



# 2023 Annual Security and Fire Safety Report

**UTSA<sup>®</sup>**

The University of Texas at San Antonio<sup>™</sup>

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## 2023 Annual Security and Fire Safety Report – Introductory Message

Dear Roadrunners,

As we welcome the Roadrunner community back to campus this fall semester, we are committed to providing a safe, engaging and supportive environment to live, learn and work. This 2023 UTSA Annual Security and Fire Safety Report provides important information on our campus safety policies and programs, crime statistics, fire safety and prevention, and more.

We continuously seek new, innovative technology and nationally recognized practices to enhance our campus safety. In recent years, we have implemented a variety of initiatives and changes, including new records management systems, adopting the [UTSA Tracy Rule](#), partnering with Centro San Antonio to provide [services and support](#) at our downtown locations, and more.

UTSA Public Safety provides comprehensive services to support the Roadrunner community and keep our campuses safe. Faculty, staff and students can participate in training on important topics, such as de-escalation, self-defense, personal safety and response to active threats on campus. Public Safety team members also receive training on crisis intervention, responding to individuals who are experiencing mental health crises, and response to active threats.

A variety of campus stakeholders actively partner with Public Safety through the [UTSA Behavioral Intervention Team \(BIT\)](#). This multi-disciplinary team is responsible for identifying, assessing and responding to concerns or disruptive behaviors. By reporting concerns to the BIT, Roadrunners take a proactive role in supporting a safe campus community.

UTSA's [Wellbeing Services](#) offers a variety of counseling and mental health resources to students. The recently launched [TimelyCare](#) resource provides on-demand emotional support, appointment-based counseling, advanced psychiatric care, and more. Mental health support is conveniently available via mobile app.

Another top priority at UTSA is preventing sexual violence and misconduct. We encourage Roadrunners to visit our [Safe Campus](#) website for information on the university's related resources and services.

All Roadrunners are encouraged to actively participate in keeping our campuses safe. Report suspicious behaviors or criminal activity by calling (210) 458-4242, using the [LiveSafe mobile app](#), or dialing 4911 from any campus phone or 210-458-4911 from your mobile device on campus.

This report was completed by a collaborative team representing various campus sectors, including UTSA Public Safety, Equal Opportunity Services & Title IX, the Office of Student Conduct and Community Standards, Housing and Residence Life, and other partners. The Clery Compliance coordinator compiled this report in collaboration with our Clery Act Data Integrity Working Group, which reports directly to the Clery Compliance Committee. The information provided in the following pages is completed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and demonstrates our ongoing dedication to transparency. We sincerely appreciate everyone who played a role in composing this report and all those who provide important safety resources to our community.

As we move forward, we will continue to explore new and innovative opportunities for improvement. If you have any questions or would like to share feedback, please contact our Clery Compliance Coordinator at [clery@utsa.edu](mailto:clery@utsa.edu) or Public Safety at [UTSAPolice@utsa.edu](mailto:UTSAPolice@utsa.edu).

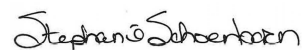
Sincerely,



**Taylor Eighmy**  
President



**Veronica Salazar**  
Senior Vice President for Business  
Affairs and Chief Enterprise  
Development Officer



**Stephanie Schoenborn**  
Chief of Police



## Introduction - Annual Security and Fire Safety Report Preparation

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, The University of Texas at San Antonio Clery Compliance Coordinator prepares the Annual Security and Fire Safety Report. This report is prepared in collaboration with the Department of Public Safety, the Office of Risk and Emergency Management, Student Affairs, Housing and Residence Life, Campus Living Villages, Student Conduct and Community Standards, Counseling and Mental Health Services, Title IX, and other university departments. Each entity provides updated information on its policies and procedures, educational efforts, and programs to comply with the Clery Act. Crime Statistics are provided by local law enforcement agencies with jurisdiction within the UTSA Clery Geography, UTSA Department of Public Safety, and UTSA's Campus Security Authorities (CSAs). Except where noted, policies indicated in this Annual Security and Fire Safety Report apply to all campuses that comprise The University of Texas at San Antonio. This report lists statistics for three previous years of reported crimes that occurred on the Main and Downtown campuses. Also included are reported crimes that occurred off-campus buildings owned or controlled by UTSA and on any public property within or immediately adjacent to or accessible from the campus. The report describes institutional policies concerning campus security, alcohol and drug use, crime prevention, safety awareness, crime reporting, sexual assault, and crime-related issues. A copy of this report is available by contacting the Clery Compliance Coordinator at (210) 458-4153 or by accessing our website at:

<http://www.utsa.edu/compliance-and-risk-services/clery/>

All prospective employees may obtain a copy of the report from People Excellence at the UTSA Main Campus, North Paseo Building, room 4.170, or from the Compliance Website through a link on their [website](#). The report is also available through a link on the Admissions webpage for all prospective students. A request for a hard copy can be made through the US mail or via e-mail by writing to Amanda Swaney, Clery Compliance and Youth Protection Coordinator, One UTSA Circle, San Antonio, TX 78249, or [clery@utsa.edu](mailto:clery@utsa.edu).

The 2023 Annual Security and Fire Safety Report contains important information regarding campus safety and security. The report provides information about reporting crimes and the UTSA Department of Public Safety's collaboration with local, state, and federal law enforcement agencies. The report contains information on drug and alcohol abuse, sexual assault prevention and education, weapons on campus, and procedures regarding fire safety. The report encompasses three calendar years of reported crime statistics for all properties owned, leased, or controlled by The University of Texas at San Antonio and on public property immediately adjacent to and accessible from the campuses. This information complies with the requirements of the Jeanne Clery

Disclosure of Campus Security Policy and Crime Statistics Act. By October 1st of each year, The Office of Senior Vice President for Institutional Strategic Planning, Compliance Risk Management, and Office Operations & Chief of Staff sends out the Notice of Availability for the Annual Security and Fire Safety Report to students, faculty, and staff. The Annual Security and Fire Safety report is available through the UTSA Clery Act website.

The 2023 Annual Security and Fire Safety Report is available on the web at:

<http://www.utsa.edu/compliance-and-risk-services/clery/>

For additional services provided by the UTSA Department of Public Safety, please browse our website at:

<http://www.utsa.edu/publicsafety/pd/>

UTSA Department of Public Safety regularly posts information on:

Facebook <https://www.facebook.com/UTSAPoliceDepartment/>

Twitter [https://twitter.com/UTSA\\_police](https://twitter.com/UTSA_police)

### About UTSA

The University of Texas at San Antonio (UTSA) is redefining higher education as a next-generation Hispanic-thriving university where students from all backgrounds can excel. With a focus on student success and research excellence, UTSA is serving as a model for the urban-serving public universities of the future. Through the transformational learning experiences that we provide, UTSA is creating bold futures for our students, the citizens of San Antonio, and beyond. As the largest university in San Antonio, UTSA is rising to new heights as one of approximately 20 universities nationwide that are designated as Hispanic Serving Institutions and hold a prestigious Tier One classification for research excellence. UTSA has five recognized campuses: Main Campus, Downtown Campus, Hemisphere Campus, Park West Campus, and the Southwest Campus. However, for Clery Geography purposes, we count two campuses: Main Campus, which includes Park West and University Heights, as non-campus property, and Downtown Campus, which includes the Southwest Campus, with Hemisfair Park as a non-campus property. UTSA's Main Campus currently has six residence halls: Alvarez Hall, Chaparral Village, Chisholm Hall, Guadalupe Hall, Laurel Village, and University Oaks. The President of the University of Texas at San Antonio is Dr. Taylor Eighmy.

