicting severe or aggravated bodily injury.

Burglary

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Excludes vehicle burglary)

Motor Vehicle Theft

The taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts)

Arson

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another. (Includes attempts)

Hate Crime

A criminal act involving one/more of the listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons. The crimes listed above will also be evaluated for hate crime statistics.

- **Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession.
- **Simple assault:** An unlawful physical attack by one or more persons upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury.

- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property.

Bias

A pre-formed negative opinion or attitude toward a person or group of people because of their ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability (varied ability) or based upon the perception that the person or group has one or more of those characteristics.

Types of VAWA Offenses (Violence Against Women Act)

Domestic Violence

A felony or misdemeanor crime of violence committed.

- By a current or former spouse or intimate partner of the victim;
- By a person with who the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crimes of violence occurred.

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition -

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition -

- **Course of Conduct** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Types of Weapon, Drug, and Liquor Violations

Weapon, Drug and Liquor violations of the law that occur on UTRGV Clery Act geography and result in arrests or persons being referred for disciplinary action.

Weapons

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

Drug

Laws or ordinances regulate possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

Liquor

Violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Appendix B –Penalties for Drug Use

Marijuana

Possession

Amount	Penalty/ Fine	Imprisonment
Two ounces or less	Class B misdemeanor / a fine not to exceed \$2,000	Confinement in jail for no more than 180 days.
Four ounces or less but more than two ounces	Class A misdemeanor / a fine not to exceed \$4,000	Confinement in jail for a term not to exceed 1 year.
Five pounds or less but more than four ounces	State jail felony / a fine not to exceed \$10,000	Imprisonment for not more than 2 years or less than 180 days.
50 pounds or less but more than 5 pounds	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
2,000 pounds or less but more than 50 pounds	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
More than 2,000 pounds	A fine not to exceed \$50,000	Imprisonment for life or for a term of not more than 99 years or less than 5 years.

Delivery

Amount	Penalty/Fine	Imprisonment
One-fourth ounce or less (gift)	Class B misdemeanor / a fine not to exceed \$2,000	Confinement in jail for no more than 180 days.
One-fourth ounce or less (receives remuneration)	Class A misdemeanor / a fine not to exceed \$4,000	Confinement for no more than 1 year.
Five pounds or less but more than one-fourth ounce	State jail felony / a fine not to exceed \$10,000	Confinement in a state jail for any term of not more than 2 years or less than 180 days.
50 pounds or less but more than five pounds	2nd degree felony / a fine not exceed \$10,000	Confinement in jail for a term of not more than 20 years or less than 2 years.
2,000 pounds or less but more than 50 pounds	1st degree felony / a fine not to exceed \$ 10,000	Confinement in prison for not more than 99 years or life or less than 5 years.
2,000 pounds or more	Felony with mandatory minimum sentence. Fine not to exceed \$100,000.	Confinement in jail for not more than 99 years or less than 10 years.
Sale of marijuana to a minor	2 nd degree felony. Fine up to \$ 10,000	Confinement in jail for not more than 20 years in jail or less than 2 years.

Cocaine & Crack Cocaine

Possession

Amount	Penalty/ Fine	Imprisonment
Less than 1 gram	State jail felony / fine not to exceed \$10,000	Confinement in a State Jail Facility for not more than 2 years or less than 6 months.
One gram or more but less than 4 grams	3rd degree felony / a fine not to exceed \$10,000	Confinement in prison for not more than 10 years or less than 2 years.
4 grams or more but not less than 200 grams	2nd degree felony / a fine not to exceed \$10,000	Confinement in prison for not more than 20 years or less than 2 years.
200 grams or more but less than 400 grams	1st degree felony / a fine not to exceed \$10,000.	Confinement in prison for not more than 99 years or life or less than 5 years.
400 grams or more	Felony / fine not to exceed \$100,000.	Confinement in prison for not more than 99 years or less than 10 years.

Delivery

Amount	Penalty/Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Confinement in a state jail for not more than 2 years or less than 180 days.
One gram or more but less than four grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
Four grams or more but less than 200 grams	1 st degree felony / a fine not to exceed \$10,000.	Imprisonment for not more than 99 years or life or not less than 10 years.
200 grams or more but less than 400	Enhanced Felony / fine not to exceed \$100,000.	Imprisonment for not more than 99 years or not less than 10 years.
400 grams or more	Enhanced Felony / fine not to exceed \$250,000.	Imprisonment for not more than 99 years or less than 15 years.

Heroin, Opium, Morphine, Codeine and Demerol

Possession

Amount	Penalty/ Fine	Imprisonment
Less than 1 gram	State jail felony / fine not to exceed \$10,000	Imprisonment in State Jail Facility for not more than 2 years or less than 6 months.
One gram or more but less than 4 grams	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
4 grams or more but not less than 200 grams	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
200 grams or more but less than 400 grams	1st degree felony / a fine not to exceed \$10,000.	Imprisonment for not more than 99 years or life or less than 5 years.
400 grams or more	Enhanced Felony / fine not to exceed \$100,000.	Imprisonment for not more than 99 years or less than 10 years.

Delivery

Amount	Penalty/ Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than two years or less than 180 days.
One gram or more but less than four grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 20 years or less than 2 years.
Four grams or more but less than 200 grams	1 st degree felony / a fine not to exceed \$10,000.	Imprisonment for not more than 99 years or life or not less than 10 years.
200 grams or more but less than 400	Felony / fine not to exceed \$100,000.	Imprisonment for not more than 99 years or not less than 10 years.
400 grams or more	Enhanced Felony / fine not to exceed \$250,000.	Imprisonment for not more than 99 years or less than 15 years.

LSD**Possession**

Amount	Penalty/Fine	Imprisonment
Fewer than 20 units	State jail felony / a fine not to exceed \$10,000	Confinement in a state jail for not more than 2 years or less than 180 days.
20 or more, but fewer than 80 units	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
80 or more, but fewer than 4,000	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
4,000 or more, but fewer than 8,000	1st degree felony / a fine not to exceed \$10,000	Imprisonment for 5 to 99 years or life.
8,000 or more units	Enhanced felony / a fine not to exceed \$250,000	Imprisonment for 5 to 99 years or life.

Delivery

Amount	Penalty/ Fine	Imprisonment
Fewer than 20 units	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than 2 years or less than 180 days.
20 or more, but fewer than 80 units	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
80 or more, but fewer than 4,000	1 st degree felony / a fine not to exceed \$10,000	Imprisonment for life or 99 years or less than 5 years.
4,000 or more units	Enhanced felony / a fine not to exceed \$250,000	Imprisonment for not more than life or 99 years or less than 15 years.

PCP

Possession

Amount	Penalty/ Fine	Imprisonment
Less than 1 gram	State jail felony / fine not to exceed \$10,000	Imprisonment in State Jail Facility for not more than 2 years or less than 6 months.
One gram or more but less than 4 grams	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
4 grams or more but not less than 400 grams	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
400 grams or more	Enhanced Felony / a fine not to exceed \$100,000.	Imprisonment for not more than 99 years or less than 10 years.

Delivery

Amount	Penalty/ Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than 2 years or less than 180 days.
One gram or more but less than four grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 20 years or less than 2 years.
Four grams or more but less than 400 grams	1 st degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 99 years or life or not less than 10 years.
400 grams or more	Enhanced Felony / a fine not to exceed \$250,000	Imprisonment for not more than 99 years or less than 15 years.

MDMA (Ecstasy)

Possession

Amount	Penalty/ Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than 2 years or less than 180 days.
One gram or more but less than four grams	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
Four grams or more but less than 400 grams	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
400 grams or more	Enhanced felony / a fine not to exceed \$50,000	Imprisonment for not more than life or 99 years or less than 5 years.

