

Annual Security and Fire Safety Report

CALENDAR YEAR: 2021

*Concordia University Texas – Austin Main; Concordia University Texas- Austin
Nursing Campus*

43TConcordia University Texas Police Department

512-313-3311

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*"Each of us
should please our
neighbors for their
good, to build
them up."*

Romans 15:2

From the Chief of Campus Police

To Our CTX Community:

Greetings, Tornados!

As both a community policing and customer service oriented agency, we align ourselves with Romans 15:2 – "Each of us should please our neighbors for their good, to build them up." It is in this spirit of cooperation and charity that the team at the Concordia University Texas Police Department (CTX PD) strives to provide a safe and secure campus. We are committed to serving our community by detecting, deterring, and preventing criminal activity.

In compliance with relevant provisions of federal law, the university must make policy and programmatic information available to the campus community – faculty, staff, and students – as well as to prospective employees and students. This report provides information about certain criminal activity over the last three (3) calendar years. Copies of the report are available on the Main Campus at the police office in building D, Room D-138, and the report is posted for public view on the police department's web page at:

<https://www.concordia.edu/resources/campus-police/annual-security-and-fire-safety-report.html>. In addition, the report is filed annually with the U.S. Department of Education:

<https://ope.ed.gov/campussafety/#/institution/search>. It should be noted that the data contained in this report are for the calendar years 2019, 2020, and 2021.

If you have any questions and/or if we can be of any assistance, please do not hesitate to contact us.



Manuel Jimenez

Chief of Campus Police, Concordia University Texas

Reporting Crimes and Other Emergencies

Policy related to preparing the annual report of campus crime statistics: the university coordinates the collection and reporting of crime statistics in a manner consistent with federal law. As related, the information obtained is compiled into a report, and, each year, faculty, staff and students are notified via email of the website wherein this report can be accessed and/or viewed. Copies of the report are available [during regular business hours] on the Main Campus at the campus police office, located in building D, Room D-138. In addition, the report is made available to perspective employees via the job posting page of the Human Resources website – <https://www.concordia.edu/resources/human-resources/>, and it is made available to perspective students via the Apply Now area of the Admissions website – <https://www.concordia.edu/admissions/apply.html>. Copies of the report will be provided to others upon request.

Several agencies and individuals are involved in the data collection processes, including, but not limited to, the Concordia University Texas Police Department, the Austin Police Department, the Travis County Sheriff's Office, the Texas Department of Public Safety, the Office of Student Affairs, the Students Development Office, the Office of Residential Life, Student Ministry and Missions, Student Central, and other Campus Security Authorities (CSA's).

****** In a similar way, law enforcement agencies exercising appropriate/proper jurisdiction over separate campuses/remote locations are involved in the data collection processes.

Officers from campus police investigate and review all allegations of criminal activity reported to same that occur in its jurisdiction, regardless of the source. The various campus departments involved with the collection of crime data are provided guidance related to mandates/requirements of federal law annually. Once information is obtained, the Chief of Campus Police is responsible for the proper categorization of locations involved in reported crimes and arrests. In addition, the Chief of Campus Police requests data from law enforcement agencies involved in collecting criminal statistics, so the annual report can be accurately updated and disseminated to the university community. Individuals are encouraged to report all crimes to campus police.

Confidential Reporting Procedures:

Concordia University Texas gathers reports of Clery Act crimes from various departments and agencies in an effort to provide the most comprehensive representation of crimes reported as possible. In some instances, reports obtained lack personally-identifiable information; therefore, reporting parties remain confidential for the purposes of this report.

In response to an act of harassment or sexual misconduct, a victim may be unsure whom to contact for information about options and resources both on and off campus. Some victims may prefer a confidential consultation before deciding a course of action. It should be noted that most university personnel will have a duty to report complaints that come to their attention. See below for circumstances in which confidentiality may be honored.

Non-Confidential Communications

The University is required by law to investigate and respond to reports of sexual harassment and sexual misconduct. Non-confidential communications consist of those communications that will be disseminated to a Title IX Coordinator and/or others on a need-to-know basis in order to ensure that necessary steps are taken to protect the community as a whole and to ensure appropriate disciplinary measures are considered. With exception of communications to Licensed Professional Counselors in the University's Counseling Center or the Campus Pastor, discussed below, all communications, complaints and/or reports of possible violations of this policy are considered non-confidential.

Requests for Confidentiality

To the greatest extent possible, the university shall maintain the confidentiality of information and records related to investigations of grievances based on discrimination, harassment, and sexual misconduct. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. The university's Title IX Coordinators will evaluate a student's request for confidentiality in the context of the university's responsibility to provide a safe and nondiscriminatory environment for the entire university community. The Title IX Coordinators will make every effort to respect a student's request for confidentiality; however, there are situations in which the university must override a student's request for confidentiality in order to meet its Title IX obligations. When weighing a student's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, the university will consider a range of factors. These factors include, but are not limited to:

- circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., existence of other sexual violence reports about the alleged perpetrator, a history of arrests, etc.)
- whether the sexual violence was perpetrated with a weapon
- the age of the student subjected to the sexual violence
- whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

If the University determines that it must disclose a Complainant's identity to an alleged perpetrator, it will inform the Complainant prior to making this disclosure and take whatever interim measures are necessary to protect the complainant and ensure the safety of others.

Confidential Communications

Confidential communications are communications that cannot be disclosed to another person without the reporter's consent, except under very limited circumstances such as an imminent threat or danger to self or others.

Victims may speak confidentially with the licensed professional counselor in the university's Counseling Center or with the Campus Pastor. A Licensed Professional Counselor and/or Campus Pastor may assist victims in deciding whether to report, what options exist, and what resources are available. The Licensed Professional Counselor and/or Campus Pastor, when acting in their respective roles on behalf of the university, are not required to report incidents of sexual harassment, sexual violence, or sexual misconduct to a Title IX Coordinator, as related to Clery purposes, or to campus police personnel.

Campus Security Authorities (CSAs):

Recognizing that many crimes (especially those involving sexual misconduct) are not reported to the police, the Clery Act requires schools to collect data about crimes on and around their campuses from a wide variety of sources, referred to as Campus Security Authorities (CSAs), as defined by Federal Law. In addition to campus police, any faculty or staff member with "significant responsibility for student and campus activities" is considered a CSA and has duties under the Clery Act. The Clery Act defines the last category of CSAs broadly to ensure complete coverage and thorough reporting of crimes. While CSAs should be identified by function rather than title, this category typically includes vice presidents, deans, assistant

deans, residential services staff, athletic coaches, student activities coordinators, and faculty advisors to student organizations.

The Clery Act defines four categories of CSAs:

- Campus police;
- Non-police security staff responsible for monitoring university property;
- People or offices designated by school policy as those to whom or which crimes should be reported;
- Officials with significant responsibility for student and campus activities. Accordingly, all university employees are classified as CSAs. Under this classification, CSAs are required to report any Clery related offense immediately to the CTX Police Department.

(see Mandatory Crime Reporting Policy, p. 1)

Who Is Not Categorized as a CSA?

These faculty and staff members are typically not considered CSAs and are given an exception to the reporting requirements as long as they are acting within the specific official roles of:

- Counselors in the counseling center who only provide care to individual students
- Pastoral Counselors

Note also that (a) licensed professional mental health counselors and (b) pastoral counselors employed by a religious organization to provide confidential counseling are exempt from the Act's reporting requirements, as long as they are working within the scope of their license or religious assignment at the time they receive a crime report.

The table below provides information for [some] staff members that will ensure assistance is received, as related to the situation/crime reported. Additionally, they will ensure disclosure of the incident in the annual report, if appropriate.

Campus Security Authorities: Concordia University Texas			
Department	Staff	Main Campus Location	Phone Number
CTX Police Department	Manuel Jimenez Chief of Campus Police	D-138	512-313-4044
Counseling Services	Scott Davis counseling@concordia.edu	A-115	512-313-5032
VP Administration	Dan Gregory Title IX Coordinator	C-107	512-313-4004
Human Resources	Sairam Pathi Director Deputy Title IX Coordinator	D-221	512-313-4412
Vice President for Student Experience & Director of Athletics	Ronda Seagraves Vice President Deputy Title IX Coordinator	F-207	512-313-4501
Office of Residential Life	Leslie Moore Director	Regents Hall 122	512-313-4055
Office of Residential Life	Student Resident Assistants		512-222-8972
Success Center	Romeo Michael Director	C-210	512-313-5031
Student Ministry & Missions	Jake Boessling Director of Campus Ministries	A-112	512-313-5051
Student Development	Deaconess Brenna Nunes Dean of Students	F-220	512-313-5509

CTX Police Department | (512) 313-3311 | (512) 313-4046

- Crime prevention tips to community members or visitors reporting a crime
- Crime Prevention Month activities (October), which includes a National Night Out program
- Weekly reports on inoperable exterior lights and overgrown shrubbery
- Daily reports on unsecured doors, lock and door problems
- “View” cards left on vehicles when valuables are observed in plain view
- Mobile and foot patrols 24hrs/day
- Escorts to campus locations available 24hrs/day | Virtual Walkhome – CTX Safe app
- Emails for resident and commuter students containing crime prevention and/or safety tips

Counseling Services | counseling@concordia.edu

- Individual counseling
- Couples / relationship counseling
- Personal social adjustment counseling
- Resource referral
- Depression anxiety assessments
- Alcohol substance use inventory / intervention

Behavior Intervention and Support Team (BIST)

- Resource for students, faculty, administrators, and staff
- Assessment of threat level posed to the university based on concerns reported
- Referrals to best suited resources, based on concerns
- Information on how to address individuals in distress
- BIST staff intervention, as necessary, to diffuse concerning behavior

Residential Life | (512) 222-8972

- Staff make nightly rounds of residence halls
- Safety related programs offered throughout the year
- Freshman and Transfer Student Orientation programs

Daily Crime Log and Fire Log

- Available at the campus police office, building D, Room D-138
- Includes information on all reported crimes and/or fires
 - The crime log contains information regarding the nature of the crime, the date and time it occurred, a general location of the crime, and the disposition of same
 - The fire log contains information about the number of fires and the cause of each, if known, the number of persons with associated injuries, the number of fire related deaths, and the value of any property damaged

Reporting to Campus Police:

Members of the CTX community are encouraged to promptly report emergencies, suspicious activity, or crimes to campus police, including reporting circumstances wherein the victim of a crime is either unable to and/or elects not to report same. Alleged criminal acts (including sex offenses) or emergencies occurring on the university campus may be reported by:

1. Calling campus police at (512) 313-3311 24/7/365;
2. In person at the campus police office, located in building D, Room D-138;
3. Contacting an on-duty, uniformed officer during patrol hours

About the Concordia University Texas Police Department:

This section outlines the jurisdiction of the Concordia University Texas Police Department, campus law enforcement authority and arrest powers, its working relationship with other law enforcement agencies, and the necessity of accurately reporting all crimes to police.