### UTSA Mission

The University of Texas at San Antonio is dedicated to the advancement of knowledge through research and discovery, teaching and learning, community engagement, and public service. As an institution of access and excellence, UTSA embraces multicultural traditions and serves as a center for intellectual and creative resources as well as a catalyst for socioeconomic development and the commercialization of intellectual property – for Texas, the nation, and the world.

## **UTSA Vision**

To be a premier public research university, providing access to educational excellence and preparing citizen leaders for the global environment.

## **Our Destinations**

UTSA is rising to new heights as an urban-serving, Hispanic-thriving discovery enterprise considered a destination of choice for students. Under the leadership of President Taylor Eighmy, UTSA has three overarching destinations.

- UTSA will be a model for student success.
- UTSA will be a great public research university.
- UTSA will be an exemplar for strategic growth and innovative excellence.

## **UTSA Core Values**

We encourage an environment of dialogue and discovery where integrity, excellence, inclusiveness, respect, collaboration, and innovation are fostered.

## **UTSA Commitment to Inclusivity**

The University of Texas at San Antonio, a Hispanic Serving Institution situated in a global city that has been at a crossroads of peoples and cultures for centuries, values diversity and inclusion in all aspects of university life. As an institution expressly founded to advance the education of Mexican Americans and other underserved communities, our university is committed to ending generations of discrimination and inequity. UTSA, a premier public research university, fosters academic excellence through a community of dialogue, discovery, and innovation that embraces the uniqueness of each voice.

## **Campus Law Enforcement**

The University of Texas System Police is charged with the responsibility of protecting the life and property of individuals who comprise the student body, faculty, and staff of The University of Texas System at San Antonio community. The UTSA Department of Public Safety is responsible for law enforcement, security, and emergency response at the UTSA Main Campus, Downtown Campus, Southwest Campus, Institute of Texan Cultures (ITC), Park West, and University Heights Tech Center. The primary office of the UTSA Department of Public Safety is located on the Main Campus in the Bosque Street Building's first floor. A satellite police office at the Downtown Campus is located at the Frio Building North, room 1.528. The UTSA Department of Public Safety is operational 24 hours a day, 365 days a year, and is staffed by commissioned Texas peace officers and supported by civilian personnel and non-commissioned public safety officers. The university has approximately 150 clearly identifiable outdoor emergency telephones (blue light phones) located throughout the campuses. These phones are located in parking lots, parking garages, and elevators to report crimes and emergencies, or to request police services. The University of Texas at San Antonio utilizes a smartphone app that connects the user in

real-time to online safety resources, including UTSA specific information. The LiveSafe app is free to download and available at the App Store for iPhone or the Google store for Android devices. Walk-in reports will be taken at either the Main Campus or Downtown Campus offices; however, please call the emergency or non-emergency numbers listed in this report for faster service. UTSA Department of Public Safety's Silent Witness Program allows people who have witnessed a crime or suspicious activity at any UTSA campus to report it anonymously. NOTE: The Silent Witness Program is NOT intended to report crimes in progress. The program can be accessed at:

<http://www.utsa.edu/publicsafety/pd/report/>

## **Commissioned Peace Officers**

The University of Texas at San Antonio's police officers receive their police authority via Article 2.12 of the Texas Code of Criminal Procedure and Chapter 51.203 of the Texas Education Code. UTSA police officers must meet specific employment qualifications and training requirements in order to be licensed peace officers by the Texas Commission on Law Enforcement (TCOLE). UTSA police officers receive their commission as peace officers upon graduation from The University of Texas System Basic Peace Officer Academy or another accredited regional police academy. All commissioned officers are trained in several law enforcement areas, including firearms, use of force, legal update, first aid, and CPR. Commissioned officers are authorized to enforce state, local, and federal laws on the university campuses and have the authority to make arrests if necessary. Officers conduct foot, bicycle, motorcycle, and vehicular patrols on all UTSA properties, including the on-campus housing facilities, 24 hours a day.

The principal jurisdiction of peace officers commissioned by The University of Texas System includes all counties in which property is owned, leased, rented, or otherwise under the control of The University of Texas System. The University of Texas at San Antonio peace officers are authorized by law to function as peace officers outside their primary jurisdiction to assist another law enforcement agency in Texas or to otherwise perform duties as a peace officer on official university business. For UTSA, normal police operations are conducted within the boundaries of property owned, leased, or otherwise under the control of UTSA. These properties include Main Campus, Downtown Campus, Southwest Campus, Institute of Texan Cultures (ITC), University Heights Tech Center, Park West, and the contiguous areas around each UTSA campus.

## **University Public Safety Officers and Dispatchers**

Public Safety Officers (PSOs/Guards) at the UTSA Department of Public Safety are civilian employees who have the same level of arrest authority as a citizen as authorized by the Texas Code of Criminal Procedure. PSOs serve as non-sworn support staff for the Department of Public Safety by providing a visible uniform presence in buildings and on university property to deter crime. PSOs report criminal incidents to police officers who are designated first responders. The UTSA Department of Public Safety Communications Center is staffed by TCOLE Licensed

Telecommunicators / First Responders known within our department as Police Communications Operators (PCOs).

Police Communications Operators handle all incoming calls for police and emergency services via telephone, the LiveSafe mobile application, and in-person reporting. PCOs also conduct radio dispatching for UTSA Police Officers and Public Safety Officers at all of our campuses.

### **Working Relationships with State and Local Law Enforcement**

The UTSA Department of Public Safety maintains close working relationships with the San Antonio Police Department, Bexar County Sheriff's Office, as well as federal, state, and other law enforcement agencies. The UTSA Department of Public Safety routinely shares investigative information with these agencies and works closely with the San Antonio Fire Department and its Emergency Medical Services (EMS). UTSA Department of Public Safety has an inter-local formalized written agreement with the San Antonio Police Department to provide law enforcement services to investigate crimes, and to protect life and property within the geographical areas common to the City of San Antonio and UTSA. The San Antonio Police Department and other local law enforcement agencies routinely notify the UTSA Department of Public Safety when crimes occur within their jurisdictions that affect UTSA. A few recognized student organizations maintain meeting and living facilities off campus. These facilities are not owned or controlled by UTSA. UTSA is routinely informed by other local law enforcement agencies of any criminal activities involving UTSA student organizations. The information in these reports is subsequently shared with Student Affairs.

### **Crime Report, Arrest, and Referral Statistics**

The University of Texas at San Antonio Department of Public Safety's crime statistics are categorized according to the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) without regard to guilt or innocence. Statistics reflect reports made to campus security authorities as well as university, local, and requested law enforcement agencies and are compiled according to Clery Act guidelines and coordinated by the UTSA Department of Public Safety.