Delivery

Amount	Penalty/ Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than two years or less than 180 days.
One gram or more but less than four grams	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
Four grams or more but less than 400 grams	1st degree felony / a fine not to exceed \$10,000	Imprisonment for not more than life or 99 years or less than 5 years.
400 grams or more	Enhanced felony / a fine not to exceed \$100,000	Imprisonment for not more than life or 99 years or less than 10 years.

Barbiturates and Tranquilizers

Possession

Amount	Penalty/ Fine	Imprisonment
Less than 28 grams	Class A misdemeanor / a fine up to \$4,000.00	Confinement for no more than 1 year.
28 grams or more but less than 200 grams	3 rd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 10 years or less than 2 years.
200 grams or more but less than 400 grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
400 grams or more	Enhanced felony / a fine not to exceed \$50,000	Imprisonment for life or for a term of not more than 99 years or less than five years.

Delivery

Amount	Penalty/ Fine	Imprisonment
Less than 28 grams	State jail felony / a fine not to exceed \$10,000	Imprisonment in a state jail for not more than 2 years or less than 180 days.
28 grams or more but less than 200 grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for not more than 20 years or less than 2 years.
200 grams or more but less than 400 grams	1 st degree felony / a fine not to exceed \$10,000	Imprisonment for not more than life or 99 years or less than 5 years.
400 grams or more	Enhanced felony / a fine not to exceed \$100,000	Imprisonment for life or for a term of not more than 99 years or less than 10 years.

GHB

Possession

Amount	Penalty/Fine	Imprisonment
Less than one gram	A state jail felony / a fine not to exceed \$10,000	Confinement in a state jail for any term not more than 2 years or less than 180 days.
One gram or more but less than four grams	3 rd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 10 years or less than 2 years.
Four grams or more but less than 200 grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 20 years or less than 2 years.
200 grams or more but less than 400 grams	1 st degree felony / a fine not to exceed \$10,000	Imprisonment for life or for any term not more than 99 years or less than 5 years.
400 grams or more	Enhanced felony / a fine not to exceed \$100,000	Imprisonment for a term of not more than 99 years or less than 10 years.

Delivery

Amount	Penalty/Fine	Imprisonment
Less than one gram	A state jail felony / a fine not to exceed \$10,000	Confinement in a state jail for any term not more than 2 years or less than 180 days.
One gram or more but less than four grams	2 nd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 20 years or less than 2 years.
Four grams or more but less than 200 grams	1 st degree felony / a fine not to exceed \$10,000	Imprisonment for life or for any term not more than 99 years or less than 5 years.
200 grams or more but less	Enhanced felony / a fine not to exceed \$100,000	Imprisonment for life or for a term of not more than 99 years or less than 10 years.
400 grams or more	Enhanced felony / a fine not to exceed \$250,000	Imprisonment for life or for a term of not more than 99 years or less than 15 years.

Rohypnol ("Roofies")

Possession

Amount	Penalty/ Fine	Imprisonment
Less than one gram	State jail felony / a fine not to exceed \$10,000	Confinement in a state jail for any term not more than 2 years or less than 180 days.
One gram or more but less than four grams	3rd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 10 years or less than 2 years.
Four grams or more but less than 200 grams	2nd degree felony / a fine not to exceed \$10,000	Imprisonment for any term of not more than 20 years or less than 2 years.
200 grams or more but less than 400 grams	1st degree felony / a fine not to exceed \$10,000	Imprisonment life or for any term not more than 99 years or less than 5 years.
400 grams or more	Enhanced felony / a fine not to exceed \$100,000	For life or for a term of not more than 99 years or less than 10 years.

Appendix C - Handbook of Operating Procedures

SEXUAL MISCONDUCT

A. Purpose

The University of Texas Rio Grande Valley (UTRGV) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; the Campus Sexual Violence Elimination Act (SaVE Act), Violence Against Women Act (VAWA), and Clery Act.

B. Persons Affected

This policy applies to all UTRGV administrators, faculty, staff, students, and third parties within UTRGV's control, including visitors and applicants for admission or employment. It applies to conduct that occurs on UTRGV owned or controlled premises; in an education program or activity, including UTRGV sponsored or supported events; buildings owned or controlled by student organizations officially recognized by UTRGV; or off campus when the conduct potentially affects a person's education or employment with UTRGV or potentially poses a risk of harm to members of the UTRGV community. It also applies regardless of the gender, gender identity or sexual orientation of the parties.

C. Policy

UTRGV prohibits discrimination on the basis of sex in its educational programs or activities and in employment. Sexual misconduct, retaliation, and other conduct prohibited under this policy will not be tolerated. The definitions of Prohibited Conduct are in the Definitions Section of this Policy.

UTRGV will promptly discipline any individuals or organizations within its control who violate this policy. UTRGV encourages you to promptly report incidents that you believe violate this policy to the [Title IX Coordinator or Deputy Coordinators](#) (collectively "Title IX Officer") or a Responsible Employee. This policy does not prohibit speech and conduct protected by the First Amendment of the Constitution and the principals of academic freedom. UTRGV respects the right of a faculty member to discuss freely the subject that they teach and the right of students to engage in constitutionally protected expression.^[1] The right to free expression, however, is not absolute. Conduct that creates a sexually hostile environment, even though it contains elements of speech, violates this policy.

^[1] The offensive conduct underlying some incidents might be protected speech, but it may still be in contradiction to the University's academic freedom and its commitment to integrity, honesty, dignity, respect and honorable conduct (*see generally* Regents' Rule 10901, *Statement of U.T. System Values and Expectations*). In these instances, UTRGV will uphold constitutional rights, but will also exercise its right to speak and engage in educational dialogue with those whose expression is contrary to its values.

D. Procedures

1. *Reporting Incidents*

- a. Report Distinguished from Filing of a Formal Complaint - There is a distinction between reporting an incident of sexual misconduct and filing a formal complaint. Reporting sexual misconduct incidents informs UTRGV of the incident, which allows the institution to provide supportive measures (as outlined in Section D.3.b of this policy) to the complainant. All complainants who report incidents of sexual misconduct will be offered individualized supportive measures. A complainant who wishes to initiate a grievance against a Respondent should file a formal complaint as outlined in more detail under Section D.1.d below. A formal complaint will be reviewed by the Office of Institutional Equity & Diversity (Title IX Office) and may involve an investigation and a hearing to determine the responsibility of the respondent (see Grievance Process in Section D.4 below).
- b. All Members of the UTRGV Community, Third Party and Anonymous Complaints - Any person may report sexual misconduct, retaliation, or other conduct prohibited under this policy to the Title IX Coordinator, even if the person reporting is not the alleged victim of the incident. You are strongly encouraged to immediately report any incidents of sexual misconduct to the Title IX Officer; the report can be a verbal or a written report.
 - i. Anonymity - You may make an anonymous complaint in any manner, including by telephone or written communication with the Title IX Officer or online through [the OIED Report It Form](#). Your decision to remain anonymous, however, may greatly limit UTRGV's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating the policy.
 - ii. Confidentiality - Most UTRGV employees are required to report and respond to complaints of sexual misconduct and may be unable to honor a request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section D.1.g below.
 - iii. Timeliness of Complaint - Responsible Employees are required to report known incidents and information of sexual misconduct promptly to the Title IX Coordinator. For others in the UTRGV community, you are strongly encouraged to report sexual misconduct, retaliation, and any other conduct prohibited under this policy as soon as you become aware of such conduct.
- c. Title IX Coordinator and Deputy Coordinators - If you are required to inform the Title IX Officer of sexual misconduct, complete the [OIED Report It Form](#) or the [Confidential Employee Sexual Misconduct Reporting Form](#), as applicable.
- d. Filing a Formal Complaint - The complainant may file a formal complaint with the Title IX Coordinator, as follows:
 - i. The complainant must submit and sign a written statement requesting an investigation and setting out the known details of the alleged conduct that is the subject of the formal complaint, including the following:
 1. Complainant's name and contact information;
 2. Respondent's name;
 3. Detailed description of the alleged conduct or event that is the basis of the alleged violation under this Policy;