Police Officers

Officers working in and for the CTX PD are licensed as Texas Peace Officers by the Texas Commission on Law Enforcement. Officers are commissioned under the Texas Education Code § 51.212, and they are recognized as peace officers under Article 2.12 of the Code of Criminal Procedure. Accordingly, CTX PD's commissioned police officers are fully empowered by the state and have authority to stop vehicles, make arrests, and enforce all state laws.

CTX PD's primary jurisdiction includes all properties owned, leased, or otherwise controlled by Concordia University Texas. More specifically, in accordance with Texas Education Code § 51.212, jurisdictional authority is extended anytime a CTX PD officer is otherwise in the commission of their assigned duties, as related to the university's educational mission and while on property owned or controlled by Concordia University Texas.

The university currently employs full-time and part-time police officers that assist in providing campus coverage on the main campus in Austin, Texas throughout the calendar year. There is currently no CTX Police presence at separate campuses / remote locations. In the event of an emergency, persons at those locations are instructed to call 9-1-1.

Relationship with Other Law Enforcement Agencies

CTX PD maintains close working relationships with other federal, state, and local law enforcement entities. Specifically, CTX PD has a cooperative arrangement with the Austin Police Department, the Travis County Sheriff's Office, the Texas Department of Public Safety and St. Edward's University Police Department, as related to communication of criminal activity reported to the respective departments and requests for assistance in investigations of some alleged criminal incidents. CTX PD may contact the Austin Police Department for patrol or investigative assistance subsequent to offenses occurring on the campus. When assistance is requested, resulting investigations are considered "joint investigations." Additionally, CTX PD monitors local law enforcement agency data for student involvement in criminal activity occurring off campus. Any information obtained is subject to be forwarded to the Students Development Office, as related to investigating code of conduct violations. It should be noted that Concordia University Texas does not recognize any off campus student organizations.

For calendar year 2019, Concordia University Texas did not have a formal memorandum of understanding (MOU) in place with any other local law enforcement agency(s), as related to investigative and/or other related assistance. A MOU was executed with the Austin Police Department in 2020. As related to investigations, that MOU includes:

1. If additional Austin Police Department resources are required for an incident occurring on university property or for which Concordia University Texas Police Department initiated the response, the on-scene Austin Police Department supervisor, in collaboration with Concordia University Texas Police Department personnel, will decide which agency will take the lead. In addition to the nature of

the incident, due regard will be given to available resources at both agencies at the time the decision is made.

2. In the event of a sexual assault involving a female Concordia University Texas student, the Austin Police Department will reasonably attempt to provide a female officer to assist during the initial call/investigation.
3. The Parties have agreed that, in any case wherein Concordia University Texas Police Department initiated the investigation and for which Austin Police Department requests the lead, Concordia University Texas Police Department will afford Austin Police Department that authority. However, in an effort to maintain the flow of information between the agencies, an investigator will be assigned to work with the Austin Police Department in the investigation. This collaboration will allow the Concordia University Texas Police Department and the Austin Police Department to both remain informed and to team resources to accomplish the investigative goal.
4. It is understood that Concordia University Texas Police Department's primary investigative duty is in university matters throughout Travis County at various properties owned or otherwise controlled by Concordia University Texas. Its secondary duty is to all other matters that may come within its jurisdiction.
5. It is also understood that situations may arise in which the citizens of Austin and the Concordia University Texas community may be better served by the initial agency retaining primary jurisdiction over the investigation and processing of the offense.

In January 2018, an *Agreement for Use of the Greater Austin-Travis County Regional Radio System and Radio Maintenance Services* was executed between the university and the City of Austin. More specifically, this radio system is the APCO Project 25 trunked voice radio system serving the Austin/Travis County, Texas, area implemented by the City of Austin, Travis County, Austin Independent School District, Capital Metropolitan Transportation Authority, the University of Texas at Austin and the Texas Legislative Council and House of Representatives through the GATRRS Implementation Agreement, and it grants CTX PD access to same. This agreement automatically renews annually.

Campus Safety

Police investigations are hampered by the passage of time and when incomplete or inaccurate information is received. Additionally, some crimes involve inherent risk or danger, and they must be relayed [without delay] to the university community, in an effort to minimize potential harm to persons or property. On a case-by-case basis, the CTX Police Department and university administration work closely to determine when the community should be placed on alert regarding potential safety threats. Members of the community assist this process when they timely report crimes or emergencies to campus police. As appropriate, CTX PD will include reports in the annual statistical disclosure, and the reports will be assessed to determine the necessity of a Timely Warning or Emergency Notification (CTX Alert).

Emergency Notification and Timely Warnings:Emergency Notifications

In accordance with the Higher Education Act of 1965, Concordia University Texas has implemented a comprehensive communications system to provide prompt Emergency Notification alerts (CTX Alert) for incidents involving a potential immediate threat to the health and safety of members of the campus community using both email and text messages. The university may also use the website and/or social media to provide information, and the content for and activation of these systems is the responsibility of Marketing and Communications. If either of these systems fail or the university deems it appropriate, in person communication or other available forms of communication may be used to communicate an emergency.

If the Concordia University Texas Police Department, in conjunction with other university administrators, local first responders and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the university community, the following will apply. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the CTX Police Department will be responsible for determining if an immediate (emergency) notification is warranted, essentially confirming the emergency and immediately notifying the campus community. If an immediate notification is needed, it is sent to members of the university community via CTX Safe ("push" notification; email). The content of the message will be developed, and the message will be sent by the campus police department. University police will send the message to the campus

community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Follow up messages will adhere to the above described process, and they will be sent by the CTX Police Department.

The CTX Police Department will, without delay, and taking into account the safety of the university community, determine the content of the notification and initiate the notification, unless doing so will, in the professional judgement of law enforcement personnel, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the university homepage and/or social media.

The below listed positions have the authority and access to issue an immediate (emergency) notification:

CTX Police Department

- Chief of Police
- Police Lieutenant

Other Departments

- VP of Administration
- Dean of Students

Timely Warnings

CTX PD is responsible for providing Timely Warnings to the university community about reported crimes against persons that occurs within the campus boundaries, including university owned or controlled property on campus, public property that is within or immediately adjacent to the campus and in non-campus property, as defined by the Clery Act. Although not required by Federal Law, Timely Warnings may also be distributed for crimes that occur outside the Clery Act geographic areas, if the crime is deemed to pose an ongoing threat to the campus community.

A Timely Warning notification will be distributed when it is determined that there is an ongoing or serious threat to members of the university community. The CTX Police Department reviews information that is reported either directly to the department or indirectly reported by members of the community, Campus Security Authorities, and other local law enforcement to determine if a reported crime poses a serious ongoing threat to members of the university community.

Timely Warning determinations are made on a case-by-case basis. Timely Warnings are typically issued for the following Clery reportable offenses, excluding alcohol, drug, and other referable crimes:

- **Murder / Non-negligent Manslaughter**
- **Sexual Assault** – Evaluated on a case-by-case basis, depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Campus Police (or their designee). For example, in cases involving sexual assault, they are often reported long after the incident occurred; therefore, there is no ability to issue a “timely” warning to the community. All cases of sexual assault will be assessed for potential issuance of a Timely Warning
- **Robbery** involving force or violence. It should be noted that cases involving pick pocketing and purse snatching will generally not result in a Timely Warning; however, any such occurrence will be evaluated on a case-by-case basis
- **Aggravated Assault** – Evaluated to determine if the individual(s) are believed to be an ongoing threat to the larger CTX community
- **Major Incidents of Arson**

Crimes that do not constitute a threat include, but are not limited to:

- Crimes where the perpetrator has been arrested, thereby neutralizing the threat
- Crimes where the identified perpetrator targets a specific individual(s)

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warnings will be sent via university email.

Decision to Issue a Timely Warning

Timely Warning notices are determined by the Chief of Campus Police or designee. The following information is evaluated when determining when a notice is issued:

1. **The nature of the crime** – Is it a Clery reportable criminal offense, Hate Crime, VAWA offense, or an arrest for a reportable law violation? This includes reports of Murder / Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Domestic Violence, Dating Violence, and Stalking.
2. **Where the crime occurred** – Did the crime occur on campus, in on-campus student housing, on public property, or at a non-campus location?
3. **Continued threat to campus community** – Was the crime serious and/or does it pose a continuing threat to the campus community?
4. **Risk of compromising law enforcement efforts** – Could the issuance of a timely warning compromise efforts to mitigate the threat?

Timely Warning Content

The warning must contain sufficient information about the nature of the threat to allow members of the community to take action to protect themselves, including:

- Date and time (or timeframe) of the incident
- A succinct statement of the incident
- Physical description of the perpetrator, if the information to be relayed would contribute to the possible identification of same (IE: male with brown hair is too vague)
- Where the incident occurred
- Crime prevention tips
- Contact information for the CTX Police Department

It should be noted that, in some cases, law enforcement may need to keep certain facts confidential to avoid compromising the investigation.

CTX PD will draft an email containing the proposed timely warning notification and forward it to Marketing and Communications. They will review and suggest possible revisions, then send it back to the police department for a final review. Upon determining that the content has met the requirements outlined above, CTX PD will send out the timely warning notification to all current university students and employees. Updates to the community about any particular case resulting in a Timely Warning may also be distributed

CTX Safe:

CTX Safe is a campus safety smartphone application downloadable by the university community on both Android and iOS devices. The download is free.

CTX Safe allows the campus community to contact the CTX Police Department in an emergency from anywhere on campus, and it capable of automatically sending a geolocation directly to the police department – improving response time during an emergency situation. Additionally, the application allows important information to be sent [via SMS push, text, voice calls, and emails] to the community during emergencies that may arise on campus. Campus visitors may temporarily opt-in to receive emergency notifications by texting CONCORDIA to 237-233 (BESAFE).

Individuals may opt-out of receiving emergency notifications by completing the form located at: https://www.concordia.edu/resources/uploads/campus-police/CTX_Alert_opt_out_form_-_on_Web_-_01082013.pdf. The opt-out form is valid for one year; it must be renewed annually by completing and submitting a new form.