### **Daily Crime Log**

In addition to the annual crime statistics report required by the Clery Act, the UTSA Department of Public Safety posts a public crime log of offenses that occurred with the past 60 days. The crime log can be found at:

[http://www.utsa.edu/publicsafety/pd/crime\\_statistics/](http://www.utsa.edu/publicsafety/pd/crime_statistics/)

A paper copy is available at:

**Main Campus:** Department of Public Safety, BOS room 1.106, 24 hours/365 days

**Downtown Campus:** Department of Public Safety, FS room 1.528, 24 hours/365 days

### **Encouragement of Prompt Reporting of Crimes**

The university encourages prompt reporting of all criminal incidents and medical emergencies to the UTSA Department of Public Safety using the telephone numbers listed in this report. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so. Upon receipt of the call, university police officers are dispatched to the site of the incident and have the authority to make arrests if necessary.

### **Reporting Crimes and Other Emergencies**

POLICE – FIRE – EMS



### **Campus Emergency**

*(210) 458-4911 or 4911 from any university landline  
Program the emergency number into you cell phone*

### **Campus Non-Emergency**

(210) 458-4242

### **Crimes Occurring Off Campus**

Crimes occurring off campus should be promptly reported to the San Antonio Police Department at (210) 207-7273, the Bexar County Sheriff's Office at (210) 335-6000 or the law enforcement agency that has jurisdiction in which the crime occurred. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

### **Campus Security Authorities**

UTSA acknowledges some individuals may be hesitant about reporting crimes to the police; but may be more inclined to report crimes to other university officials designated by the Clery Act as Campus Security Authorities (CSA). Reports of crimes can be made to the following offices where Campus Security Authorities are located:

Title	Phone #
Senior Vice Provost for Student Affairs & Dean of Students	(210) 458-4740
Prevention, Education, Advocacy, Consultation, Empowerment (PEACE) Center	(210) 458-4077
Housing and Residence Life	(210) 458-6200
Student Conduct & Community Standards	(210) 458-4720
Student Activities	(210) 458-4160
Title IX Coordinator	(210) 458-4120
Athletics	(210) 458-8149
Academic Advising and Support	(210) 458-4302
Student Assistance Services	(210) 458-4985
CLV Director of Residence Life	(210) 877-4017



Crimes can be reported by phone, walk-in meeting, or by appointment. CSA Crime Report forms can be found on the Clery Act website:

<http://www.utsa.edu/compliance-and-risk-services/clery/>

Campus Security Authorities also includes anyone working in campus police, persons responsible for campus security (e.g., housing RAs or Campus Rec), and persons responsible for student and campus activities (e.g., advising, mentoring, coaching, and discipline and campus judicial proceedings). Please contact the UTSA Clery Compliance Coordinator for a complete list of all Campus Security Authorities. Campus Security Authorities may contact the UTSA Clery Compliance Coordinator for assistance in filling out the CSA form. Information from the CSA form is for collecting data to be included in the annual crime statistics and for creating timely warnings, if necessary.

Crimes may also be reported on a voluntary and confidential basis via UTSA PD Silent Witness and/or the Compliance Hotline for inclusion in the annual crime statistics. A complainant (victim) may also request to make a confidential statement to a Campus Security Authority concerning crimes. These statements made to the CSA can be requested to be kept confidential, and no personal data will be collected on the CSA form. A complainant may also make a confidential statement to the Director of UT Health Wellness 360 Counseling (210-458-4140) or any of the counselors in the counseling office. These officials are exempt from disclosing identifying information to the UTSA Clery Compliance Coordinator (except by law in cases where there is an immediate threat to the safety of individual, other persons, children, or the elderly) because of their function within the scope of their professional license or certification as a counselor. These officials also encourage complainants to report crimes on a voluntary, confidential basis for inclusion in annual crime statistics. Complainants can use the UTSA PD Silent Witness to report a crime.

### **Security of Access to Facilities**

The UTSA Public Safety Security Services Office is responsible for keys, electronic access control and all associated records to all areas of the university with the exception of residential areas. Keys and UTSA Card access to UTSA buildings, offices, and other facilities are strictly controlled to ensure only authorized UTSA affiliates have keys or UTSA Card access to facilities. Keys and UTSA Card access to UTSA buildings, offices, and other facilities are issued upon authorization by the appropriate administrative official, per policy 8.04 of the UTSA Handbook of Operating Procedures. A computer based electronic monitoring system located at the UTSA Department of Public Safety monitors a network of intrusion alarms, panic alarms and access-controlled doors. More information on access to campus facilities can be found in policy 8.04 of the UTSA Handbook of Operating Procedures.

### **Access to Academic Buildings**

Academic campus buildings and support facilities are accessible by members of the campus community, guests, and visitors during normal business hours. Academic buildings are card access

equipped for access to buildings that are locked after normal building hours or during holidays. Access to classrooms and office buildings for special events after normal business hours, weekends, and holidays is coordinated with the various campus departments overseeing that particular area or event. Many buildings, offices, labs, computer rooms, and other areas of campus are equipped with card access and alarms monitored by the UTSA Department of Public Safety Communications Center. UTSA affiliates are asked to carry their access cards with them to access secure facilities and are provided with security tips on how to keep the campus secure.

Libraries—the John Peace Library is open 24 hours beginning Sunday at 10 am through Friday, when it closes at 9 pm, and Saturday from 9 am to 9 pm. The Downtown Campus Library is open 8 am to 10 pm Monday through Thursday, 8 am to 6 pm Friday, 9 am to 6 pm Saturday, and Sunday 1 pm to 10 pm. The library hours are subject to change. A full list of hours and information can be viewed on the library's website at:

<https://lib.utsa.edu/about/library-hours>

The Institute of Texan Cultures, a Smithsonian Affiliate, is open Thursday through Sunday 10 am to 4 pm and closed Monday through Wednesday. For more information please visit their website:

<https://texancultures.utsa.edu/>

### **Access to Apartments and Residence Halls**

Chisholm Hall: Access to Chisholm Hall is through exterior doors that remain locked 24 hours a day. The main entrance doors are accessed through an electronic access control system. Each bedroom door is equipped with an electronic lock and PIN code. Guest and visitors must be escorted when in the residence hall.

University Oaks Apartments: The University Oaks Apartments are operated by Campus Living Villages, a third-party provider, but is located on UTSA property. Access to the University Oaks Apartment complex is through access gates for vehicle to the parking lot as well as access gates for pedestrians to the grounds. Each apartment has a front door equipped with electronic access.

Chaparral Village: Access to the Chaparral Village complex is through various pedestrian gates or the City Center. Gates will be open during peak hours and key card access will be required for pedestrian gates the remainder of the time. Each unit/bedroom is equipped with an electronic lock. Guests and visitors must be escorted throughout the community.

Laurel Village: Access to the Laurel Village complex is through various pedestrian gates or the City Center. Gates will be open during peak hours and key card access will be required for all pedestrian gates for the remainder of the time. Each unit has a front door equipped with an electronic lock and PIN code. Each unit/bedroom is equipped with an electronic lock. Guests and visitors must be escorted throughout the community.