4. Date(s) and location(s) of the alleged occurrence(s);
 5. Names of any witnesses to the alleged occurrence(s); and
 6. The resolution sought.
- ii. The complainant may also submit any documents or information that is relevant to the formal complaint.
 - iii. The Title IX Coordinator may also sign a formal complaint against a respondent (requesting an investigation).
- e. Reporting to Law Enforcement - You may also report to UTRGV [University Police](#); (956) 882-4911, or call 911 (for emergency services); [City of Edinburg Police](#) (956) 383-7411, [City of Harlingen Police](#) (956) 216-5940, [City of Brownsville Police](#) (956) 548-7000, or other local law enforcement authorities. The Title IX Officer can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the UTRGV University Police.
- f. Reporting to Outside Entities - You may also contact the external agencies below.

For students:

Office of Civil Rights
U.S. Department of Education
 1999 Bryan Street, Suite 1620
 Dallas, TX 75201-6810
 214-661-9600
 214-661-9587 (fax)
 OCR.Dallas@ed.gov
 TDD#: 1-800-521-2172

Office for Civil Rights
 U.S. Department of Health and Human Services
 1301 Young Street, Suite 1169
 Dallas, TX 75202
 Phone: (800) 537-7697
 FAX: (214) 767-0432

For employees:

U.S. Equal Employment Opportunity Commission
 San Antonio EEOC Field Office
 Legacy Oaks, Building A
 5410 Fredericksburg Road, Ste. 200
 San Antonio, TX 78229
 Phone: (800) 669-4000
 FAX: (214) 253-2720

Texas Workforce Commission
 Civil Rights Division
 101 E. 15th Street

Room 144-T
Austin, TX 78778-0001
512-463-2642

- g. Confidential Support and Resources - Students may discuss an incident with confidential employees (as defined below) or an off-campus resource (i.e. rape crisis center, doctor, psychologist, clergy person, etc.) without concern that the person's identity will be reported to the Title IX Office. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergy person of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the Title IX Office. UTRGV and community resources that provide such services are:

Office of Advocacy and Violence Prevention (OAVP)

UTRGV Edinburg and Brownsville Campuses

Phone: (956) 665-8287 (E)

Phone: (956) 882-8282 (B)

Email: OAVP@utrgv.edu

Mujeres Unidas in Hidalgo County

Phone: (956) 630-4878 or (800) 580-4879

Friendship of Women

95 E Price Rd.

Brownsville, TX 78521

Phone: (956) 544-7412

Family Crisis Center in Rio Grande Valley

616 W. Taylor

Harlingen, TX 78550

Phone: (956) 423-9305

- h. Immunity - In an effort to encourage reporting of sexual misconduct, UTRGV will grant immunity from student or employee disciplinary action to a person who acts in good faith in reporting an incident, filing a formal complaint, or participating in a grievance process (e.g. investigation, hearing, appeal). This immunity does not extend to the person's own violations of this policy.
2. *Parties' Rights Regarding Confidentiality, Requests to Not Investigate, and Requests to Dismiss Formal Complaints*
- a. UTRGV has great respect for the privacy of the parties identified in a report or formal complaint. Under federal and state law, however, responsible employees (defined below) who receive information of alleged sexual misconduct must share that information with the Title IX Coordinator. UTRGV, through the Title IX Coordinator, may need to act to maintain campus safety and must determine whether to investigate further, regardless of the complainant's request for confidentiality or request to not investigate a report.
- b. In making determinations regarding requests for confidentiality, complainant's requests to not investigate, complainants' requests to dismiss formal complaints, or requests to not disclose identifying information to respondents, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the Complainant, the respondent and the campus community. Factors UTRGV must consider when determining whether to investigate an alleged incident of sexual misconduct include, but are not limited to:

- The seriousness of the alleged incident;
 - Whether UTRGV has received other reports of alleged sexual misconduct by the alleged respondent;
 - Whether the alleged incident poses a risk or harm to others; and
 - Any other factors UTRGV determines relevant.
- c. If the Complainant requests in writing that UTRGV not investigate a report, the Title IX Office will decide whether to comply with the request and inform the complainant of the decision.
- d. If UTRGV dismisses a formal complaint (as outlined in Section D.4.c of this policy), UTRGV must provide the complainant and respondent a written notice of the dismissal and the reason(s) for the dismissal.
- e. In the course of the grievance process, UTRGV may share information only as necessary with people who need to know in compliance with the law, which may include, but is not limited to, the investigators, witnesses, complainant, respondent, parties' advisors, hearing officer, and the appellate officer, if applicable. UTRGV will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation or in any other part of the grievance process.

3. *Resources and Assistance*

a. Immediate Assistance

Police Assistance: If you experienced or witnessed sexual misconduct, UTRGV encourages you to make a report to the police. The police may, in turn, share your report with the Title IX Office, with the exception of when you use a pseudonym form under the Code of Criminal Procedure for incidents of sexual assault, stalking, family violence, and human trafficking. In those instances, where a pseudonym form is used, the police will only report the type of incident to the Title IX Coordinator but not any information identifying you. A police department's geographic jurisdiction depends on where the incident occurred. So if the incident occurred on a UTRGV campus, you may file a report with [UTRGV University Police](#) at (956) 882-4911, even if time has passed since the incident occurred.

UTRGV can also assist with applying for any protective orders. Reporting an incident to law enforcement does not mean the case will automatically go to criminal trial or go through a grievance process. If the University Police are called, a police officer will be sent to the scene to take a detailed statement. A police officer or a victim services coordinator may also provide you with a ride to the hospital. You may also file a report with the University Police even if the assailant was not a UTRGV student or employee. If the incident occurred in the City of Edinburg or the City of Brownsville, but off campus, please call the Edinburg Police Department at (956) 289-7700 or Brownsville Police Department at (956) 548-7000. A report may be filed with that city's Police Department, even if time has passed since the incident occurred. If a report is made to the police, a police officer will usually be dispatched to the location to take a written report. A sexual assault victim will also have an opportunity to have a crime victim liaison, counselor, advocate, or police officer with specialized training be present with the victim during police investigative interviews.

Emergency Phone: 911

[University Police](#)

Phone: (956) 882 - 4911

[City of Edinburg Police Department](#)

Phone: (956) 289 - 7700

[City of Harlingen Police Department](#)

Phone: (956) 216 - 5940

[City of Brownsville Police Department](#)

Phone: (956) 548 - 7000

[City of Weslaco Police Department](#)

Phone: (956) 968 – 8591

[City of Rio Grande City Police Department](#)

Phone: (956) 487 - 8892

Healthcare: If you experience any form of sexual, domestic, or dating violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in such cases. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within five (5) days (120 hours) of the incident. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of:

[Doctors Hospital at Renaissance](#)

Safe HAVEN Forensic Exam Center
Edinburg, Texas
(956) 362-7774

[Valley Baptist Medical Center](#)

Harlingen, Texas
(956) 389-1100

or to the nearest hospital that provides SAFE services.