For individuals without a smartphone or other data capable device, the police department encourages saving the police department number, (512) 313-3311, as a contact so that it can be accessed quickly.

Emergency Response and Evacuation Procedures:

Emergency Management at CTX

Concordia University Texas maintains an Emergency Management Plan that outlines responsibilities of campus units during emergencies. The plan outlines incident priorities, campus organization, and specific responsibilities associated with particular units or positions. The plan and other valuable information is located in the Emergency Management page of the website at: <https://www.concordia.edu/resources/campus-police/emergency-management.html>.

Avoid | Deny | Defend

“Since 2002, the Advanced Law Enforcement Rapid Response Training (ALERRT) Program at Texas State University has been used to train law enforcement officers across the nation in how to rapidly respond to dangerous active threat situations... As a result of increased public awareness, many citizens have asked what individuals can do to protect themselves and

reduce the dangers faced during one of these events. Avoid | Deny | Defend has been developed as an easy to remember method for individuals to follow.” (avoiddenydefend.org)

- *Avoid* starts with your state of mind
 - Pay attention to your surroundings
 - Have an exit plan
 - Move away from the source of the threat as quickly as possible
 - The more distance and barriers between you and the threat, the better
- *Deny* when getting away is difficult or maybe even impossible
 - Keep distance between you and the source
 - Create barriers to prevent or slow down a threat from getting to you
 - Turn the lights off
 - Remain out of sight and quiet by hiding behind large objects and silence your phone
- *Defend* because you have the right to protect yourself
 - If you cannot avoid or deny, be prepared to defend yourself
 - Be aggressive and committed to your actions
 - Do no fight fairly
- *Call 9-1-1 when you are in a safe area*
- *When law enforcement arrives, show your hands and follow commands*

Training is offered to university community members upon request.

Evacuation and Relocation

Students, faculty, and staff should follow the below safety procedures in the event of evacuation emergencies, severe or inclement weather, or hazardous material releases:

1. Evacuate when prompted by fire alarms or by official announcement
2. Be aware of, and utilize, designated primary alternative evacuation routes
3. Close classrooms and/or office doors as you leave
4. Leave the building in an orderly manner without rushing or crowding – do not use the elevators
5. Provide aid to those who need it in an emergency evacuation

6. Be aware of [and follow] instructions given by police personnel and other officials. You may be asked to proceed on foot to designated areas or evacuate the campus entirely
 - a. Always evacuate crosswind and/or upwind away from an emergency and via a safe route
 - b. Evacuate at least 300 feet from the building and out of the way of emergency vehicles
7. Report any individuals who have been injured or left behind to emergency responders
8. Do not reenter the building until an official 'all clear' is given

Evacuation Emergency

In many cases, an evacuation only applies buildings immediately affected; however, in some cases, an evacuation could apply to the entire campus. Some potential causes for emergency evacuations include: major fire or explosion and hazardous material release.

Severe or Inclement Weather

In the event of a severe or inclement weather warning, students, faculty, and staff are encouraged to follow the below procedures:

1. Seek shelter [immediately] in designated areas
 - a. If inside a building: go to the lowest level; stay away from windows; go to an interior hallway; and use your arms to protect your head and neck – “drop and tuck” position
 - b. If you cannot get inside: lie in a ditch or low-lying area or crouch near a strong building; be cognizant of the areas potential for flooding; use your arms to protect your head and neck – “drop and tuck” position; if available, use a jacket, cap, backpack, or similar item(s) to protect your face and eyes

Seeking Shelter – Tornado Procedures

In the event of a tornado watch or warning, students, faculty, and staff should take the following steps:

1. Dial 33311 from a campus phone and/or (512) 313-3311 from a cellular phone to report a tornado sighting to CTX PD personnel
2. Seek safe shelter inside a building, in a ditch, or beside an embankment

If a tornado is imminent near you:

1. Use interior hallways away from the building's exterior windows as a tornado shelter
2. Close doors to rooms with exterior windows
3. Avoid glassed areas
4. Avoid the most dangerous areas of the building – generally along the south and west sides and at corners
5. Protect yourself – “drop and tuck” position

Seek Shelter – Hazardous Material Procedures

Students, faculty, and staff should observe the following steps in the event of a hazardous material release on campus:

1. Notification will be made to shelter-in-place
2. Immediately move indoors
3. Close all windows and doors to shelter and seal as best you can – use towels, clothes, paper, etc.
4. If there appears to be air contamination within the shelter, place a paper mask, wet handkerchief, or wet paper towel over the nose and mouth for temporary respiratory protection
5. Continue to follow response authority instruction(s)

When Else is it Important to Seek Shelter?

The above described procedures are shelter-in-place procedures. Shelter-in-place is utilizing any classroom, office, or building for the purpose of providing temporary shelter. The procedures are widely recognized as standard practices of providing shelter for any of the following reasons: chemical truck overturning, tornado, terrorist attack, release of chemical or biological agents, hazardous material release, radiological release, etc.

Drills, Exercises, and Training

Concordia University Texas conducts emergency response drills and exercises annually, to include table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. A summary of the emergency response and evacuation procedures via email is publicized at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Emergency communication processes are tested at least annually, and each occupied building undergoes an evacuation drill during the calendar year. This information for the most recent year is included in the Annual Security and Fire Safety Report.

Emergency Notification

Emergencies may range from inclement weather, to building evacuations, to campus closures. Upon determination of an emergency, the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency notifications are determined by the Chief of Campus Police or designee. The following information is evaluated when determining when a notification is issued:

1. **The nature of the emergency**
2. **Where the emergency occurs** – Did the emergency occur on campus, in on-campus student housing, on public property, or at a non-campus location?
3. **Continued threat to campus community** – Does the emergency pose a continuing threat to the campus community?
4. **Risk of compromising law enforcement or emergency responder efforts** – Could the issuance of a notification compromise efforts to mitigate the emergency?

The university has a variety of tools to communicate with the campus community in the event of these or other possible emergencies. Depending on the type of emergency, the university may use some or all of the following tools to communicate with faculty, staff and students:

- **Text Messaging / Voice Call Service.** The university contracts with a third-party vendor that provides the technological ability to send text messages to members of the campus community. Text messages about emergencies and messages used periodically to test the system will be sent. (CTX Safe)

- **FirstNet.** First responders' texts, data and voice communications get priority once on the network. During complex emergencies, emergency call handlers can conduct an initial size-up and compile requests from 911 callers and, using FirstNet, the synthesized information can be pushed out to incoming responders in real time. Beginning in 2018, FirstNet was made available to all qualified CTX PD and support personnel. (www.firstnet.com)
- **Group E-mail.** During emergencies, CTX Safe sends a group e-mail to every student, faculty, and staff member.
- **Public Safety Patrol Car Announcements.** CTX PD patrol car(s) are equipped with public address systems that officers can use to provide instructions to pedestrians during emergencies.
- **Face-to-face communication.** In addition to, or in lieu of, the systems listed above, face-to-face communication may also be used.

The process used to confirm a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees is as follows:

- Initial confirmation by CTX PD may occur by observation of a police, multiple witness telephone calls, a confirmed report from other emergency responding agencies (such as the Austin Police Department, Austin Fire Department, Austin / Travis County Emergency Medical Services, hazardous materials response team, FBI, County Public Health, etc.)
- The Chief of Campus Police communicates situational information to university administration regarding the safety of the campus community. Upon considering the information, university administration develops the message content and activates campus-wide communications. The expectation of this process includes dissemination via text and voice calling, pagers, group email, which are activated directly by CTX PD in situations where immediate action is required. Based on the confirmation of an ongoing threat, campus notification activation may include individual buildings, geographic zones or the entire campus. Immediate notification would not occur if doing so will compromise efforts to assist a victim, contain the emergency, respond or otherwise mitigate the emergency.
- The notification content will contain pre-scripted brief messages or tailored content developed in consultation with university administration and the Chief of Campus

Police (or designee). This notification to the public may include suggested protective actions or measures.

- Follow-up information will be distributed using some or all of the identified communication systems.

In addition to the university's text/voice calling alert method of emergency communication, CTX PD may employ a variety of communication methods to inform building occupants or a larger portion of campus about imminent safety threats. Communication methods will be employed based on a number of factors that will be evaluated for each incident, such as the nature and extent of the threat, technology available in the building or area, time of day, etc. Other communication methods may include the use of signage, handheld or vehicle-mounted bullhorns, portable radios, pagers, mass media, door-to-door notification and social networking sites. Campus alert notifications will be posted on the university website. Additionally, notifications are categorized in accordance with the chart below.

AWARENESS
Used to promote a CTX PD related activity or resource for the university community
<u>Example:</u> Safety initiatives Safety events Safety related trainings
<u>Communication Methods:</u> Social Media posts Campus-wide email Campus calendar

ADVISORY
Used to advise the university community of a condition or threat that could impact the safety of individuals or the normal operations on campus or in the adjacent area
<u>Example:</u> Crime Advisory / Timely Warning Weather Advisory Construction Advisory Parking Advisory
<u>Communication Methods:</u> Social Media posts Campus-wide email (when appropriate) SMS message

ALERT
Used to immediately alert the university community of an incident <i>that is</i> threatening the health and safety of persons on campus or impacting normal campus operations
<u>Example:</u> Immediate life-threatening emergencies <ul style="list-style-type: none"> • Armed intruder • Tornado • Terrorism • Explosion Potential life-threatening emergencies <ul style="list-style-type: none"> • Gas leak • Nearby police activity • Protest • Credible threat Any incident requiring the university to unexpectedly close campus or cancel a major event
<u>Communication Methods:</u> Social Media posts Campus-wide email SMS message *CTX Safe

As related to disseminating emergency information to the larger community (IE: the City of Austin and/or university neighbors), press releases will be made to local news outlets, as appropriate.

Security and Access to University Facilities:

Concordia University Texas maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Services include attention to lighting (including emergency lighting during power failures), locking all entrances on a regular schedule, security programming (including fire safety drills, sexual assault awareness programs, etc.) and card access systems, to include controlled campus and residence hall access.

Residence Hall Access

The main campus of Concordia University Texas in Austin, Texas, residence halls provide campus housing for approximately 349 students. The number of students will increase with the recent opening of Regents Hall in 2022, which allows for a capacity of 510 students. The safety and security of these residents, their property and the facilities are important to CTX. The CTX satellite campuses do not offer residence halls.