Alvarez Hall: Access to Alvarez Hall is through the main entrance doors to the lobby. The main entrance doors and the residential wings of the building are accessed through an electronic access

control system. Each bedroom door is equipped with an electronic lock and PIN code. Guests and visitors must be escorted when in the residence hall.

**Guadalupe Hall:** Access to Guadalupe Hall is through the main entrance doors to the lobby. The main entrance doors and the residential wings of the building are access through an electronic access control system. Each bedroom door is equipped with an electronic lock and pin code. Guest and visitors must be escorted when in the residence hall.

All residents should immediately report lost access cards and keys, malfunctioning locks, and gates to their respective housing staff team.

### **Maintenance of Facilities and Security Equipment**

UTSA Department of Public Safety staff regularly test the emergency telephones and security equipment including door alarms, panic alarms, security cameras, and card access hardware. Security Services staff coordinate with appropriate personnel and security contractors to repair equipment that is inoperable. Officers report hazards discovered during routine patrols to Security Services as needed.

The Community Affairs Section staff periodically conduct lighting surveys of the campus grounds and recommend additional lighting to reduce areas of darkness. The Office of Facilities staff conduct daily lighting and other equipment surveys and assemble the information gathered in a monthly report so that repairs/replacements can be completed. Community Affairs, as well as, Security Services recommend the trimming of shrubbery, trees, and other vegetation to prevent the obstruction of ample lighting on pedestrian walkways. The Office of Facilities and Community Affairs routinely evaluate lighting upgrade recommendations. Improvements typically include the placement of additional or upgraded lighting in buildings, parking lots, in areas with heavy landscaping, and along pedestrian walkways. Community Affairs or the Security Services Director conducts periodic security assessments when repeated crimes occur within a short time frame or when a crime trend at a particular location identifies the need for security improvements.



There are 142 outdoor emergency telephones located on the Main Campus and 13 are located at the Downtown Campus. Campus elevators and parking garages are equipped with emergency telephones. All emergency telephones connect directly to the UTSA Police Communications Center. There are approximately 1600 security cameras installed at designated campus locations, based on security needs. These locations include the pedestrian areas of Chaparral

Village, Guadalupe Hall, Laurel Village, Alvarez Hall, restricted work areas, research laboratories, building interiors, designated parking lots, and parking garages as well as walkways and other critical areas. Specific security cameras are monitored in the Police

Communications Center. Students, faculty, and staff are encouraged to report safety concerns, exterior lighting, and emergency telephone malfunctions to the UTSA Police Department at (210) 458-4242.

### **Emergency Management, Response and Evacuation Procedures**

The UTSA Office of Risk and Emergency Management (OREM) is committed to openly engaging the university community in preparation, response, recovery, and mitigation of emergencies through an all-hazards approach. OREM's highest priority is to help provide a safe and secure environment for UTSA students, faculty, staff, and visitors. OREM works cooperatively with all members of the UTSA community, The University of Texas System, City of San Antonio, and State of Texas to achieve this objective. To further enhance safety/security programs on campus, OREM identifies key partnerships, critical infrastructure, and essential resources through planning and preparedness initiatives, which provide the foundation for recovery processes from emergencies and disasters should they occur on a UTSA campus. OREM encourages the university community to stay engaged in preparedness by knowing what types of threats/hazards are of concern on campus, how to prepare for and respond to emergencies, and the importance of staying informed during an emergency.

#### **UTSA President's Emergency Advisory Council**

The President's Emergency Advisory Council (PEAC) is activated as needed to manage UTSA's response to an emergency incident. The PEAC is comprised of members from Business Affairs, Student Affairs, Academic Affairs, University Technology Solutions, University Strategic Communications, Campus Services, Office of Facilities, People Excellence, Department of Public Safety, and other supporting departments. During an actual emergency, the PEAC evaluates information from various sources and provides feedback and support to the Emergency Management team. Every PEAC member receives specialized training to prepare them for the challenges presented by a critical incident. The PEAC's support role during an emergency incident is carried out in UTSA's Emergency Operations Center (EOC), virtually or on-site. The EOC is equipped with technology to view local media, monitor social media, access campus security cameras feeds, manage emergency warning systems, and provide a coordination point for decision-making. The UTSA Emergency Manager is responsible for overall management of EOC operations.

#### **Emergency Response and Evacuations**

The UTSA Department of Public Safety is the primary first responder to any emergency on all UTSA campuses. University and city emergency responders, such as UTSA's Office of Risk and Emergency Management, San Antonio Fire Department, and San Antonio Police Department among others, may also respond to the emergency scene depending on the scope of the emergency. Preparedness is everyone's responsibility, and the UTSA OREM has developed an [Emergency Response Guide \(ERG\)](#) that has been distributed and mounted in classrooms, hallways, meeting spaces, and areas where large crowds gather indoors. The guide provides information

regarding protective actions to be taken during emergencies, such as an active threat, suspicious package discovery, tornadoes and severe weather, hazardous materials, and medical emergencies among other situations. Additionally, the ERG outlines how to shelter-in-place, and what to do during an evacuation, such as following the instructions of first responders, using appropriate exits, helping those who require evacuation assistance, communication, and seeking the appropriate rally point. The ERG also provides emergency contact phone numbers for several campus services. All university facilities have evacuation maps next to the elevators or major entrances in each building at all campuses. The UTSA OREM also coordinates the Floor Captain program, which trains faculty and staff on evacuation procedures, shelter-in-place procedures, fire safety, incident command system, crime prevention, and active shooter response. Floor Captains provide assistance during building evacuations, shelter-in-place orders, campus emergencies, general safety outreach, and supplement emergency first responders as conditions warrant.

#### **Confirmation of an Emergency or Dangerous Situation**

The UTSA Department of Public Safety and the Office of Risk and Emergency Management are primarily responsible for confirming a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the campus community. Such situations include, but are not limited to: bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. In determining whether there is a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the campus community, the UTSA Department of Public Safety will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the University's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be consulted in the confirmation process. Upon confirmation of an immediate threat that requires an Emergency Notification, the senior ranking police officer on duty or his/her designee has the authority to draft and activate the initial alert. Otherwise, the Office of Risk and Emergency Management, in consultation with the Chief of Police and University Communications, or his/her designees will make the determination of the type of Emergency Notification, if any.

#### **Issue Emergency Notifications**

UTSA is required to inform the campus community about a significant emergency event or dangerous situation involving an immediate threat to the health or safety of UTSA faculty, staff, employees, students, and visitors occurring on or near campus. An emergency notification expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (e.g., fire, severe weather, etc.). Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the campus community at risk while creating awareness for the full campus community.

In the event of a situation that poses a threat to members of the campus community, the University has various methods in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency to all or a segment of the affected campus community. The university utilizes UTSA Alerts, powered by Rave Mobile Safety, as the Emergency Notification System.

Additional methods can include some or all of the following methods: Primary methods - SMS Text Messaging or Phone Calls (Voice), E-mail distribution, and secondary methods: RSS feeds, LiveSafe app notifications, and Alertus Beacons and Desktop Notification (Scrolling Messages or Pop-up). The UTSA Today website and UTSA social media is updated as situations warrant.