For more information about the SAFE, visit [OAVP](#) or review the information on the [Attorney General of Texas, Crime Victims](#). The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

Counseling and Other Medical Services: If you experience sexual misconduct, you are strongly encouraged to seek counseling, medical or psychological care even if you do not plan to request a SAFE or report the incident to the police. You may be prescribed medications to prevent sexually transmitted infections or pregnancy even if the police are not contacted or if a SAFE is not performed. Similarly, other individuals impacted or affected by an incident are encouraged to seek counseling or psychological care.

Services are available as follows:

Students can contact:

[Health Services](#)

UTRGV Edinburg and Brownsville Campuses

Phone: (956) 665-2511 (E)

Phone: (956) 882-3896 (B)

UTRGV Counseling Center

UTRGV Edinburg and Brownsville Campuses

Phone: (956) 665-2574 (E)

Phone: (956) 882-7641 (B)

Faculty and staff can contact:

UT Employee Assistance Program

Phone: (800) 346-3549

b. Supportive Measures

UTRGV will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of sexual misconduct whether or not a formal complaint is filed, when applicable.

Supportive measures may include, but are not limited to, housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, mutual restrictions on contact between the parties, change in work or housing locations, leaves of absences, increased security and monitoring of certain areas of campus or other similar measures tailored to the individualized needs of the parties.

Supportive measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. Any disciplinary or punitive measures may only be implemented following the conclusion of the grievance process unless an emergency removal (as outlined in Section D.4.I) is appropriate.

UTRGV will maintain the confidentiality of supportive measures provided to the parties to the extent that maintaining such confidentiality does not impair the ability of UTRGV to provide the supportive measures.

4. *The Grievance Process*

a. Key Officials in the Grievance Process

i. Title IX Coordinator - The Title IX Coordinator is the senior UTRGV administrator who oversees UTRGV's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and formal complaints of sexual misconduct, retaliation, and other conduct prohibited under this policy. The Title IX Coordinator is available to discuss options available under this policy, the grievance process, coordinate supportive measures, explain UTRGV policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. Any member of the UTRGV community may contact the Title IX Coordinator with questions.

ii. Investigator(s) - UTRGV will ensure that formal complaints are properly investigated under this policy by investigators assigned to the formal complaint. The investigators are neutral and impartial fact-finders and gather evidence during the investigation. The investigators are responsible for completing an investigation report at the

conclusion of the investigation. The Title IX Deputy Coordinators may supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary to ensure compliance with Title IX.

- iii. Hearing Officer(s) - The hearing officer(s) is responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner. UTRGV may, at its discretion, utilize a hearing panel.

b. Assessment of Complaint

- i. Upon receipt of a formal complaint, the Title IX Coordinator will, within three (3) days, review it to determine whether the complaint constitutes a Sexual Harassment complaint (as defined in this policy), determine the appropriate grievance process (Section D.4.i or D.4.k), if applicable, and provide the applicable notice(s).

c. Mandatory and Discretionary Dismissals of Sexual Harassment Complaints

- i. Mandatory Dismissal - UTRGV will dismiss a formal complaint or the part of the allegations in a formal complaint, if applicable, where Sexual Harassment is alleged and where:

1. the conduct alleged does not meet the definition of Sexual Harassment;
2. the alleged conduct did not occur in UTRGV's education program or activity;
or
3. the alleged conduct did not occur against a person in the United States.

- ii. Discretionary Dismissal - UTRGV may, at its discretion, dismiss a formal complaint:

1. if the complainant requests in writing to dismiss a formal complaint (e.g. withdraws the formal complaint or any allegations therein), as outlined in Section D.2. of this policy.
2. if the respondent is an employee and no longer employed by UTRGV at the time the formal complaint is filed;
3. if there are any specific circumstances that prevent UTRGV from gathering evidence sufficient to reach a determination as to the formal complaint or any allegations therein; or
4. the conduct alleged does not meet the definition of any prohibited conduct under this policy.

- iii. Notice of Dismissal of Sexual Harassment Complaints and Appeal - If UTRGV dismisses a formal complaint of Sexual Harassment, UTRGV will provide both parties a written notice stating the reason(s) for the dismissal, and informing the complainant that they have five (5) days from the date on the dismissal notification to appeal the decision to the Senior Vice President for Administration Support Services. The written appeal must explain why the decision to dismiss the complaint was in error. The Senior Vice

President for Administration Support Services will respond within seven (7) days of receipt of the appeal. The Vice President's decision is final.

- iv. Implications of Dismissal - A dismissal under this provision only applies to allegations of Sexual Harassment "under Title IX." UTRGV may still investigate a formal complaint for allegations of Sexual Harassment under this policy under the Sexual Harassment Complaint Hearing process described in Section D.4.i or the alternative grievance process described in Section D.4.k, as applicable. UTRGV may investigate allegations of prohibited conduct under this policy but it will not technically be "under Title IX."

d. Concurrent Criminal or Civil Proceedings

- i. UTRGV will not, as a matter of course, wait for the outcome of a concurrent criminal or civil justice proceeding to act on a formal complaint in a UTRGV Grievance Process. UTRGV has an independent duty to respond to formal complaints of Sexual Misconduct. At UTRGV's discretion, UTRGV may delay the investigation or grievance process for a brief period due to concurrent criminal or civil proceedings on a case-by-case basis.

e. Written Notice of the Formal Complaint, and Notification of UTRGV Offices Offering Assistance

- i. After receiving a formal complaint, the Title IX Office will provide a written notice to the parties of the formal complaint and will inform the parties of available resources and assistance. The written notice of the formal complaint will include the following:
 - 1. A notice of the grievance process, as outlined in this policy;
 - 2. A notice of the allegations that potentially constitute prohibited conduct under this policy, including sufficient details about the alleged conduct, including the identity of the parties, if known, and the date(s), time(s), and location(s) of alleged conduct known by UTRGV at the time of the formal complaint;
 - 3. A statement of the potential policy violations being investigated;
 - 4. A statement that the respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the grievance process;
 - 5. A notice that both parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence;
 - 6. A statement that the parties may review evidence gathered as part of any investigation;
 - 7. A notice regarding the provision of this policy that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and subject to disciplinary action; and
 - 8. Any other relevant information for the written notice.

f. Informal Resolution Option of Certain Formal Complaints. (OPTIONAL)

- i. Agreement To Use Informal Resolution In Cases Where Sexual Harassment Is Not Alleged - The informal resolution entails the parties forgoing the grievance process (including the investigation and hearing, depending on when the parties agree to engage in an informal resolution) and attempting to reach an agreement about the outcome of the dispute. The informal resolution process is not permitted in cases where Sexual Harassment is alleged in the formal complaint. Informal resolution is also not available where the respondent has previously participated in the informal resolution process and where that process resulted in a mutual agreement. In other sexual misconduct cases, however, after the parties have been provided a copy of the written notice of a formal complaint, both parties may, in writing, voluntarily agree to use this informal resolution option at any point prior to reaching a determination regarding responsibility. The informal resolution may include a mediation process.
 - ii. Withdrawal from Informal Resolution Process - At any point prior to agreeing to an informal resolution, each party has a right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
 - iii. Informal Resolution Timeframe - If both parties consent to proceed with the informal resolution process, the time for completing the applicable grievance process will “pause” for 45 days. The Title IX Coordinator or designee will attempt to facilitate an informal resolution of a formal complaint for no more than 45 days. If the informal resolution process fails or either party withdraws from the informal resolution process, the Title IX Coordinator or designee will ensure that the Grievance Process resumes.
 - iv. Informal Resolution Documentation - Any final resolution pursuant to the informal resolution process will be documented and kept for seven (7) years as required by law (and see Section D.4.m of this policy for additional information on Grievance Process Documentation). However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will be kept confidential and may not be used for or against either party (and the Hearing Officer and Appellate Officer may not consider any such statement made during informal resolution) should the parties resume the Grievance Process. Failure to comply with an informal resolution agreement may result in disciplinary action.
- g. Investigation of the Formal Complaint – Gathering of Evidence
- i. Response by Respondent - After UTRGV provides written notice of a formal complaint to the parties, the respondent will be allowed three (3) days to respond in writing and also to schedule an interview with the investigator within the five (5) days following receipt of the notice.
 - ii. Notice of Meetings - The investigator or designee will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings in the grievance process.
 - iii. Evidence - The parties in the investigation may present any information and evidence that may be relevant to the formal complaint, and may have an advisor of their choice attend any related interview, meeting, or proceeding in the grievance process. Advisors are not permitted to actively participate in meetings or proceedings in the grievance process, unless explicitly authorized by this policy. The parties may present