The Office of Residence Life manages all CTX residence hall facilities. Residence halls are staffed by a live-in resident assistants and managed by the Director of Residential Life. All staff members working in and for the Office of Residence Life undergo comprehensive training each year, as related to community living environments and how safety and security are a vital part of that environment. Residence Life staff actively partner with campus police to help keep the residential facilities as safe as possible. Residents who use residence hall facilities for unauthorized purposes are subject to disciplinary action. All on campus student residential facilities are designed to limit and control access through the use of a card access system. Student residents are required to use their identification card to enter the secured residence hall. Students are instructed to not allow others to enter without using their own card access. Residents are also instructed and encouraged to lock their rooms when they leave the area.

Safety and security related presentations are made each fall semester to all campus residence halls to remind residents that they are partners in preventing campus crime. Security programing includes fire safety drills, theft reduction programs, building rounds and door checks performed by CTX PD.

CTX's Response to Sexual and Gender Based Violence:

Concordia University Texas strives to maintain a living, working, and learning environment that is free from discrimination, harassment, and sexual violence. Discrimination, harassment and sexual violence of or against any student, employee or visitor of Concordia University Texas or of any other person associated with the University are contrary to the religious and moral tenets and the mission of Concordia University Texas. Such conduct also may violate state and federal laws. The University prohibits harassment and discrimination on the basis of gender, race, color, religion, age, national origin, disability, genetic information, military or veteran status, and any other basis protected by law. Further, it is the policy of the University

to provide training, procedures, and resources to prevent discrimination, harassment, and sexual violence and to provide an equitable grievance process that provides for prompt, fair, and impartial investigation of grievances and the imposition of sanctions against individuals who are found in violation of this policy.

The university, as a Christian educational institution of The Lutheran Church-Missouri Synod, reserves the right to give preference in employment based on religion as permitted by Title VII of the Civil Rights Act of 1964.

It is the policy of the university to provide an educational and working environment for its students, faculty, and staff that is free from sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), and stalking. In accordance with federal and state law, the university prohibits harassment and discrimination on the basis of gender, race, color, religion, age, national origin, disability, genetic information, military or veteran status, and any other basis protected by law. (see *Student Handbook*: <https://www.concordia.edu/student-life/dean-of-students/the-student-handbook.html> and the *Employee Handbook*, available via *Tornado Times*).

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

Toward this end, the university issues this statement of policy to inform the campus community of our programs to address sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of allegations related to prohibited conduct as provided in this policy, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a university official.

Definitions

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

- **Complaint:** A signed document or other report, including verbal reports, alleging a violation of this policy.
- **Complainant:** A person who submits a complaint alleging a violation of this policy.
- **Consent:** A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. 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 establishes a presumptive lack of consent.

Consent is not effective if it results from:

- the use of physical force,
- a threat of physical force,
- intimidation,
- coercion,
- incapacitation, or
- any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

An individual's manner of dress or the existence of a current or previous dating or sexual relationship between two or more individuals does not, in and of itself, constitute consent to engage in a particular sexual activity. 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.

- **Discrimination:** The act of treating similarly situated persons differently based on their race, color, national origin, religion, sex, disability, age, veteran or military status, genetic information, or any other basis protected by law.
- **Harassment Based on Protected Status:** Harassment is physical, verbal, or nonverbal conduct directed at a person because of his or her race, color, national origin, religion, disability, age, veteran status, genetic information, or any other protected status and that is so severe, persistent, or pervasive that the conduct:

- affects a person's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment
- has the purpose or effect of substantially or unreasonably interfering with the student's academic performance or an employee's work performance
- otherwise adversely affects a person's educational or employment opportunities.

Examples of prohibited harassment include offensive or derogatory comments, jokes, or slurs because of the individual's protected status or because of the individual's need for an accommodation based on disability; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property when motivated by the individual's protected status.

- **Incapacitation:** A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.
- **Interpersonal Violence:** An offense that meets the definition of domestic violence or dating violence
 - **Domestic Violence:** Abuse or violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person with whom the complainant is cohabiting (or has cohabited) with as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant 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.
 - **Dating Violence:** Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the complainant's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a

business or social context shall constitute a romantic or intimate relationship.

This definition does not include acts covered under domestic violence.

- **Respondent:** The person designated to respond to a complaint. Generally, the respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.
- **Responsible Employee:** Pursuant to Title IX, a Responsible Employee is a university employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or designee; or whom an individual could reasonably believe has this authority or duty.

At Concordia University Texas, Responsible Employees include, but are not limited to:

- administrators
- academic advisors
- coaches, and other athletic staff who interact directly with students
- faculty members, including professors, adjuncts, and teaching assistants (TAs)
- graduate research assistants
- residence director(s)
- student resident assistants
- all supervisory staff

Responsible Employees have a duty to promptly report incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to the university Title IX Coordinator or Deputy Title IX Coordinators.

Responsible Employees are not confidential reporting resources. During the 2019 Texas legislative session, [Senate Bill 212](#) was passed into state law. This new law became effective January 1, 2020, and requires **all employees** of Texas universities **to report** incidents of sexual harassment, sexual assault, dating violence, or stalking allegedly committed by or against a student or employee, to a Title IX Coordinator or Deputy Title IX Coordinator. Under this new law, an employee who fails to report or falsely reports such an incident will also be subject to criminal liability (misdemeanor) and termination of employment.

- **Retaliation:** Any action that adversely affects the academic, employment, or other institutional status of a student or employee of the university, visitor, applicant for admission to or employment with the university, because an individual has, in good faith, brought a complaint under this policy, opposed an unlawful practice, participated in an investigation, or requested accommodations. Examples of

retaliation include, but are not limited to: denial of promotion, non-selection/refusal to hire, denial of job benefits, demotion; suspension, discharge, threats, reprimands, negative evaluations, harassment, or other adverse treatment that is likely to deter reasonable people from pursuing their rights. Retaliation is strictly prohibited and will not be tolerated.

- **Sex Discrimination:** Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual or group's employment or education on the basis of sex (gender).
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape.
 - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is younger than 17 years of age and is not a spouse of the respondent.
- **Sexual Harassment:** Unwelcome conduct of a sexual nature. Sexual harassment is a form of sex discrimination that can occur when:
 - the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education;
 - the submission to or rejection of unwelcome physical conduct of a sexual nature, unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is used as a basis for academic or employment decisions or evaluations;
 - unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, that have the

effect of creating an objectively hostile environment that substantially interferes with employment or education on the basis of sex; or

- such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that individual's education, employment; or participation in University activities, or creating an intimidating, hostile, or offensive atmosphere.

Sexual harassment may include:

1. Sexual violence, as defined under the Texas Penal Code, which includes rape, sexual assault, sexual battery, and sexual coercion.
2. Physical conduct which, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to:
 - unwelcome intentional touching;
 - deliberate physical interference with or restriction of movement
3. Verbal conduct, whether oral, written, or symbolic expression, that depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to: explicit or implicit propositions to engage in sexual activity; gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies; gratuitous remarks about sexual activities or speculation about sexual experiences; persistent, unwanted sexual or romantic attention; subtle or overt pressure for sexual favors; exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials; or deliberate, repeated humiliation or intimidation based upon sex.

This policy applies only to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

- **Sexual Misconduct:** Behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment. Behaviors that may constitute sexual misconduct include, but are not limited to:
 - repeatedly engaging in sexually oriented conversations, comments, or horseplay, including the use of language or the telling of jokes or

anecdotes of a sexual nature in the workplace, office, or classroom, even if such conduct is not objected to by those present;

- gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course, or meeting, even if not objected to by those present;
 - failure to observe the appropriate boundaries of the supervisor/subordinate or faculty member/student relationship, including the participation of a supervisor, teacher, advisor, or coach in an unreported consensual romantic or sexual relationship with a subordinate employee or student; or
 - engaging in any form of sexual exploitation. Sexual exploitation occurs when an individual takes nonconsensual or abusive sexual advantage of another for his or her 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; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.
- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person 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 complainant. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Statement on Consent (see <https://www.concordia.edu/resources/ctx-safety/consent.html> for additional information)

1. *Consent is knowingly, voluntarily, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that*

the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual act.

- 2. A person cannot consent if he or she is unable to understand what is happening or is in a disoriented, helpless, asleep, or unconscious for any reason, including but not limited to, due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.*
- 3. Incapacitation is defined as a state where someone cannot make rational, reasonable, and sensible decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from a mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.*
- 4. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.*
- 5. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.*
- 6. A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.*

State Law Definitions

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply, not the internal definitions used in this policy.

- **Dating Violence:** “an act, other than a defensive measure to protect oneself, by an individual that is committed against a victim 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. ‘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 Family Code Section § 71.0021
- **Domestic (Family) Violence:** “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, or abuse by a member of a family or household toward a child of the family or household, or dating violence.” Texas Family Code Section § 71.004
- **Sexual Assault:** “a person commits an offense if the person (1) 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 (2) 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.

A sexual assault is without the consent of the other person 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; or 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. 'Child' means a person younger than 17 years of age. 'Spouse' means a person who is legally married to another." Texas Penal Code Section § 22.011

The State of Texas does not define consent. It defines the lack of consent.

- **Stalking:** "a person who, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) the person knows or reasonably believes the other person will regard as threatening including 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 fear that an offense will be committed against the other person's property, and (2) 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 fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for himself or herself, or 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, or fear that an offense will be committed against the person's property. A fact finder may find that different types

of conduct described above, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.” Texas Penal Code Section § 42.072

VAWA Definitions

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

1. The existence of such a relationship shall be based on the reporting party’s statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship
2. For the purpose of this definition –
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - b. Dating violence does not include acts covered the definition of domestic violence

Domestic Violence: a felony or misdemeanor crime of violence committed

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

Sexual Assault: offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

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

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

Stalking

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

Bystander Intervention

Bystander Intervention: safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual assaults, domestic violence, dating violence, and stalking. For example, bystanders may have the power to stop assaults, get help for people who have been victimized, and/or alert the appropriate authorities. The university is

committed to promoting a culture of shared accountability where bystanders are actively engaged in the prevention of prohibited conduct. As such, all members of the university community are encouraged to intervene or interrupt prohibited conduct they witness. Examples of bystander intervention include:

- confronting people who seclude, hit on, or sexually assault people who are incapacitated;
- speaking up when someone discusses plans to take sexual advantage of another person;
- calling the police when a person is being physically abusive towards another;
- refusing to leave the area [or call police], if a person is trying to get you to leave so they can take advantage of another;
- ensuring community members who are incapacitated are not left alone or in vulnerable situations; and
- referring people to appropriate university and community resources

Police and Medical Resources

An individual who experiences any form of sexual assault, domestic violence or dating violence is strongly encouraged to seek immediate medical care. Individuals can undergo a medical exam to properly collect and preserve physical evidence of the sexual assault with or without the police's involvement. It is important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. If a medical exam is not or cannot be performed immediately after the event, individuals may still obtain a Sexual Assault Forensic Exam (SAFE) within five (5) days of the sexual assault if law enforcement is involved and within four (4) days if they are not. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation; however, an individual may undergo a SAFE regardless of whether he/she has contacted, or intends to contact, the police. To obtain a SAFE exam, contact Safe Austin at 512-267-SAFE. An individual may also seek an exam from his or her own physician. The cost of the forensic portion of the exam is covered by the law enforcement agency 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 treatments not part of the SAFE. For more information about financial resources available for individuals who experience any form of

sexual assault, please see the information about Voices Against Violence and Student Emergency Services below.