#### **Determining Segment(s) of Campus Community to Receive Notification**

Once an emergency is confirmed and based on its nature, the Chief of Police or designee will consult with other appropriate University officials (including OREM, Strategic Communication, and the President) to determine the appropriate segment or segments of the University community to be notified. Even when the Chief of Police or designee determines that an emergency event is localized and may only impact a segment of UTSA, the initial alert may be released campus-wide, without delay, and considering the safety of the community.

The content of the notification will include the type, location and response actions for the emergency situation; unless issuing a notification will, in the professional judgment of first responders, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

Additionally, the Chief of Police or designee will ultimately determine whether an alert notification (Emergency Notification or Timely Warning) will be delayed. The name(s) of victim(s) will be withheld to protect the identity of the victim(s). Once the initial alert has been sent, members of the Department of Public Safety, Office of Risk and Emergency Management and University Communications and Marketing will collaborate, as necessary, to determine the content of follow-up messaging. These teams will collaborate before an alert is sent if time and the situation allow for it.

#### **Timely Warnings**

UTSA must provide Timely Warnings about Clery Crimes which pose a serious or ongoing threat to the campus community. This is determined by one (or more) UTSA official(s) who has or have been pre-identified in UTSA Policy and Procedures for Issuing a Timely Warning. Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire campus community. Timely Warnings may be issued for Clery Crimes occurring in Clery reportable locations. Timely Warnings will never identify the victim(s) of the crime.

The purpose of a Timely Warning is to notify the campus community of a Clery Crime committed or other serious crime or series of crimes

within the Clery Geography that represents a serious or ongoing threat and to provide information that may enable community members to protect themselves from similar incidents. The UTSA Department of Public Safety has primary responsibility for issuing Timely Warnings. All Timely Warnings shall be issued, without delay, as soon as the pertinent information is available, including, without limitation, for Clery Crimes that occur within UTSA Clery Geography and are reported to UTSA Public Safety, other law enforcement agencies, and/or Campus Security Authorities. Timely Warnings must include preventative tips that are relevant to the crime associated with the Timely Warning. The decision to issue a Timely Warning will be decided on a case-by-case basis in light of all the facts surrounding the crime. A Timely Warning will be issued whenever a Clery Crime is reported and there is a serious or ongoing threat to the campus community. The use of a Timely Warning Decision Matrix will be utilized to determine whether a Timely Warning should be issued.

#### **Procedures Used to Evaluate Timely Warnings**

In the event of a situation that requires a Timely Warning be issued, the University has various methods in place for communicating information quickly. Some or all of these methods of notification may be activated in the event of an emergency. The University utilizes the UTSA Alerts system, powered by Rave Mobile Safety, as the primary emergency notification system to issue Timely Warnings. These methods can include some or all of the following methods: Primary methods - SMS Text Messaging or Phone Calls (Voice), E-mail distribution, and secondary methods: RSS feeds, LiveSafe app notifications, and Alertus Beacons and Desktop Notification (Scrolling Messages or Pop-up). The UTSA Alerts website and social media is updated, as situations warrant.

The initial Timely Warning will be released campus-wide, without delay when pertinent information is available, and considering the safety of the community. The content of the warning will include the nature of the crime and shall contain sufficient information to enable members of the campus community to protect themselves. This can include the location, date and time of the emergency situation, and a description of the individuals involved, and direction of their travel. The Timely Warning can be delayed, if the Timely Warning will, in the professional judgment of first responders, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. However, the Chief of Police or designee will determine whether an alert notification (Emergency Notification or Timely Warning) will be delayed. The names of victims will be withheld to protect the identity of the victim(s). Once the initial alert has been sent, members of the Department of Public Safety, Office of Risk & Emergency Management, and University Communications and Marketing will collaborate, if possible, to determine the content of follow-up messaging; these teams will collaborate before an alert is sent, if time and situation allows.

#### **Methods of Delivery**

The University has developed a wide range of template messages addressing several different timely warning situations. The individual sending the Timely Warning can select the template message most appropriate to the on-going situation and modify it to

address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the Timely Warning will develop a message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and know the steps to take to protect themselves and their community.

The Chief of Police will notify the Senior Vice President for Business Affairs of the incident and the Timely Warning sent, if any.

#### **Emergency Notifications & Warning Systems**

[UTSA HOP 4.33: Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act \(Clery Act\) and Campus Fire Safety Right to Know Reporting](#) contains specific information related to Emergency Notifications and Warning Systems.

Upon the confirmation by the Chief of Police and/or the Executive Director of Risk and Management of a significant emergency or dangerous situation involving an immediate life safety threat to students, faculty, or staff occurring on any UTSA campus, the Chief of Police and/ or the Executive Director of Risk and Emergency Management or designee will, without delay, notify the campus community following a determination of the best method for distribution of the emergency notification. The possible methods of distribution are listed in the "Methods of Delivery" section below..

The content of the notification is determined by the Office of Risk and Emergency Management, in consultation with the Chief of Police and University Strategic Communications (if time permits), or via the Police (on-duty) Supervisor and Dispatch Center, considering the safety of the UTSA community. The Office of Risk and Emergency Management will activate appropriate mass notification systems, unless in the professional judgment of emergency response officials, the notifications will compromise efforts to assist victims or to contain, respond, to or otherwise mitigate the emergency. The notification will contain information and instructions to students, faculty, and staff that will enable them to take reasonable protective or safety measures to escape from, shelter-in-place, or avoid the emergency location. Initial notifications are made upon confirmation that an emergency incident has occurred or is imminent to life safety or campus operations. Additional follow-up notifications are made as new information about the emergency is obtained that will provide additional protective instructions or a status update.

UTSA provides various methods to notify students, faculty, and staff of a developing situation or emergency. The UTSA OREM coordinates the UTSA Alerts emergency notification system and the Giant Voice outdoor/indoor mass notification system. These robust technologies allow UTSA students, faculty, and staff to receive life safety and security messages at any of the UTSA campuses or via their mobile/landline devices. Providing multiple alerting methodologies ensures UTSA is prepared for all types of emergencies. All UTSA mass notification systems are designed to utilize pre-scripted messages, as well as customized emergency communication to meet the needs of the incident. Police Dispatchers, Risk and Emergency Management staff, and Police Commanders are trained to activate the mass notifications systems,



including how to develop messages and alerts. All trained staff regularly test the system as a means of ongoing training, troubleshooting, and developing familiarity with the systems. Messages and alerts, either initiated by dispatch or Risk and Emergency Management leadership, have the ability to quickly alert the UTSA community via text, landline phone, cell phone, email, desktop features, wall-mounted beacons, or through the outdoor/indoor mass notification system. Persons authorized to make notification decisions include the Chief of Police or his designee, Office of Risk and Emergency Management staff, and on-duty police supervisors in consultation with the aforementioned authorities.

Families and external agencies also have access to emergency information and procedures through the UTSA Risk and Emergency Management website, as well as a having access to receive alerts via an “opt-in” text feature for guests and visitors; instructions are posted on the Campus Alerts website. University Communications is responsible for updating the media, if appropriate, and providing updates on campus social media, which provides external facing information to the broader local community. The UTSA Today website is routinely updated during an emergency, and provides an outlet for internal and external stakeholders to quickly review updates during a rapidly developing situation or emergency.