the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the formal complaint. The parties may submit to the investigator any questions they would like asked of any known potential witnesses or parties.

- iv. Witness Interviews - The investigators will interview relevant and available witnesses and collect and review other evidence. Neither the complainant nor the respondent will normally attend these interviews; however, if either one is permitted to attend, the other shall have the same right.
- v. Investigation Timeframe - Witness interviews and the collection of evidence will be concluded within 60 days of the filing of a Formal Complaint. The parties should be provided updates on the progress of the investigation, as needed.
- vi. Access to Evidence - Prior to the completion of the investigation report, the investigator will notify both parties (and the party's advisor, if any, upon a party's signed information release for their advisor of choice) that they have 10 days to inspect, review, and respond to the evidence obtained as part of the investigation (whether relevant or not). All responses to the evidence must be submitted by the party in writing to the investigator. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.
- vii. Completed Investigation Report - The investigator will have 14 days after receipt of all comments to complete the investigation report.

1. Sexual Harassment under Title IX and student Sexual Harassment cases - Investigative Report

The completed investigation report will outline each of the allegations that potentially constitutes prohibited conduct under this policy, provide the timeline (e.g. procedural steps) of the investigation, and fairly summarize relevant evidence, participant statements, and responses to questions. The investigator will provide a completed investigation report concurrently to both parties (and each party's advisor, if any, upon a party's signed information release for their advisor of choice) at least 10 days prior to the date of the scheduled hearing to review and provide a written response at the hearing. A copy of the completed investigation report will be issued to the Title IX Coordinator, and to the hearing officer assigned to a hearing, if applicable.

2. All other cases except Sexual Harassment under Title IX or student Sexual Harassment cases – Investigative Report

- a. The completed investigation report will outline each of the allegations that potentially constitutes prohibited conduct under this policy, provide the timeline (e.g. procedural steps) of the investigation, fairly summarize relevant evidence, participant statements, and responses to questions and include a preliminary determination regarding the responsibility of the respondent for each allegation, the findings of fact supporting the investigator's determination, and the rationale for the determination for each allegation.

- b. The investigator will provide the preliminary investigation report concurrently to both parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice. Each party has five (5) days to provide comments to the report. The investigation report and any comments will also be referred to the Office of Student Rights and Responsibilities, the Human Resources Officer (for staff, visitors, volunteers) and the Dean of the College (for faculty) (Administrative Official).
- c. The applicable Administrative Official will conduct an independent review of the investigation report in consultation with the supervisor(s), if applicable, and 10 days from receipt of comments, will:
 - i. Accept the preliminary determination regarding responsibility of the respondent and either dismiss the case or proceed to adjudication (if applicable);
 - ii. Amend the preliminary determination regarding responsibility of the Respondent and proceed to adjudication (if applicable); or
 - iii. Remand the process back to the investigation stage to address an investigation concern.

h. Standard of Evidence & Presumption of Not Responsible

All grievances processes will use the preponderance of the evidence standard, as defined in this policy. By law, it is presumed that the respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the grievance process.

i. Sexual Harassment Complaint Hearing - Determination of Responsibility

- i. Applicability - The Sexual Harassment Complaint Hearing process outlined herein is applicable in the following situations:
 1. **Students** - When the respondent is a student (including student employees whose employment is conditioned on student status)¹ at UTRGV at the time of the alleged conduct and when the conduct alleged includes Sexual Harassment. The alternative grievance process in Section D.4.k(i) of this policy applies in instances where the respondent is a student at the time of the alleged conduct and where the conduct alleged does not include Sexual Harassment.
 2. **Employees (Faculty and Staff)** - When the respondent is an employee and all of the conditions below are met; in all other instances, allegations of Sexual Misconduct will be handled in accordance with Section D.4.k.(ii).

¹ Respondents who are both students and employees are treated as students under this policy.

- a. The respondent is an employee at UTRGV at the time of the alleged conduct;
 - b. The conduct alleged includes Sexual Harassment under this policy;
 - c. The alleged conduct occurred against a person in the United States; and
 - d. Where the complainant was participating or attempting to participate in an education program or activity at UTRGV. This element is met if the conduct occurred in any of the following: on any University property; during any University activity; in a building owned or controlled by a student organization that is officially recognized by the University; or in instances where the University exercised substantial control over the respondent and the context in which the alleged conduct occurred.
- ii. University Representative Role and Written Notice of the Hearing The University representative will present information regarding the case at the hearing and will have the ability to present information and witnesses, question witnesses, and provide opening and closing statements at the hearing. The Title IX Office will provide at least 10 days written notice to participants of the hearing (and the participant's advisor, if any, upon a participant's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the hearing officer, and all parties and participants in the investigation report), purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered. The hearing notice may also provide a deadline by which the University representative and the parties have an opportunity to disclose (1) the names of any witnesses they intend to call to testify at the hearing, if any, and (2) a copy of any documents they intend to use as exhibits at the hearing, not already included in the investigation report, if any.
 - iii. Challenges to the Hearing Officer - Either party may challenge the fairness, impartiality or objectivity of a hearing officer. The challenge must be submitted in writing to the hearing officer with a copy to the Title IX Office within three (3) days after notice of the identity of the hearing officer and must state the reasons for the challenge. The hearing officer will be the sole judge of whether he or she can serve with fairness, impartiality, and objectivity. The hearing officer will decide whether they will serve as the hearing officer and will inform both parties and the Title IX Office within two (2) days of the date of the challenge. In the event that the hearing officer recuses themselves, an alternative hearing officer will be assigned in accordance with the institution's procedures.
 - iv. Hearing Officer Duties at the Hearing - The hearing will ensure, with the assistance of the Title IX Office, that the hearing is recorded in audio or audiovisual format. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

The hearing officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the UT System.

- v. Access to Evidence - Each party will have access to all the evidence from the investigation, including a copy of the completed investigation report, as outlined in Section D.4.g(vi) in this policy.
- vi. Separate Rooms and Virtual Participation - At the request of either party, UTRGV will provide the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually and are not required to be physically present at the same physical location of the hearing.
- vii. Opening and Closing Arguments - Each party may make opening and closing statements.
- viii. Privileged Information Excluded - No person will be required to disclose information protected under a legally recognized privilege. The hearing officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- ix. Advisor of Choice - Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, UTRGV will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.
- x. Questioning of the Participants in the Hearing - The hearing officer may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The University representative and the advisors may ask questions under the following procedure:
 - 1. The questioner will ask a question of the applicable participant.
 - 2. Before the participant answers a question, the hearing officer will rule as to whether the question is relevant to the alleged conduct charges.
 - 3. If the hearing officer rules that question is not relevant, then the hearing officer must explain any decision to exclude a question as not relevant. If the hearing officer allows the question as relevant, the participant will answer it.
- xi. Prior Sexual History - A complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct charged by the complainant or if the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove the complainant's consent of the alleged conduct.