An individual who experiences any form of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, that would be useful to university adjudicators/investigators or police. Reporting an assault to law enforcement does not mean the case will automatically go to criminal trial or through University disciplinary processes. If the police are called, a uniformed officer will be sent to the scene to take a detailed statement. A report may be filed with the police regardless of whether or not the accused was a CTX student. If a decision is made to make a report to the police, it is important to note that police jurisdictions depend on where the sexual assault occurred. If the alleged incident occurred on campus, a report may be filed with CTX PD by calling 512-313-3311 or in person at CTX PD office, located in on the Main Campus in building D, Room D-138. If the alleged incident occurred in Austin but off-campus, a report may be filed with the Austin Police Department, regardless of time elapsed since the assault occurred. If a report is made to APD, a uniformed officer will be dispatched to the location to make a written report. APD contact information is listed below:

- Emergency: 911
- Victim Services (bilingual operators available): 512-974-5037
- Relationship violence (Family Protection Team): 512-974-8535
- Non-emergency stalking reports: 311

An individual who has experienced a sexual assault is strongly encouraged to seek medical and psychological care regardless of whether he/she intends to request a SAFE or report the assault to the police. He/she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy regardless of whether the police were contacted or a SAFE was performed. Medical care can be provided at University Health Services (for students), at a local emergency room, or by a private physician. Psychological support can be provided by university counselor(s) – for students, Safe Austin, or by a care provider of the individual's choosing.

- An individual who experiences any form of sexual assault may pursue any civil or criminal remedies provided by state law. An individual does not need to file a criminal police report to either use on or off-campus resources or to file a complaint with the university. However, the university Title IX Coordinator will assist any individual with notifying law enforcement, if they so desire.

A protective order is a civil court order issued to prevent continuing acts of family violence, sexual assault, human trafficking or stalking. The Texas State Law Library has extensive information on protective orders that can be downloaded from their website, <https://guides.sll.texas.gov/legal-forms/protective-orders>

Concordia University Texas complies with the State of Texas laws in recognizing orders of protection. Any person who obtains an order of protection from the State of Texas or any other state should provide a copy to CTX PD. Students should also provide a copy of an order of protection to the Student Development Office. CTX PD can provide the protected individual with strategies for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. In some situations, CTX PD may be able to assist in obtaining an Emergency Protective Order; however, the victim is required to apply directly for these services through the county or district court where the victim resides. The university may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the university receives a report that such an institutional no contact order has been violated, the university will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

TYPES OF ORDERS AVAILABLE IN THIS AREA:

Type of Order:	Who Can File For One:	Court:	Based On:
Peace Bond	An individual (who is not a household or family member) to post a bond conditioned that the individual will not commit a specific act of harm for a period of one year.	Justice of the Peace Court's where victim lives, where abuser lives or has a business, or where incident(s) occurred	<p>You must prove there is a just reason to believe that the offense was intended to be committed or that the threat was seriously made.</p> <p>Based only on your affidavit the Judge may issue a Peace Bond or may request a hearing on the matter.</p> <p>IS NOT CRIMINALLY ENFORCEABLE</p>
Ex parte Family Violence Protective Orders "Temporary protective order"	<p>A victim of:</p> <ul style="list-style-type: none"> Domestic / family violence, Stalking, Dating violence, Sexual assault or aggravated sexual assault, 	District or County Court's where victim lives, where abuser lives or has a business, or where incident(s) occurred	<p>Is an immediate court order of protection meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim from further abuse or family violence until a full court hearing for a Final Protective Order is held.</p> <p>IS CRIMINALLY ENFORCEABLE and valid till it expires or a Final Protective Order is in place.</p>
Final Protective Order	<p>A victim of:</p> <ul style="list-style-type: none"> Domestic / family violence, Stalking, Dating violence, 	District or County Court's where victim lives, where abuser lives or has a business, or where incident(s) occurred	A Final Protective Order is a court order meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim and his/her children

	<ul style="list-style-type: none"> Sexual assault or aggravated sexual assault, 		<p>from further abuse and violence.</p> <p>This occurs during a final court hearing.</p> <p>IS CRIMINALLY ENFORCEABLE and valid for up to two years.</p>
Magistrate's Order of Emergency Protection (EPO)	<ul style="list-style-type: none"> A victim of: <ul style="list-style-type: none"> Domestic / family violence, Stalking, Dating violence, Sexual assault or aggravated sexual assault, Victim's guardian, A peace officer, The state's attorney 	<p>Must be issued by the Magistrate when the arrested person is taken in front of the magistrate for the initial appearance.</p>	<p>Discretionary order: An EPO may be issued after an arrest for an offense involving family violence, sexual assault, aggravated sexual assault or stalking.</p> <p>Mandatory Order: Must be issued after an arrest for an offense involving family violence, if serious bodily injury to the victim occurred, a deadly weapon was used or exhibited during the commission of the crime.</p> <p>Is valid for minimum 31 days through 91 days.</p> <p>IS CRIMINALLY ENFORCEABLE: A Class A Misdemeanor. \$4,000 fine and confinement for up to one year in jail.</p>

Where to Report

“All administrators, faculty, staff and affiliated persons are expected to promptly report...” any incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and/or stalking to the university Title IX Coordinator, a Deputy Title IX Coordinator, Responsible Employee, or other available avenue. (*Policy Prohibiting Discrimination, Harassment and Sexual Violence*).

Individuals wishing to file a complaint of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and/or stalking are also strongly encouraged to promptly notify a university Title IX Coordinator or a Responsible Employee. Responsible Employees are individuals who have the authority to take corrective action regarding a violation of Title IX, and they are required to promptly notify the university Title IX Coordinator of the complaint. The following university employees are designated as Responsible Employees and have a mandatory reporting obligation: 1. CEO, Administrators, Vice Presidents & Provost, Associate or Assistant Vice Presidents, and Deans 2. Faculty 3. Supervisors 4. Student and Enrollment Services Staff 5. Police Department personnel 6. Counselors 7. Risk Management personnel 8. Human Resources personnel 9. Athletics and Health personnel 10. Residence Life personnel, including student Resident Assistants.

When a Responsible Employee learns of an alleged violation of this policy, he/she shall report to a Title IX Coordinator all relevant details that he/she knows, including names of those involved and relevant facts including date, time, and location. Responsible Employees are required to report sexual harassment, sexual misconduct, or sexual assault, even when they have been requested by the person confiding in them to keep the discussion confidential.

When a Responsible Employee receives a sexual misconduct report from a potential victim, the victim will be notified that:

- the Responsible Employee must report the complaint to a Title IX Coordinator,
- confidentiality can be requested and such request will be evaluated by the Title IX Coordinators, and
- confidential communications can be made with the University’s Professional Licensed Counselor or Campus Pastor and that those communications will not be reported to the Title IX Coordinator without the victim’s consent.

When in doubt about whether to report a potential incident, all administrators, faculty, staff, and affiliated parties should err on the side of reporting to a Title IX Coordinator or Responsible Employee.

Additional reporting requirements for sexual offenses:

- It should be noted that reporting a sexual offense under this policy is not the same as making a “Clery” report under the university’s Policy on Mandatory Crime Reporting. Under the University’s crime reporting policy (finalized August 2018 and available on Tornado Times), Responsible Employees, as defined in the *Student Handbook*, will have a duty to report an offense directly to the campus police for statistical reporting purposes. These reporting requirements are outlined in the Policy on Mandatory Crime Reporting, and, within same, Responsible Employees are more specifically referred to as Campus Security Authorities (CSAs). (see p. 4 of this report).

No victim shall be required to report prohibited conduct to the person who allegedly committed same. Individuals also have the right to pursue a legal remedy for the prohibited conduct covered by this policy in addition to and/or instead of proceeding under this policy. In addition, Grievances shall be in writing unless the circumstances are such that it would be impractical or unreasonable to require a written complaint, e.g., the Complainant is physically unable to prepare a written complaint. The written complaint shall describe all incident(s) or action(s) considered by the complainant to be harassing or discriminatory. Written complaints shall identify the relevant dates and all witnesses and shall specify a requested remedy. The written complaint shall be signed and dated by the person raising the grievance.

A complaint under the Policy Prohibiting Discrimination, Harassment and Sexual Violence may be filed by the university, faculty, staff, student, or third party based on the alleged conduct of any university employee, including faculty, staff, student employee, as well as visitors, university affiliates and others conducting business on campus. If an employee or student believes he or she has experienced prohibited conduct, the individual may also contact a university Title IX Coordinator for additional assistance and information. Employees/students who would like to report an alleged sexual assault, interpersonal violence (including domestic violence and dating violence) and/or stalking to the police and would like a university Title IX Coordinator to accompany him/her to provide support during the reporting process, should contact a university Title IX Coordinator via the contact information provided below. The university also encourages anyone who believes they experienced or witnessed a sexual

assault (or any other crime) to make a report to CTX PD, if the assault occurred on campus, or to local law enforcement, for assaults occurring off campus.