#### **Below are the notification systems used at UTSA:**

*UTSA Alerts Emergency Notification System:* In the event of a campus - wide incident threatening life safety, the university will activate the UTSA Alerts System, which is an enhanced emergency text (or voice) and email notification system for students, faculty, and staff. When activated, the system will send emergency information and protective actions to registered recipients. Visitors, guests, and parents can text “UTSAguest” to “226787” to temporarily subscribe for alerts while visiting campus. This information is given to camp directors, as well. Information from UTSA Alerts is also pushed to social media, LiveSafe, UTSA mobile app, and Alertus desktop systems. A direct link to safety/preparedness resources and emergency procedures are also disseminated to the campus community during regular tests of the UTSA Alerts system.

*Giant Voice Mass Notification System:* UTSA also has an indoor and outdoor mass notification system at the Main Campus, Downtown Campus, and Institute of Texan Cultures. The system features eight outdoor siren towers that optimally can be heard within 1,600 feet of each tower on the Main Campus. In an emergency, the high-power sirens will broadcast alerts via a live or recorded voice message tailored to the emergency situation. Most buildings feature an indoor emergency notification system, which utilizes the fire alarm system speakers to broadcast emergency messages.

*Alertus Desktop Notification & e-Panic Buttons:* UTSA employs an emergency desktop notification system called Alertus. During a campus emergency, the OREM has the capability to send a desktop notification with life safety information via a scrolling ticker, pop-up window, or a full-screen override. Additionally, the ePanic buttons on university desktop computers allow students, faculty, and staff to send a silent alert to the Department of Public Safety dispatch if they

should find themselves in distress. Information on the ePanic buttons can be found at [www.utsa.edu/safety](http://www.utsa.edu/safety).

*UTSA Mobile App:* The University maintains a mobile app for smartphones, whereby an “emergency info” section is included to provide mobile access to emergency resources. From the app, users can click on the emergency information section and have access to direct dial options for emergency and non-emergency purposes, link directly to the Campus Alerts website, and have access to the emergency response guide. The UTSA app is available for download through app stores for Apple, Android, and Google Play.

*LiveSafe:* Live Safe is a free app available for download that connects the user in real-time to online safety resources, to include UTSA specific information. The app allows the user access to safety and security information, submit reports of suspicious or dangerous activity and include pictures, videos and/or text messages. The user can provide information anonymously or share their information when submitting tips. The user has the option of utilizing the Safe Walk feature that allows anyone in the user’s contact list to virtually watch them walk from one location to another.

The LiveSafe app is free to download and available at the App Store for iPhone or the Google store for Android devices.

*National Weather Service Accreditation:* UTSA is accredited as a Storm Ready University, and was recently recertified from 2019 - 2023. Storm Ready is a National Weather Service (NWS) program created to ensure American communities have advance warning systems and methodologies to alert their residents of hazardous weather.

*Social Media (Facebook, Twitter):* The use of social media sites provides a valuable means of interacting with the community. UTSA utilizes social media websites to enhance communication and can disseminate information related to campus emergencies, crime alerts, or issues concerning public safety.

1. PD Facebook: [@UTSAPoliceDepartment](https://www.facebook.com/UTSAPoliceDepartment)
2. PD Twitter: [@UTSA\\_Police](https://twitter.com/UTSA_Police)
3. PD Instagram: [@utsapd](https://www.instagram.com/utsapd)
4. EM Facebook: [@UTSAOREM](https://www.facebook.com/UTSAOREM)
5. EM Twitter: [@UTSAOREM](https://twitter.com/UTSAOREM)

#### **Annual Exercises and Drills**

UTSAPD, OREM, and campus leadership regularly participate in planned exercises, drills, and coordination activities to test emergency plans and capabilities. These preparedness and mitigation exercises provide university faculty and staff the opportunity to learn their roles, responsibilities, and procedures before an actual emergency. All exercises are designed following federal and state guidelines to ensure consistency with the National Incident Management System and Incident Command System. Emergency exercises evaluated with after action reports, meetings, and identify discussion of lessons learned to explore new or improved means of coordination before, during, and after an emergency at any UTSA campus.



Exercises, drills, evacuations and activities are conducted annually and announced/published (when they occur) on the UTSA Today website, as well as via email to students, staff, and faculty; however, some drills are unannounced to test the responsiveness of building occupants, such as during fire drills. To prepare the campus community throughout the year and in advance of exercises/drills, a direct link to emergency procedures (i.e. evacuation, fire, active threat, etc.) and resources are disseminated via email during tests of the UTSA Alerts emergency notification system. If a publicized exercise/drill is scheduled, information and procedures on drill activities are provided to the campus community (i.e. "drill in progress," avoid the area, follow instructions of safety/PD teams, etc.). Communication to the campus community is important before testing emergency systems or exercises so as not to alarm building occupants and ensure external partners are aware of the activities. All exercise and drill reports are maintained internally with UTSA Department of Public Safety and within the OREM. When warranted, external agencies participate in these exercise drills including the San Antonio Fire Department, San Antonio Police Department, and other county, state, and federal emergency management agencies.

### **Testing**

Members of the Office of Risk & Emergency Management (OREM) tests UTSA's emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University's emergency response plan.

Annually, members of the OREM and Department of Public Safety will coordinate an exercise (tabletop and/or full-scale). These exercises will be documented and include the following:

- Be scheduled;
- Contain a drill;
- Contain an exercise;
- Contain follow-through activities;
- Be designed for assessment of emergency plans and capabilities;
- Be designed for evaluation of emergency plans and capabilities; and
- Include a documented after-action report.

The OREM maintains a record of these tests and training exercises. The record includes a description of the tests and training exercises, the dates and times they were held, and an indication of whether they were announced or unannounced.

### **Community Affairs Section of the Public Safety Department**

The UTSA Department of Public Safety Community Affairs Section (CAS) plays a critical role in the department's efforts to reduce crime and its effect on the community. Collaboration with UTSA department leaders, student organizations, community organizations, and state associations provides avenues to better

serve The University of Texas at San Antonio community. Employees of the UTSA Department of Public Safety participate annually in local and national events. Members of the Community Affairs Section manage comprehensive programs involving crime prevention and awareness education, community outreach efforts, and crime victim liaison services.

Crime prevention presentations on personal safety, self-defense seminars, alcohol and drug awareness, interpersonal violence, stalking prevention, sexual assault awareness, burglary and theft prevention, as well as office safety are presented to UTSA students, faculty, staff, and community members. The Community Affairs Section provides crime prevention tips and resource information via social media outlets and the [UTSA Department of Public Safety Website](#). Programs are designed to encourage students and employees to be responsible for their own security and the security of others. CAS officers are Certified Crime Prevention Specialist by the Texas Commission on Law Enforcement. Specialists can conduct office security surveys, lighting surveys, and safety assessments.