- xii. Hearing Officer Determination - Within 20 days after the conclusion of the hearing, the hearing officer will issue a written determination and will email a copy of the written determination concurrently to the parties, to Student Rights and Responsibilities (for student Respondents), to the Office of Human Resources and appropriate supervisor (for staff, visitors or volunteer Respondents), to the College Dean (for faculty Respondents) and the Title IX Coordinator. The determination must include the following:
1. The allegations that potentially constitutes prohibited conduct under this policy;
 2. A description of all of the procedural steps of the grievance process under this policy (from receipt of a formal complaint to the determination regarding responsibility of the respondent, including any notifications of the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held);
 3. The findings of fact supporting the hearing officer's determination;
 4. The conclusion(s) and a rationale as to whether the respondent is responsible for each allegation;
 5. The disciplinary sanctions and remedies designed to restore the complainant's access to the education program or activity, if applicable; and
 6. If applicable, possible sanctions and remedies for student respondents:
 - a. Educational training;
 - b. No shared classes or extra-curricular activities;
 - c. Disciplinary probation;
 - d. Withholding of grades, official transcript, or degree;
 - e. Bar against readmission, bar against enrollment, drop from one or more classes, or withdrawal from UTRGV;
 - f. Suspension of rights and privileges, including but not limited to participation in athletic or extracurricular activities;
 - g. Denial of degree;
 - h. Suspension from UTRGV for a specific period of time. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the UTRGV's procedures when all conditions of the suspension are met;
 - i. Expulsion (permanent separation from UTRGV). Expulsion creates a permanent notation on the student's academic transcript;

- j. Revocation of degree and withdrawal of diploma; or
 - k. Other sanction(s) or remedies as deemed appropriate under the circumstances.
 - 7. If applicable, possible sanctions and remedies for employee Respondents:
 - a. Employment probation;
 - b. Job demotion or reassignment;
 - c. Suspension with or without pay for a specific period of time;
 - d. Dismissal or termination;
 - e. Ineligible for rehire; or
 - f. Other sanction(s) or remedies as deemed appropriate under the circumstances.
 - 8. Whether additional remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and
 - 9. UTRGV's procedures and permissible bases for the parties to appeal, if applicable.
- j. Appeals and Additional Processes Provided to Students and Employees as to Formal Sexual Harassment Complaints under Title IX and Cases involving Students alleged of Sexual Harassment under this Policy.

i. Student Appeals

Within 10 days of notice of the determination, either party may appeal in writing the hearing officer's determination regarding a respondent's responsibility, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. There is new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

Any non-appealing party (or UTRGV) will have five (5) days from the notification of an appeal to submit a written statement in support of the outcome.

Written notice of appeal and all supporting information must be emailed to the Senior Vice President for Strategic Enrollment and Student Affairs within 10 days after the

appealing party has been notified of the decision of the Hearing Officer.

The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. An appeal regarding procedural irregularity or bias may include review of a response by the appropriate UTRGV official(s).

The Senior Vice President may approve, reject, or modify the decision in question or may require that the hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

The Senior Vice President shall communicate his or her decision to the accused student, the other party, the Dean of Students, and the Title IX Office in writing within 20 days after the appeal and related documents have been received.

The decision of the Senior Vice President is the final appellate review.

ii. Staff Appeals

Within 10 days of notice of the determination, either party may appeal in writing the hearing officer's determination regarding a Respondent's responsibility, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. There is new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

Any non-appealing party (or UTRGV) will have five (5) days from the notification of an appeal to submit a written statement in support of the outcome.

Written notice of appeal must be emailed to the Executive Vice President or the applicable Vice President over the department or unit ("Division Executive") within 10 days after the appealing party has been notified of the decision of the Hearing Officer.

The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. An appeal regarding procedural irregularity or bias may include review of a response by the appropriate UTRGV official(s).

The employee will also deliver a copy of the appeal and all attachments to the Office of Human Resources.

The Division Executive may approve, reject, or modify the decision in question or may require that the hearing be reopened for the presentation of additional evidence and

reconsideration of the decision.

The Division Executive shall communicate his or her decision to the accused employee, the other party, Office of Human Resources and the Title IX Office in writing within 20 days after the appeal and related documents have been received.

The decision of the Division Executive is the final appellate review.

iii. Faculty Appeals

Within 10 days of notice of the determination, either party may appeal in writing the hearing officer's determination regarding a Respondent's responsibility, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. There is new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

Any non-appealing party (or UTRGV) will have five (5) days from the notification of an appeal to submit a written statement in support of the outcome.

Written notice of appeal must be emailed to the Chief Academic Officer within 10 days after the appealing party has been notified of the decision of the Hearing Officer.

The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. An appeal regarding procedural irregularity or bias may include review of a response by the appropriate UTRGV official(s).

The employee will also deliver a copy of the appeal and all attachments to the Title IX Office.

The Chief Academic Officer may approve, reject, or modify the decision in question or may require that the hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

The Chief Academic Officer shall communicate his or her decision to the accused faculty member, the other party, and the Title IX Office in writing within 20 days after the appeal and related documents have been received.

The decision of the Division Executive is the final appellate review.

k. Alternative Grievance Process for Sexual Misconduct Complaints

- i. Student Alternative Grievance Process - For formal complaints where the respondent is a student at the time of the alleged conduct (including student employees in positions that require student status). Where responsibility finding(s) proceed to the adjudication stage, the respondent and complainant must notify the Title IX Office within five (5) days of receipt of the determination to elect one of the following options:

1. *Option 1.* Agree to the determination of responsibility for each of the applicable allegations, the sanctions, and remedies outlined in an administrative disposition, and waive the option of a hearing;

If both parties select this option, then the administrative disposition will be final and there will not be any subsequent adjudication proceedings regarding the allegations.

2. *Option 2.* Agree to the determination of responsibility for each of the applicable allegations, appeal (in writing) the sanctions or remedies outlined in the administrative disposition, and waive the option of a hearing;

If either party chooses this option, and neither selects Option 3, then any party may appeal the sanctions or remedies outlined in the administrative disposition, using the Appeals process in Section D.4.j(i) of this Policy.

The finding of responsibility may not be appealed by either party.

3. *Option 3.* Select a live hearing where the determination regarding responsibility of the respondent will be made by a hearing officer. If either party chooses this third option, then a live hearing must be initiated for the adjudication of the conduct allegations, as outlined in Section D.4.i. If a live hearing is selected for adjudication, the hearing procedures in Section D.4.i of this policy will apply, with the following exceptions:

- a. *Advisor of Choice.* Each party may have an advisor of their choice at the hearing. Upon request from either party, UTRGV will provide an advisor to that party. Advisors are not permitted to actively participate in the hearing. In addition, witnesses may have an advisor of their choice at the hearing.

- b. *Questioning of the participants in the hearing.* The hearing officer may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party may ask relevant questions of any witness at the hearing, except that cross-examination questions of the other party must be submitted in writing to the hearing officer. The hearing officer will then ask relevant cross-examination questions of the other party and allow for relevant follow-up questions (if applicable). Advisors are not permitted to ask any questions at the hearing.

- c. *Prior Sexual History:* A complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the

alleged conduct charged by the complainant or if the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove the complainant's consent of the alleged conduct.