Department	Staff	Location	Phone Number
Student Development	Brenna Nunes Dean of Students	F-220	512-313-5509
Human Resources	Sairam Pathi Director Deputy Title IX Coordinator	D-221	512-313-4412
Vice President for Student Experience & Director of Athletics	Ronda Seagraves Deputy Title IX Coordinator	F-207	512-313-4501
Counseling Services	Scott Davis counseling@concordia.edu	A-115	512-313-5032
Campus Pastor	Steven Fick	F-211	512-695-2087
CTX Police Department	Manuel Jimenez Chief of Campus Police	D-138	512-313-3311
VP Administration	Dan Gregory Title IX Coordinator	C-107	512-313-4004

Individuals may also contact the following external, federal and state agencies:

- U.S. Department of Education (Office for Civil Rights)
1999 Bryan Street, Suite 1620, Dallas, Texas 75201-6810
Phone: 214-661-9600, Fax: 214-661-9587
OCR.Dallas@ed.gov
- U.S. Equal Employment Opportunity Commission
Legacy Oaks, Building A, Suite 200, San Antonio, Texas 78229
Phone: 800-669-4000, Fax: 210-2817690
www.eeoc.gov

- Texas Workforce Commission Civil Rights Division

<https://www.twc.texas.gov/partners/civil-rights-discrimination>

Written Notification to Students and Employees

Regardless of whether a victim/individual elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims/individuals who report a concern of sexual assault, domestic violence, dating violence, and stalking by providing each with a written explanation of their rights and options. Such written information will include:

- Services and resources including but not limited to information on counseling, health, victim advocacy, legal assistance, and other services available both on- and off-campus, options for, and available assistance in, changing academic, living, transportation, and working situation if those changes are requested by the individual and are reasonably available, regardless of whether they report the offense to local or campus police
- To whom the alleged offense should be reported
- Explanation of the individual's rights and options including the option to notify CTX PD or local law enforcement, be assisted by the university in notifying CTX PD or local law enforcement if they desire, and the option not to notify law enforcement
- Information about what to expect during an investigation including, the role of the investigator, protective measures, the investigation process, and individual rights throughout the investigation
- Procedures relating to the university's disciplinary process in cases of alleged domestic violence, dating violence, sexual assault and stalking, including a clear statement that:
 - The proceedings will: 1. provide a prompt, fair and impartial investigation and resolution, and 2. be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and a hearing process that protects the safety of complainants and promotes accountability
 - Complainant and respondent have the same opportunity to be accompanied by an advisor of his/ her choice during a disciplinary proceeding or any related meeting or proceeding
 - Complainant and respondent shall be simultaneously informed in writing of: 1. the outcome of any university disciplinary hearing arising from an allegation of

domestic violence, dating violence, stalking or sexual assault, 2. the university's procedures for appealing the results of the disciplinary hearing, 3. any changes to the outcome that occurs before outcome is finalized, and 4. when outcome becomes final

- A list of possible sanctions or protective measures the university may impose following a final determination of a disciplinary procedure involving allegations of sexual assault, stalking, domestic violence or dating violence.
- Information about how the university will protect the individuals' confidentiality, to the extent permissible by law

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, The Concordia University Texas will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement.

Community Resources

Safe Austin

512-267-SAFE

<http://www.safeaustin.org/safeplace>

- Operates a twenty-four-hour hotline
- Helps individuals who have experienced a sexual assault navigate the forensic medical exam
- Offers individual and group therapy for individuals who have experienced sexual assault and/or domestic violence
- Provides domestic violence shelter services

Austin Police Department

911

<http://www.austintexas.gov/departments/police>

- 911 provides emergency response and takes reports of sexual assaults
- Offers Victim Services counselors at 512-974-5950 or 512-974-5037

Travis County Sheriff's Office Victim Services Unit

512-854-9709

- Can assist with obtaining protective orders, making a report, and crime victim's compensation

Texas Association Against Sexual Assault (www.taasa.org) offers training and information regarding sexual violence

Rape Abuse and Incest National Network (RAINN) 800-656-4673
www.rainn.org

- National 24-hour helpline for sexual assault survivors. They can assist in directing individuals to local services and will speak with persons in crisis

St. David's Hospital Emergency Room 512-544-4240
<http://www.stdavids.com/locations-facilities/st-davidsmedical-center.aspx>

Dell Seton Medical Center at the University of Texas 512-324-7000
<https://healthcare.ascension.org/Locations/Texas/TXAUS/Austin-Dell-Seton-Medical-Center-at-The-University-of-Texas>

Education Programs and Ongoing Prevention and Awareness Campaigns

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

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

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

The university has education programs to promote the awareness and/or prevention of rape, acquaintance rape, domestic violence, dating violence, stalking and sexual assault. The university provides ongoing prevention and awareness campaigns for students and employees. These primary prevention and ongoing awareness programs include:

- A statement that the university prohibits domestic violence, dating violence, sexual assault and stalking

- Texas Penal Code and Family Code definitions of “domestic violence,” “dating violence,” “sexual assault,” and “stalking”
- Texas Penal Code and Family Code definition of “consent” in reference to sexual activity
- Safe and positive options for bystander intervention that a person may take to prevent harm or intervene when there is a risk of one of these offenses
- Information regarding risk reduction strategies to recognize warning signs of abusive behavior and how to avoid potential attacks
- Possible sanctions or protective measures the university may impose following a final determination from a disciplinary procedure regarding domestic violence, dating violence, stalking and sexual assault
- Procedures individuals should follow if one of these offenses has occurred, including information about:
 - Importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking or in obtaining a protection order
 - To whom the alleged offense should be reported
 - Options regarding law enforcement and campus authorities, including the option to notify (or not) on-campus and local police and be assisted by campus authorities in notifying law enforcement if the individual so desires
 - Victim’s rights (and CTX’s responsibilities) regarding protection/restraining orders, no contact orders or similar civil/criminal orders
 - The university’s policies and disciplinary procedures related to these offenses
 - Information regarding how the university will protect victims’ confidentiality, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permitted by law
 - Information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims [both on and off campus]
 - Information about options for, and assistance in, changing academic, living, transportation and working situations if requested by the victim and the requested accommodation is reasonably available, regardless of whether the victim chooses to report the crime to law enforcement authorities

- Notice that a person reporting to the university that he/she has been a victim of one of these offenses (whether it occurred on or off campus) will be provided a written explanation of this information

Questions regarding the above should be directed to the university Title IX Coordinator or the Students Development Office.

Use of Alcohol and Drugs

The fact that the student accused of sexual assault was under the influence of drugs or alcohol at the time of the assault will not diminish the student's responsibility for a violation of related codes of conduct, nor shall being under the influence of alcohol or drugs be construed as an invitation to or as implied consent for unwanted sexual advances. "Consent is a clear, knowing and voluntary permission by words or action to engage in mutually agreed upon sexual activity." (*Student Handbook*). "Consent cannot be freely given if the person's ability to understand and give consent is impaired." (*Policy Prohibiting Discrimination, Harassment and Sexual Violence*).

Retaliation

Every student and employee at the University has right to seek relief under this policy or to participate in an investigation or covered proceeding without being subjected to retaliation. Retaliation is an adverse action taken by an employee or student against an individual who makes a complaint of discrimination or harassment, witnesses an incident of discrimination or harassment, reports an incident of discrimination or harassment, or participates in an investigation pertaining to a grievance of discrimination or harassment. For an action or decision to be considered adverse, it must be materially adverse and be of the type that would dissuade a reasonable person from exercising his or her rights to file a grievance or to participate in an investigation. Unlawful retaliation does not include petty slights or annoyances. (*Policy Prohibiting Discrimination, Harassment and Sexual Violence.*)

Sex Offender Registration: Campus Sex Crimes Prevention Act

The federal Campus Sex Crimes Prevention Act (enacted October 2000) requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C 166921) concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State

to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer services, or is a student.

Texas Code of Criminal Procedure Chapter 62 mandates individuals that are required to register as sex offenders to report to their primary registering agency if they are living, working, or volunteering with an institution of higher education. You may search for information regarding registered sex offenders at the Texas Department of Public Safety website:

<https://publicsite.dps.texas.gov/SexOffenderRegistry/Search>

Missing Student Notification for Students Residing on Campus

All students who reside in on-campus housing are given the opportunity to designate another individual as a missing student contact. This individual can be the same person or a different person than is listed as the emergency contact for the student. This identified individual will be notified by the university if the student is determined to be missing within 24 hours. Below is list of titles of the persons or organizations to which students, employees, or other individuals should report that a student is missing:

- Any Resident Assistant
- The Director of Residential Life
- Any Student Development Office staff member
- Any CTX PD officer

If the missing student is reported to any of the non-CTX PD personnel above, they will immediately notify CTX PD of the missing student report. Notification will be made to the designated missing student contact for students of any age who reside on-campus and are determined to be missing. The Missing Student Notification Procedure also covers emancipated students under 18 who reside on campus. This procedure also stipulates that the student's custodial parent or guardian, in addition to the missing student contact individual, must be notified within 24 hours after the student is determined to be missing. For all missing students, Concordia University Texas will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Missing Person Contact Information

A housing student's contact information will be registered confidentially and accessible to authorized campus officials only. This information may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. If a student living in university housing is determined to have been missing, Residence Life staff will immediately notify law enforcement (CTX PD) to initiate missing person procedures. Many missing person reports in the university environment result from someone changing their normal routine and failing to inform others of this change. All students can take a proactive role in their own safety and the safety of others by:

- Keeping emergency contact information up-to-date on a semester basis with your institution
- Updating friends and family members with changes to e-mail, cell and other contact information
- Making sure that a roommate, designated friend, and/or family member knows how to reach you and what your routine is
- Establishing a habit of "checking in" with family and friends on a regular basis

University Policies Governing Alcohol and Other Drugs

The University provides information for students and employees regarding illicit drug and alcohol abuse, including standards of conduct, health risks, state and federal penalties, and available drug or alcohol counseling and rehabilitation services.

All students are expected and required to obey federal, State, and local laws; to comply with institutional rules and regulations, and directives issued by administrative officials of Concordia University Texas in the course of their authorized duties; and to observe standards of conduct appropriate for an academic institution. To that end, in accordance with Texas state law, Concordia University Texas does not permit the purchase, possession, use, sale, or consumption of alcohol by persons under 21 years of age. The Concordia University Texas Police Department is responsible for enforcement of state underage drinking laws.

The consumption or possession of alcoholic beverages by persons 21 years of age or older on Concordia's campus is restricted to the following areas and conditions: *(see Policy on Alcohol and Other Drugs – available on Tornado Times)*

- Campus residents who are students and of legal drinking age may use alcoholic beverages in their designated residence as permitted under the conditions set forth in the Student Policies and subject to the standards of the Student Code of Conduct.
- Intoxication or abuse of alcohol and other drugs (AOD) is not permitted. In the event that a person is found to be acutely intoxicated, that person shall be referred to an appropriate health care facility by a security or law enforcement professional.
- Being intoxicated or under the influence of alcohol and other drugs at any Concordia event is prohibited. Any employee or student or other participant deemed to be intoxicated or under the influence of AOD may be removed from the event/activity and subject to further disciplinary action as applicable by law and university policy.