Community outreach efforts focus on building partnerships with members of the UTSA community. CAS officers partner with campus housing departments, student organizations, and other departments to achieve a cohesive crime prevention minded community. CAS officers also manage all of UTSA Department of Public Safety's social media sites:

1. PD Facebook: [@UTSAPoliceDepartment](#)
2. PD Twitter: [@UTSA Police](#)
3. PD Instagram: [@utsapd](#)

Dedicated crime victim liaison officers work with victims of violent and non-violent crimes to provide support and university resources. The liaison officers assist victims of family and dating violence, sexual assault, human trafficking, stalking, in addition to obtaining protective orders and referrals for medical and counseling services. If victims are eligible to apply for [Crime Victim Compensation Assistance](#) through the [Texas Attorney General's Office](#), officers are available to assist.

For additional information on CAS programs, contact the Community Affairs Section at [utsapdcommunityaffairs@utsa.edu](mailto:utsapdcommunityaffairs@utsa.edu) or call (210) 458-6250.

### **Crime Prevention Programs**

*Hazing Prevention – Hazing 101:* Fraternities, sororities, and other registered student organizations can request hazing prevention presentations from the UTSA Department of Public Safety and Student Activities. These presentations address both legal and student conduct consequences of engaging in this behavior as well as providing appropriate behavior guidelines.

*Operation Identification:* Operation identification is an on-going program, which involves the engraving of a state's driver license number on valuable items of personal property such as laptops and bicycles. Engravers are available at the UTSA Department of Public Safety or contact the Community Affairs Section at (210) 458-6250 to make an appointment to have a personal item engraved by a

Crime Prevention staff member. This program is offered several times annually, usually in the fall semester.

*National Night Out:* National Night Out is an annual event where the police and the UTSA Community partner enhance community awareness and engagement in preventing crime. Over 1000 students typically attend this event.

*Printed Crime Prevention Literature:* Crime prevention literature related to personal safety, identity theft, auto theft prevention, and residential security is available at designated locations throughout the campus. Specialized crime prevention literature is available upon request. The UTSAPD website also has crime prevention brochures in PDF format.

### **Risk Reduction**

#### *Alcohol*

- If you choose to drink, know your limits and stick to them.
- Avoid parties where "getting wasted" is the only reason for going.
- Go out with trusted friends and return home with trusted friends. Do not leave friends behind.
- Adopt a "sober buddy" system - designate one person who will remain sober and watch out for friends.
- Do not allow friends to wander off with someone they do not know well.
- If someone has passed out, do not leave them alone.

#### *Warning signals of controlling or possible abusive behavior:*

- A person engineers a situation in which a person is isolated from others.
- You are in a social setting where there is heavy drinking and a person or group of people are enabling and encouraging risky behavior.
- A person is intoxicated and lacks the ability to make sound judgments and/or is demonstrating or indicates support of behavior that is aggressive or violent.

#### *Warning signals that a person may not be capable of consenting to sexual activity:*

- A person demonstrates an inability to make sound judgments.
- A person's speech is slurred, they seem "out of it," they are stumbling, etc.
- A person is passed out.

#### *The following are some suggestions and measures you can take as an active bystander to prevent sexual assault within our campus community:*

- Set limits regarding alcohol consumption.
- Set limits regarding your sexual and interpersonal boundaries.
- Be aware of verbal and nonverbal cues that can alert you to a problem.
- Trust your feelings and acknowledge the warning signs that arise in social situations.
- Communicate what you want or do not want clearly.
- Spend time with people you trust and in areas where you are familiar with the surroundings

- If you are in a potentially dangerous situation or see another person who may be at risk of danger intervene by communicating clear and direct instructions to get the person out of harm
- Go out in groups and set clear expectations for the social setting for example plan to depart for the outing together and everyone comes home together.
- Be aware of how alcohol impairs your ability to consent to activities such as driving and sex.
- Respect the limits of others when it comes to alcohol consumption. If you witness someone intoxicated or consuming too much alcohol intervene or delegate to their friends to intervene for you.
- Be aware of how alcohol and drugs affect someone's judgment and/or behavior. If a person is intoxicated do not leave them alone, allow them to drive or participate in risky behavior.
- Decrease the effects of alcohol by stopping drinking, drink water or eat food, and allow time to pass to let the effects wear off before driving, swimming, boating, or participating in risky behavior.
- Ask yourself if the person is capable of giving their consent based on their level of intoxication. If not get them home safely or delegate to a trusted friend to get the person home.

Additional information regarding prevention, risk reduction, and awareness training is located in various sections of this report.

### **UTSA Student Conduct and Community Standards**

Student Conduct and Community Standards (210-458-4720), located in the Student Union, room 2.01.04, administers the disciplinary process using the Engagement, Personal Development, Interpersonal Development, and Community Membership (E.P.I.C) Journey Sanctioning Model. This developmental approach to conduct includes combining consistently applied inactive sanctions such as probation and deferred suspension, with active experiences, to engage the student in risk education and learning. This combination of sanctions provides a journey intended to transform the student's decision-making patterns.

By enrolling at The University of Texas at San Antonio, a student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to obey federal, state, and local laws; the Rules and Regulations of the Board of Regents of The University of Texas System; the rules and regulations of The University of Texas at San Antonio; and directives issued by a UTSA administrative official in the course of their duties. A student who enroll at the University is charged with the obligation to conduct themselves in a manner compatible with the UTSA's function as an educational institution. Consequently, conduct that interferes with the use or utilization of UTSA's facilities by other persons may be sanctioned regardless of whether such conduct is specifically proscribed by the provisions of the *Student Code of Conduct*. The *Student Code of Conduct* can be found at:

<http://catalog.utsa.edu/policies/administrativepoliciesandprocedures/studentcodeofconduct/>

## **Procedures for Disciplinary Process**

### **Student Code of Conduct – Sec. 401. Investigations**

Upon receiving information that any student has allegedly violated Regents' Rules, University regulations including this Policy, or administrative rules, Student Conduct and Community Standards shall investigate the alleged violation(s), determine whether to proceed with the charge(s), and if so, propose the appropriate sanction(s). Student Conduct and Community Standards may dismiss the allegation(s) as unfounded or summon the Student alleged to have engaged in the violation(s). Student Conduct and Community Standards may proceed with the disciplinary process even if the student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal the disciplinary action. Student violations of the University Free Speech Policy will follow procedures in this Policy. In cases where the alleged violation is sexual harassment, sexual misconduct, or sexual violence, and where jurisdiction falls under the University's Equal Opportunity Services (EOS)/Title IX Office, the investigatory and disciplinary processes are governed by the Sexual Misconduct Policy with the following exception. If it is determined the Student respondent committed Prohibited Conduct under HOP 9.24 Policy and the matter was handled through the Appendix A procedure, Student Conduct and Community Standards will implement Section 4.02 of the Student Code of Conduct and the complainant may also elect for a hearing. If either the complainant or the respondent elects a live hearing, the matter will proceed to a live hearing with both parties being entitled to an advisor of their choosing. Both parties are to follow the procedures outlined in Section 501(2) of the Student Code of Conduct with the exception of questions they pose to each other. Those questions (including any follow-up questions) will be provided to the hearing officer and the hearing officer will ask the questions if relevant.