- ii. Alternative Grievance Process for Staff and Faculty - If the Administrative Official, concludes that the policy was violated, in cases not involving Sexual Harassment under Title IX, the matter of disciplinary action will be heard in accordance with the applicable disciplinary policies. UTRGV will strive to ensure that the steps it takes to provide due process to the respondent will not restrict or delay the supportive measures provided to the alleged victim. The Family Educational Rights and Privacy Act (FERPA) does not override federally protected due process rights of a respondent.

I. Emergency Removal and Employee Administrative Leave

- i. Emergency Removal - A student respondent may be removed from UTRGV's education program or activity on an emergency basis if, after an individualized safety and risk analysis, it is determined that such a removal is justified because the respondent poses an immediate threat to the physical health or safety of an individual arising from the allegations of sexual misconduct. Under these circumstances, the Respondent will be notified in writing of the emergency removal from UTRGV's education program or activity by the Dean of Students, and the respondent will have an opportunity to challenge the decision following the emergency removal by directing the challenge within 1 day of receipt of the notification to the Dean of Students. The Dean of Students will respond within 2 days. The Dean of Students decision is final.
- ii. Employee Administrative Leave - An employee respondent may be placed on administrative leave, in accordance with UTRGV's policy and procedures on employee administrative leave, during the pendency of a grievance process, as outlined in this policy.

m. Grievance Process Documentation

UTRGV through the Title IX Office will retain all of the documentation included in the grievance process (outlined in Section D.4.m of this Policy) for seven (7) years, in accordance with state and federal records laws and UTRGV policy. All documentation of records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under FERPA. Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA) and included in the employee's official employment record.

n. Grievance Process Timeframe

The entire grievance process (outlined in Section D.4 of this Policy, including any appeal) will be completed in no more than 150 days from the filing of the formal complaint if it is a Sexual Harassment complaint.

However, the circumstances may require a temporary delay in this timeframe and UTRGV may extend this timeframe for good cause. In such an instance, UTRGV will provide written notice to the parties of the delay or extension and the reason(s) for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The time period in this section

does not include the period the parties attempted but failed to reach an agreement in the Informal Resolution Process, if applicable, and in such a case, the grievance process timeframe will be extended by the period the parties attempted to reach an Informal Resolution (outlined in Section D.4.f of this Policy).

5. *Dissemination of Policy and Educational Programs*

- a. This policy will be made available to all UTRGV administrators, faculty, staff, and students online and in UTRGV publications. Periodic notices will be sent to UTRGV administrators, faculty, staff and students about UTRGV's Sexual Misconduct policy. The notice will include information about sexual misconduct, retaliation, and other conduct prohibited under this policy, including the formal complaint procedure, UTRGV grievance process, and available resources, such as support services, health, and mental health services, including, but not limited to, at the beginning of each fall and spring semester. The notice will specify the right to file a complaint under this policy and with law enforcement and will refer individuals to designated offices or officials for additional information.
- b. Ongoing Sexual Misconduct Training - UTRGV's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health or behavioral health professionals, or trained UTRGV personnel. Preventive education and training programs will be provided to UTRGV administrators, faculty, staff, and students and will include information about primary prevention, risk reduction, and bystander intervention.
- c. Training of Coordinators, Investigators, Hearing and Appellate Authorities - All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over Sexual Misconduct hearings and appeals shall receive training each academic year about applicable prohibited conduct, grievance processes, due process, and UTRGV policies related to Sexual Misconduct. All training materials used to train Title IX-related personnel (e.g. Title IX Coordinators, deputies, investigators, hearing officers, and appellate officers, among others, will be made available on UTRGV's website.
- d. Annual Reporting and Notice - UTRGV's Title IX general policy statement will be made available to all students, faculty, and employees online in required publications and in specified departments.

6. *Additional Conduct Violations*

- a. Retaliation - Any person who retaliates (a) anyone filing a report of sexual misconduct or formal complaint, (b) the parties or any other participants (including any witnesses or any UTRGV employee) in a grievance process relating to a formal complaint, (c) any person who refuses to participate in a grievance process, or (d) against any person who under this policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from UTRGV. If any participant in a grievance process believes they have been subject to retaliation (as defined in this policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator. A complaint of retaliation should be immediately reported to the Title IX Officer.
- b. False Information and False Complaints - Any person, who in bad faith, knowingly files a false complaint under this policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from UTRGV. A determination that a respondent is not responsible for allegations of sexual misconduct does not imply a report, formal complaint, or information provided was false. Similarly, a determination that a respondent is responsible for a policy violation does not imply that a respondent's statements disclaiming responsibility were false.

- c. Interference with the Grievance Process - Any person who interferes with the grievance process (outlined in Section D.4 of this Policy) is subject to disciplinary action up to and including dismissal or separation from UTRGV. Interference with a grievance process may include, but is not limited to:
 - i. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
 - ii. Removing, destroying, or altering documentation relevant to the grievance process; or
 - iii. Knowingly providing false or misleading information to Title IX Coordinator, investigator or hearing officer, or encouraging others to do so.
- d. Failure to Report for Responsible Employees - If a responsible employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

For purposes of Failure to Report, the definition of sexual harassment, as defined under state law, is broader than the definition of Sexual Harassment and is defined as: unwelcome, sex-based verbal or physical conduct that

- (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary institution.

- e. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint - The filing of a complaint under this policy will not stop or delay any action unrelated to the formal complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated UTRGV rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a UTRGV employee. Nothing in this section shall limit UTRGV's ability to take interim action.

E. Definitions and Examples²

1. Coercion - The use of undue pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they eliminate a reasonable person's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to "out" someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; threatening to disclose someone's highly personal images; threatening to disclose sensitive details about one's sexual preferences, habits, and/or experiences; and threatening to expose someone's prior sexual activity to another person.
2. Complainant - The individual who is alleged to be the victim of any prohibited conduct under this policy.

² The definitions provided in the main body of the text are the definitions adopted by UTRGV. When applicable, the state law definition has been included. In any criminal action brought by law enforcement, the state law definition will apply.

3. Confidential Employees - Confidential Employees include advocates with OAVP, counselors in Counseling Services, a health care provider in Health Services, researchers conducting IRB approved research studies involving student participants, an employee serving as an advisor for a student respondent or student complainant under this policy, or clergypersons. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee's communications confidential or privileged under other law (such as attorneys) are also considered "Confidential Employees."

Note: Under state law, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of UTRGV, are required to report the **type of incident** to the Title IX Coordinator (or Deputy Coordinators). Confidential Employees may not include any information that would violate a student's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

4. Consent - A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent to one sexual act does not necessarily imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity, whether through words or actions, establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.³

5. Dating Violence⁴ - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by the victim with consideration of the following factors:

³ Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

⁴ Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
 - (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or

- a. The length of the relationship;
- b. The type of relationship; and
- c. The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

6. Day(s) – business day(s) occurring Monday through Friday, excluding any day that is an official holiday recognized by the institution or when regularly scheduled classes are suspended due to emergent situations.
7. Domestic (Family) Violence⁵ - includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or 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 state of Texas.
8. Hostile Environment - exists when sexual misconduct is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from an education program or activity or an employee’s terms and conditions of employment. A hostile environment can be created by anyone (e.g., administrators, faculty members, employees, students, and UTRGV visitors) involved in an education program or activity or work environment. In determining whether sexual misconduct has created a hostile environment, UTRGV considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was mistreated. To conclude that conduct created or contributed to a hostile environment, UTRGV must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- (1) the length of the relationship;
- (2) the nature of the relationship; and
- (3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.