The unlawful use, possession, or distribution of drugs or alcohol by an employee is prohibited.

Drug Free Schools and Communities Act

Concordia University Texas has a zero tolerance policy, as related to the unlawful possession, use, or distribution of illegal drugs and controlled substances. In addition, CTX publishes information regarding the university's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and university policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs.

CTX has developed programs to prevent the use of illicit substances and the abuse alcohol by students and employees. In collaboration with other university departments, the Success Center provides overall coordination of these programs. Among these programs:

Drug and Alcohol Abuse Education Programs	Description
Honor One Another	During freshman and transfer students' first year, each student has to take an online course (Honor One Another) which talks about drug and alcohol abuse. Students learn about statistics, the signs of drug and alcohol abuse, and what to do if they or someone they know is abusing drugs or alcohol.
National Night Out	CTX PD sponsors a National Night Out event wherein they provide information to students, faculty, staff, and visitors regarding staying safe in

	various aspects of their life. In addition to personal safety, the event is intended to enhance existing and build new community-police partnerships. CTX PD provides a DWI simulator and presents information about the influence of alcohol and other drugs. Additionally, CTX PD distributes related/relevant sources of information.
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Alcohol and Drug Education:

- Human Resources: New Employee Orientation / Employee Assistance Program
- CTX PD

Counseling Services: Counseling Center

Referral Services: Counseling Center

University Disciplinary Actions: Student Development Office

Health Risks of Alcohol and Drugs

Alcohol. Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons compared to nonusers of alcohol. Nutrition also suffers and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse can cause any or all of the following: bleeding from the intestinal tract, damage to nerves and the brain, impotence, psychotic behavior, loss of memory and coordination, damage to the liver often resulting in cirrhosis, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles. Damage to the nerves and organs are usually irreversible. Cancer is the second leading cause of death in alcoholics and is ten times more frequent than in nonalcoholics. Sudden withdrawal of alcohol from persons dependent on same generally involve serious physical withdrawal symptoms. Drinking during pregnancy can cause fetal alcohol syndrome. Overdoses of alcohol can result in respiratory arrest and death.

Drugs. The use of illicit drugs usually causes the same general types of physiological and mental changes as alcohol, though frequently, those changes are more severe and more sudden. Death or coma resulting from overdose of drugs is more frequent than from alcohol.

- **Cocaine.** Cocaine is a stimulant that is most commonly inhaled as a powder. It can be dissolved in water and used intravenously. The cocaine extract ("crack") is smoked. Users can progress from infrequent use to dependence within a few weeks or months. Psychological and behavioral changes that can result from such use include overstimulation, hallucinations, irritability, sexual dysfunction, psychotic behavior, social isolation, and memory problems. An overdose produces convulsions and delirium and may result in death from cardiac arrest. Cocaine dependency requires considerable assistance, close supervision, and treatment. Amphetamines. Patterns of use and associated effects are similar to cocaine. Severe intoxication may produce confusion, rambling or incoherent speech, anxiety, psychotic behavior, ringing in the ears, and hallucinations. Intense fatigue and depression resulting from use can lead to severe depression. Large doses may result in convulsions and death from cardiac or respiratory arrest.
- **MDA and MDMA (XTC, Ecstasy).** This amphetamine based hallucinogen is sold in powder, tablet, or capsule form and can be inhaled, injected, or swallowed. They cause similar, but usually milder, hallucinogenic effects than those of LSD. Because they are amphetamines, tolerance can develop quickly and overdosing can occur. Exhaustion and possible liver damage can occur with heavy use. In high doses, these drugs can cause anxiety, paranoia and delusions. While rare, these drugs have been associated with deaths in users with known or previously undiagnosed heart conditions.
- **Rohypnol (Rophies, Roofies, Rope).** This drug is similar to the drug Valium, a benzodiazepine, but it is more potent than Valium. Initially, it causes a sense of relaxation and a reduction of anxiety. At higher doses, light-headedness, dizziness, lack of coordination, and slurred speech occur. The drug affects memory and, in higher doses or if mixed with other drugs or alcohol, can result in amnesia for the time period the user is under the influence. Because of its amnesiac effect, Rohypnol has been given intentionally to others to facilitate sexual assault and other crimes. Combining this drug with other sedating drugs, including alcohol, will increase the intensity of all effects of the drug and, in sufficient doses, can cause respiratory arrest and death. Dependency can occur. Heroin and Other Opiates. Addiction and dependence can

develop rapidly. Use is characterized by impaired judgment, slurred speech, and drowsiness. Overdose is manifested by coma, shock, and depressed respiration, with the possibility of death from respiratory arrest. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea, vomiting, and muscle and joint pains.

- **Hallucinogens or Psychedelics.** These include LSD, mescaline, peyote, and phencyclidine or PCP. Use impairs and distorts one's perception of surroundings, causes mood changes and results in visual hallucinations that involve geometric forms, colors, and persons or objects.
- **Solvent Inhalants (e.g., glue, lacquers, plastic cement).** Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent with chronic use.
- **Marijuana (Cannabis).** Marijuana is usually ingested by smoking. Smoking marijuana causes disconnected ideas, alteration of depth perception and sense of time, impaired judgment and impaired coordination. Prolonged use can lead to psychological dependence.
- **Damage from Intravenous Drug Use.** In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV, hepatitis, tetanus ("lock jaw"), and infections in the heart. Permanent damage or death can result.

In accordance with Texas state law, Concordia University Texas does not permit the purchase, possession, use, or sale, of illicit drugs. The Concordia University Texas Police Department is responsible for enforcement of state drug laws.

Penalties Under Texas Law

Manufacture or Delivery of Controlled Substances (Drugs). The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in Texas Department of Corrections ("TDC") for life or for a term of not more than 99 years nor less than fifteen years, and a fine not to exceed \$250,000.

Possession of Controlled Substances (Drugs). The minimum penalty is confinement in jail for a term of not more than two years or less than 180 days, and a fine not to exceed \$10,000. The maximum penalty is confinement in TDC for life or for a term of not more than 99 years nor less than fifteen years, and a fine not to exceed \$250,000.

Delivery of Marijuana. The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is imprisonment for life or for a term of not more than 99 nor less than ten years, and a fine not to exceed \$100,000.

Possession of Marijuana. The minimum penalty is confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. The maximum penalty is confinement in TDC for life or for a term of not more than 99 nor less than five years, and a fine not to exceed \$250,000.

Driving While Intoxicated (includes intoxication from alcohol, drugs, or both). The minimum penalty is confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000. The maximum penalty is imprisonment for a term of not more than ten years nor less than two years, and a fine not to exceed \$10,000.

Public Intoxication. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with age and number of offenses. **Purchase of Alcohol by a Minor.** The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with age and number of offenses.

Consumption or Possession of Alcohol by a Minor. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with number of offenses.

Purchasing for or Furnishing of Alcohol to a Minor. The minimum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both. The maximum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both. The penalties described above are based on applicable Texas statutes and are subject to change at any time by the Legislature and the Governor. Please refer to the applicable State statute for additional information.

Penalties Under Federal Law Manufacture, Distribution, or Dispensing of Drugs (including marijuana). The minimum penalty is a term of imprisonment for up to three years

and a fine of \$250,000, or both. The maximum penalty is a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual or \$20,000,000 (if other than an individual). Possession of Drugs (including marijuana). The minimum penalty is imprisonment for up to one year and a fine of not less than \$1,000, or both. The maximum penalty is imprisonment for not more than 20 years nor less than five years and a fine of not less than \$5,000 plus costs of investigation & prosecution. Distribution of Drugs to a Person Under 21 Years of Age. The minimum penalty is double the federal penalty for distribution of drugs. The maximum penalty is triple the federal penalty for distribution of drugs. The federal penalties described above are based on applicable federal statutes and are subject to change at any time by Congress and the President. There are additional factors in the federal sentencing guidelines. Please refer to the applicable federal statute for additional information.

Annual Discloser of Crime Statistics

The Clery Act requires institutions to include statistics for Clery reportable geography: On-Campus, On-Campus Student Housing, Public Property and Non-campus Buildings and Property. The Clery Act requires institutions to include statistics for four general categories of crime, including Criminal Offenses, Hate Crimes, VAWA Offenses and Arrests and Referrals for Disciplinary Action.

Several agencies and individuals are involved in the data collection processes, including, but not limited to, the Concordia University Texas Police Department, the Austin Police Department, the Travis County Sheriff's Office, the Students Development Office, the Office of Residence Life, Student Central, and other Campus Security Authorities (CSA's).

Definitions of Reportable Crimes

Geographic 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 paragraph (1) 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). For 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 Facility 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.

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

Non-campus Buildings or Property is 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.

Criminal Offense Definitions

Criminal Homicide:

- **Murder/Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another
- **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

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

- **Rape** is the penetration, no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without consent from the victim, including incidents where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Incest** is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

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

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

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding).

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

Hierarchy Rule

Reporting and counting criminal offenses includes applying the FBI's UCR Hierarchy Rule. Under this rule, when more than one criminal offense was committed during a single incident you should only count the most serious offense. With few exceptions, this rule is applied when reporting Criminal Offenses. This rule only applies to the counting of criminal offenses and does not apply to the reporting of hate crimes, VAWA offenses or Arrests or Disciplinary Referrals for Clery reportable law violations.

Unfounded

Crimes that are found, through law enforcement investigation, to be false or baseless are determined to be unfounded for purposes of crime statistic reporting.

Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Under the Clery Act, only the following eight categories of covered classes are reported: race, religion, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

- Categories of bias included in the annual statistical disclosure are:
 - **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).
 - **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists). Sexual orientation. A preformed

negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

- **Sexual Orientation** is the term for a person's physical, romantic and/or emotional attraction to members of the same and/or opposite sex (e.g., lesbian, gay, bisexual, heterosexual individuals).
- **Gender**. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender (male or female).
- **Gender Identity**. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (bias against transgender or gender non-conforming individuals).
- **Ethnicity**. A preformed negative opinion or attitude toward a group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry.
- **National Origin**. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability**. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For purposes of the annual statistical disclosure, hate crimes include any Clery-reportable criminal offense (listed above) and the following additional offenses:

- **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
- **Simple Assault** is the unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** is 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** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control over it.

VAWA Offenses

For the purposes of the Annual Security report, the following definitions apply for Clery classification:

- **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed:
 - by a current or former spouse or intimate partner of the victim;
 - by a person with whom the victim shares a child in common;
 - by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 jurisdiction in which the crime of violence occurred.
- **Stalking** is defined as 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
 - to suffer substantial emotional distress.
- **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.

Arrests and Disciplinary Referrals

Arrests and disciplinary referral statistics include the number of persons arrested and/or referred for disciplinary action for the following violations:

- **Weapons: Carrying, Possessing, Etc.**, is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
- **Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Separate Campuses

Concordia University Texas has identified additional campuses that must comply separately under the Clery Act: CTX – Austin Nursing Campus at the Echelon Building and the Dallas Nursing Campus. Unless otherwise noted, each separate campus is governed by the same policies as the main Austin campus. This report does not contain the crime statistics for the Dallas Nursing campus and will be reported in 2023. Concordia University Texas reports the crimes required by the Clery Act that occurred on or within an institution's Clery geography that were reported to a Campus Security Authority.

Opened August 24, 2020

There were no Clery reportable hate crimes in the 2021 calendar year. **No on-campus residence halls at this location**

Fire Safety Report

In August 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety- and security-related requirements for institutions. Specifically, it added:

- Fire safety reporting requirements for institutions with on-campus student housing facilities.

In compliance with appropriate provisions of federal law, Concordia University Texas is required to make reports available to the campus community and to prospective students and their parents pertaining to fire safety. Institutions maintaining on-campus student housing facilities must collect fire statistics, publish an Annual Fire Safety Report, and keep a Fire Log. In compliance with the Clery Act, CTX is required to prepare an Annual Security Report that contains security and safety related policies and procedures as well as the three (3) most recent calendar years' worth of crime statistics.

The Annual Fire Reports contains:

- Fire statistics listed for each on-campus student housing facility separately
- Description of the fire safety system for each on-campus student housing facility
- The number of fire drills held the previous calendar year. • Institutional policies or rules on portable electrical appliances, smoking and open flames in student housing facilities
- Procedures for student housing evacuation
- Policies for fire safety education and training programs for students, staff, faculty
- A list of the titles of each person or organization to which individuals should report that a fire has occurred
- Plans for future improvements in fire safety, if determined necessary by the institution.

Definitions

Fire. For fire safety reporting, a fire is, *“Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.”*

On-Campus Student Housing Facility. For purposes of the Clery Act regulations, *“any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.”*

Fire Safety System. The Higher Education Opportunity Act defines a fire safety system as *“any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.”*

Fire Log

A Fire Log will be maintained by the institution. This Fire Log should be easily understood and fires should be recorded on the date reported. For each report of a fire the following information should be included in the Fire Log:

- The nature of the fire
- The date the fire occurred
- The time of day the fire occurred
- The general location of the fire

The Fire Log may be in hard copy or in an electronic format. The Fire Log must be accessible on site. The Fire Log reports for the most recent sixty (60) day period must be open to public inspection upon request [during normal business hours]. Any portion of the log that is older than 60 days must be made available within two (2) business days of a request for public inspection. The Fire Log must be kept for three (3) years following the publication of the last annual report to which it applies (in effect: seven years).

Hard copies of the Fire Log are available for view at the campus police office on the Main Campus, building D, Room D-138.

Fire Statistics

Fire statistics must be collected and reported in both the annual fire safety report and the U.S. Department of Education's web-based data collection system. Fire statistics for each on-

campus student housing facility must be reported. The number of fires and cause of each fire will be outlined in the report.

Categories to be used are:

1. Unintentional Fire
 - a. Cooking
 - b. Smoking materials
 - c. Open flames
 - d. Electrical
 - e. Heating equipment
 - f. Hazardous products
 - g. Machinery/Industrial
 - h. Natural
 - i. Other
2. Intentional Fire
3. Undetermined Fire

In addition, the following will be documented:

1. Number of deaths related to the fire
2. Number of inquiries related to the fire resulting in treatment at a medical facility
3. The value of property damage related to the fire

FIRE STATISTICS

2021 Concordia University Texas – Main Campus Residence Halls Fire Safety Report								
Facility	FIRE	DATE	TIME	CAUSE OF FIRE	LOCATION	INJURIES	DEATHS	DAMAGE
H-1	0	N/A	N/A	N/A	N/A	0	0	0
H-2	0	N/A	N/A	N/A	N/A	0	0	0

2020 Concordia University Texas – Main Campus Residence Halls Fire Safety Report								
Facility	FIRE	DATE	TIME	CAUSE OF FIRE	LOCATION	INJURIES	DEATHS	DAMAGE
H-1	0	N/A	N/A	N/A	N/A	0	0	0
H-2	0	N/A	N/A	N/A	N/A	0	0	0

2019 Concordia University Texas – Main Campus Residence Halls Fire Safety Report								
Facility	FIRE	DATE	TIME	CAUSE OF FIRE	LOCATION	INJURIES	DEATHS	DAMAGE
H-1	0	N/A	N/A	N/A	N/A	0	0	0
H-2	0	N/A	N/A	N/A	N/A	0	0	0

Concordia University Texas – Main Campus Residence Halls Fire Safety System(s)									
Facility	Fire Alarm System	Smoke Detectors	Heat Detectors	Pull Stations	Audible Alarms	Visual Alarms	Fire Alarm Monitored	Fire Suppression System	Building Construction
H-1	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Sprinkler	Wood frame
H-2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Sprinkler	Wood frame

2021 CTX RESIDENCE HALLS FIRE DRILL LOG			
Facility	Date	Start:	End:
H-1	11/04/2021	5:15PM	5:30PM
H-2	11/04/2021	5:15PM	5:30PM

FIRE LOG

[illegible][illegible]

Concordia University Texas (CTX) became a smoke-free campus under a policy that took effect, August 18, 2017. In doing so, Concordia joins over 1,900 colleges and universities in the United States to ban smoking on campus. Safety is always the top priority for our campus community. The policy, moves the boundaries for smoking to off-campus and applies to everyone on campus, including visitors.

Accordingly, smoking is not permitted in any area of the residence halls including individual student rooms and stairwells.

Banned Objects and Appliances

Household appliances such as space heaters are prohibited unless otherwise approved. Personal appliances, such as radios, stereos, televisions, shavers, clocks, hair dryers, fans, computers, are permitted; however, students should refrain from plugging in more than two appliances into a double outlet at any time. Refrigerators and microwave ovens are available in each room. For questions regarding whether a particular item is permitted, inquiries should be directed to: Leslie Moore, Director of Residential Life, 512-313-4055.

Possession of cooking appliances and devices is prohibited. The only permissible appliances are blenders and coffeemakers. Students are encouraged to be responsible users of campus utilities and to turn off lights and faucets when not in use.

Candles, incense, and other combustible materials may not be used in any residential room and/or facility. The university will not tolerate students starting fires in rooms, hallways, stairwells, elevators, lounges, study areas, utility and storage rooms, kitchens, grounds, and near building exteriors. Possession of these items will result in disciplinary and/or legal action, as appropriate.

Student Housing Evacuation Procedures

General Information Related to Residence Hall Evacuation

Procedures in Case of a Fire

- If you hear the fire alarm, immediately evacuate the building using the nearest available exit. *Do not attempt to fight a fire unless you have been trained to do so*
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not

open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside

- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating
- Residence Life staff members who are present on their floors should facilitate the evacuation of their floor/section, if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit
- DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time
- Residents should report to their designated assembly area. Residence Life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel

Emergency Evacuation

Student residents are required to evacuate residence halls upon activation of the building fire alarm system. Any announcement of an emergency nature is performed by a trained Resident Assistant or staff member. The campus police department conducts emergency evacuation drills.

Evacuation Route

Residents are required to gather on sidewalks or other appropriate areas out of the traffic areas used by emergency responders. After being evacuated, residents should only return to the residence halls after an announcement by the fire department, university police, or Residential Life personnel that it is permissible to do so. Evacuation drills are performed for each occupied residence hall at least once per year. Drills are documented in this report.

Emergency Communication Tools

Emergencies may range from inclement weather, to building evacuations, to campus closures. The university has a variety of tools to communicate with the public in the event of these and other possible emergencies. Depending on the type of emergency, the university may use some or all of the communications tools to inform the faculty, staff, and students.

Fire Safety Inspections

Inspections of residence halls are performed nightly by the Resident Assistants. Areas inspected include:

- Exit stairwells (check for obstructions)
- Exit corridors (check for obstructions)
- Exit signs (check for function and visibility)
- Building exit doors (check for function and security)
- Common areas (lounges, study rooms, entertainment areas)

Reports regarding building safety equipment requiring repair or replacement must be submitted to maintenance personnel in a timely manner.

Fire Reporting

Reports of any type of fire are investigated and documented by Concordia University Texas Police Department. Fires involving an injury, death, significant property damage or suspicious fire incidents must be reported to the Chief of Campus Police on a 24/7 basis. Any fire on the campus of Concordia University Texas that causes injury, death, significant property damage or potentially suspicious fire incidents must be reported to the Texas State Fire Marshal's Office. The reporting of fires to the Texas State Fire Marshal's Office can be via a 24/7 telephone number: 512-305-7900.

If a member of the CTX community finds evidence of a fire that has been extinguished, and the person is not sure whether CTX PD has already responded, the community member should immediately notify the police department at (512) 313-3311 to investigate and document the incident for disclosure in the university's annual fire statistics.

** ALL FIRES SHOULD BE IMMEDIATELY REPORTED			
Department	Staff	Locations	Phone Number
CTX Police	Manuel Jimenez Chief of Campus Police	D-138	512-313-4044
Facilities	Michael Cattau Senior Director	B-244	512-313-4064
Residential Life	Leslie Moore Director	Regents Hall 122	512-313-4055

Future Improvements

Concordia University Texas continually evaluates the need for improvements in all aspects of the campus fire safety program. It is the intent of the university to provide an environment that addresses the issues of fire and life safety for students, faculty, and staff.

Changes in student or personnel numbers, occupancy changes of campus buildings, the design and use of new buildings, renovations of existing structures, and the need to retrofit existing buildings with new fire/life safety equipment is continually under review.

Improvements or potential changes in fire safety at the university are reviewed and any required changes are implemented on a timely basis.

We have completed phase II of our camera project and are looking to add additional security cameras for the main campus.

Contact Information

Manuel Jimenez

Chief of Campus Police

Daniel Gregory

VP Administration

Concordia University Texas Police Department

11400 Concordia University Drive, D-138

Austin, Texas 78726

Tel 512-313-3311

<https://www.concordia.edu/resources/campus-police>