⁵ Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

To ultimately determine whether a hostile environment exists for an individual or individuals, UTRGV considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:

- the type, frequency, and duration of the conduct;
- the identity and relationships of the persons involved;
- the number of individuals involved;
- the location of the conduct and the context in which it occurred; and
- the degree to which the conduct affected an individual's education or employment.

The more severe the sexual misconduct, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sexual misconduct is not particularly severe.

The type of verbal conduct (if all other elements are met) may include:

- Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
- Requests for sexual favors (including overt or subtle pressure);
- Gratuitous comments about an individual's sexual activities or speculation about an individual's sexual experiences;
- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Persistent, unwanted sexual or romantic attention;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
- Deliberate, repeated humiliation or intimidation.

The type of physical conduct, may include:

- Sexual exploitation, as defined in this policy;
- Unwelcome intentional touching of a sexual nature;
- Deliberate physical interference with or restriction of movement; or
- Sexual violence as defined in this policy.

9. *Incapacitation* - Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

UTRGV offers the following guidance on consent and assessing incapacitation:

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently and determining whether an individual is incapacitated requires an individualized determination.

In evaluating consent in cases of alleged incapacitation, UTRGV asks two questions:

1. Did the person initiating sexual activity know that the other party was incapacitated? and if not,
2. Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” consent was absent, and the conduct is likely a violation of this policy.

A respondent will be found to have violated policy only if the respondent knew or should have known that the person was incapacitated.

10. Intimidation - Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
11. Other Inappropriate Sexual Conduct - Conduct on the basis of sex that does not meet the definition of “sexual harassment” under this Policy, but is unwelcome conduct of a sexual nature when, either of these two elements are met:
 - i. Element 1: submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in UTRGV activities; or
 - ii. Element 2: such conduct is sufficiently severe or pervasive that it creates a hostile environment as defined in this policy.

The type of conduct (if either of the two elements above are met) may include:

- a) Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
 - b) Requests for sexual favors (including overt or subtle pressure);
 - c) Gratuitous comments about an individual’s sexual activities or speculation about an individual’s sexual experiences;
 - d) Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - e) Persistent, unwanted sexual or romantic attention;
 - f) Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
 - g) Deliberate, repeated humiliation or intimidation;
 - h) Unwelcome intentional touching; or
 - i) Deliberate physical interference with or restriction of movement.
12. Participants - The term “participants” includes the University representative, complainant, respondent, and any witnesses.
 13. Parties - The term “parties” refers to the “complainant” and the “respondent” under this policy.

14. Preponderance of the Evidence - The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.
15. Respondent - The individual who has been reported to be the perpetrator of prohibited conduct under this policy. (For UT-affiliated K-12 schools (e.g. charter schools), a parent or legal guardian of a respondent may act on behalf of the respondent.)
16. Responsible Employee - A UTRGV employee who has the duty to report incidents of and information reasonably believed to be Sexual Misconduct to the Title IX Office. All employees are Responsible Employees except Confidential Employees or police officers when a victim uses a pseudonym form as described within this Policy). Responsible Employees include all administrators, faculty, staff, police officers, resident life directors and advisors, and graduate teaching assistants. Responsible Employees must report all known information concerning the incident to the Title IX Office and must include whether a Complainant has expressed a desire for confidentiality in reporting the incident.
17. Retaliation - Any adverse action (including, but is not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against someone because the individual has made a report or filed a formal complaint; or who has supported or provided information in connection with a report or a formal complaint; participated or refused to participate in a grievance process under this policy; or engaged in other legally protected activities.
18. Sex Discrimination – Occurs when an individual is treated less favorably on the basis of that person’s sex (including gender), which may also include on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual harassment, as defined in this policy, is a form of sex discrimination.
19. Sexual Assault⁶ - An offense that meets the definition of rape, fondling, incest, or statutory rape:
 - a. *Rape*: the penetration by cisgender or non-cisgender, 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.
 - b. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
 - c. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.
20. Sexual Exploitation - Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual

⁶ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
- c) Causing the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

21. Sexual Harassment - Conduct on the basis of sex that satisfies one or more of the following:

- a. Quid pro quo: An employee of the institution conditioning the provision of an aid, benefit, or service of UTRGV on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UTRGV's education program or activity;
or
- c. Sexual assault," "dating violence," "domestic violence," or "stalking" as defined in this Policy.

Subsections (a) and (c) in this definition are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such conduct is sufficiently serious to deprive a person of equal access. Therefore, any instance of quid pro quo sexual harassment and any instance of sexual assault, dating violence, domestic violence, and stalking are considered sexual harassment under this policy.

22. Sexual Misconduct - This term is broadly defined to encompass sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, sexual violence, other inappropriate sexual conduct or unprofessional sexual conduct.

23. Sexual Violence - Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, or aggravated sexual assault.

24. Stalking⁷ - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

- a. *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.

⁷ Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
 - i. bodily injury or death for the other person;
 - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
 - i. fear bodily injury or death for himself or herself;
 - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - iii. fear that an offense will be committed against the person's property; or
 - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

- b. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- c. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

25. *Unprofessional Sexual Conduct* - Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual in the workplace, classroom or learning environment that does not rise to the level of sexual harassment or other inappropriate sexual conduct under this policy, but to a reasonable person is unprofessional or inappropriate for that situation and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace, classroom, or learning environment.

F. Related Statutes or Regulations, Rules, Policies, or Standards

[Title IX of the Education Amendments of 1972, 20 U.S.C. § 1618 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.](#)

[Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e–2000e-17 and its implementing regulations 29 C.F.R. §1604 11.](#)

[Clery Act, 20 U.S.C 1092\(f\) and its implementing regulations 34 C.F.R. Part 668](#)

[FERPA Regulations, 34 C.F.R. Part 99](#)

Texas Labor Code, [Chapter 21](#)

[Texas Education Code, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.251-51.259](#)

[Texas Education Code, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.281-51.291](#)

Texas Code of Criminal Procedures, Chapter 56A, Request for Forensic Medical Examination Art. 56A.251

Texas Code of Criminal Procedures, Chapter 56A, Presence of Sexual Assault Program Advocate Art. 56A.351

University of Texas Regents’ *Rules and Regulations*, [Rule 30105](#), Sexual Harassment, Sexual Misconduct, and Consensual Relationships

University of Texas System Administration Systemwide Policy ([UTS 184](#)), Consensual Relationships

University of Texas Regents’ *Rules and Regulations*, [Rule 31008](#), Termination of a Faculty Member

UTRGV *Handbook of Operating Procedures*, [STU 02-100](#) Student Conduct and Discipline

UTRGV *Handbook of Operating Procedures*, [ADM 02-300](#) Speech, Expression, and Assembly

UTRGV *Handbook of Operating Procedures*, [ADM 04-303](#) Discipline and Dismissal of Classified Employees

UTRGV *Handbook of Operating Procedures*, [ADM 06-507](#), Termination of a Faculty Member During Term of Appointment

G. Dates Reviewed or Amended

Reviewed and Amended - August 23, 2017

October, 2018

Reviewed and Amended – January 17, 2019

Reviewed and Amended – January 22, 2020

Reviewed and Amended with Non-Significant Changes – January 24, 2020

Reviewed and Amended – July 24, 2020

Reviewed and Amended – October 1, 2021

ASR Revisions

Change #	Edit	Reason	Entered By	Date Entered
1	On the 2020 Brownsville Crime Statistics, One (1) Motor Vehicle Theft was removed from the Residential category and kept only in the On-Campus category.	Clery Geography Misclassification	Liza Dimas	10/11/2021