Any student alleged to have engaged in violation(s) may be summoned by written request from Student Conduct and Community Standards to meet for the purpose of investigating and/or discussing the allegation(s). The written request shall specify a place for the meeting and a time at least three (3) days after the date of the written request if the request is sent regular mail, or at least two (2) days after the date of the request if the request is sent by e-mail or hand delivered. The written request may be mailed to the address appearing in the Registrar's records, emailed to the student at the e-mail address on record with the Registrar, or hand-delivered to the student. If the student fails to appear without good cause, as determined by Student Conduct and Community Standards, the latter may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or it may proceed to implement the disciplinary hearing procedures provided in Section 501, et seq of this Policy. The refusal of a student to accept delivery of the notice, the failure to maintain a current address or e-mail address with the Registrar, or failure to read mail or email shall not be good cause for the failure to respond to a summons.

The purpose of the meeting is to allow Student Conduct and Community Standards to discuss, in furtherance of its investigation, the alleged incident(s)/violation(s) with the student. The student is

provided the link to the Student Code of Conduct in the summons for this meeting. During the meeting, the student may request and receive a physical or electronic copy of the Student Code of Conduct.

### **Disposition of the Charges**

#### **Student Code of Conduct, Sec. 402. Disposition of the Charges**

The Student alleged to have engaged in violation(s) must choose one of two decision-making approaches: (1) an administrative decision made by Student Conduct and Community Standards; or (2) a formal hearing. When the student elects not to dispute the facts upon which the charges are based and agrees to the sanctions Student Conduct and Community Standards assesses, the student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision of Student Conduct and Community Standards only on the issue of the sanction(s). This administrative disposition shall be final, and there shall be no subsequent proceedings regarding the charges. In any case, where the accused student disputes the facts upon which the charge(s) is/are based and elects the formal hearing as the decision-making approach or refuses to execute a written waiver of a hearing, such charge(s) shall be heard and determined by a fair and impartial Hearing Officer. A Hearing Officer will be chosen in accordance with the procedures of the University.

#### ***Student Code of Conduct – Sec. 403. Interim Discipline***

Pending a hearing or other disposition of the allegations against a Respondent, the Dean may take immediate interim disciplinary action if they determine circumstances warrant immediate action to ensure the safety of any person and/or the University Community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegation(s) or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegation(s) and potential threat as soon as practical after institution of the Interim Disciplinary Action. Following this opportunity to respond to the allegation(s) and any potential threat, the Dean may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing unless the Respondent agrees to an Administrative Disposition. The accelerated hearing will generally be held within ten (10) days after the Interim Disciplinary Action is taken; however, at the discretion of the Dean of Students, the 10-day period may be extended for a period not to exceed an additional ten (10) days. As an alternative to a hearing of the charges before a Hearing Officer, the Respondent may choose to have the charges disposed of in accordance with an administrative decision as set forth under procedures specified in Section 402.

### **Hearing**

If the student chooses a formal hearing, the proceeding will be conducted in a manner consistent with The University of Texas at San Antonio's policies and procedurally transparent to the Respondent.

#### **Student Code of Conduct – Sec. 501. Notice of Hearing**

Except in those cases where immediate Interim Disciplinary Action has been taken, Student Conduct and Community Standards shall give the Respondent at least ten (10) days written notice of the date, time and place for the hearing and the name of the Hearing Officer. The notice shall include, in writing, a statement of charge(s) and a summary statement of evidence supporting the charge(s); the name of the person who will act as Hearing Officer; the date, time, and place of the hearing. The hearing shall be conducted in accordance with the following:

1. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each and a copy of the documents to be introduced at the hearing;
2. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Hearing Officer), and be assisted by an advisor of choice. The advisor may be an attorney. If the Respondent's advisor is an attorney, Student Conduct and Community Standards' advisor may be an attorney from the Office of General Counsel of the System. An advisor may confer with and advise Student Conduct and Community Standards or the Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the Hearing Officer;
3. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
4. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer in accordance with Section 701 of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Hearing Officer. The recording will be made available to any requesting party with three (3) days of the written request.

At least ten (10) days prior to the date of the hearing, the University will provide the Respondent notice and all evidence obtained related to the allegation(s). The notice shall be delivered in person to the Respondent, emailed to the Respondent at the myUTSA e-mail address on record with the Registrar or mailed to the Respondent at the address appearing in the Registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing. A notice sent via email will be considered to have been received on the day sent. The requirements of this paragraph shall not be applicable in any case where immediate interim disciplinary action has been taken in accordance with Section 403.

#### **Student Code of Conduct – Sec 502. Postponement of Hearing**

Upon a showing of good cause by either the Respondent or Student Conduct and Community Standards, the Hearing Officer may postpone the hearing or by agreement of the Respondent and Student Conduct and Community Standards. Requests for postponement shall be in writing to the Hearing Officer and shall set forth the facts upon which the party relies as constituting good

cause. The application for postponement must be presented to the Hearing Officer and the opposing party in writing, no later than the third (3) day preceding the date specified for the hearing. Any application received after that date will be granted only in the case of extreme hardship or emergency. Upon granting a postponement, the Hearing Officer shall notify the Respondent and Student Conduct and Community Standards of the new date, time, and place for the hearing. It shall be the responsibility of the Respondent and Student Conduct and Community Standards to notify their respective witnesses accordingly. If the Respondent fails to appear, the Hearing will proceed without the benefit of the Respondent's presence.

#### **Student Code of Conduct – Sec. 503 Challenge to the Hearing Officer**

A Respondent may challenge the impartiality of the Hearing Officer. The challenge must be made in writing and submitted to the Hearing Officer through Student Conduct and Community Standards at least three (3) days prior to the hearing. The reason or reasons upon which the challenge is based shall be set forth fully and shall be confined solely to the fairness and objectivity of the Hearing Officer. The Hearing Officer shall be the sole judge of whether they can serve with fairness and objectivity. In the event the Hearing Officer recuses themselves, a substitute will be chosen in accordance with procedures of the University.

#### **Student Code of Conduct – Sec. 504 Disclosure of Evidence**

In order that the case, be fully developed for the benefit of the Hearing Officer, Student Conduct and Community Standards and the Respondent shall be required to disclose to each other the names of the witnesses each expects to be present and actual copies of documents and other evidence relied upon. The parties are encouraged to exchange this information at the earliest practical time but not later than five (5) days prior to the date of the hearing. Upon objection by the opposing party, witnesses or other evidence not so disclosed will be excluded by the Hearing Officer unless it be shown by the party offering same that the existence of the testimony to be given by the witness or the evidence offered was unknown to the offering party five (5) days prior to the date of the hearing and could not have been discovered by the use of reasonable diligence. If the hearing is an Accelerated Hearing as described in Section 403, this information should be provided at least three (3) days prior to the date of the hearing. The provisions of this section shall not prohibit either party from offering at the hearing evidence strictly in rebuttal to evidence offered by the other party.

#### **Student Code of Conduct – Sec. 505 Authority of the Hearing Officer**

The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System. At the discretion of the Hearing Officer, one or more commissioned peace officers from the police

department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing, and perform such other duties as the hearing may require.

#### **Student Code of Conduct – Sec. 507 Order of Proceedings**

The hearing shall be called to order and shall proceed in the following manner:

1. The Hearing Officer shall read the charge(s) against the Respondent, explain the rights of the parties, and entertain questions from either party concerning the procedures to be followed;
2. Student Conduct and Community Standards shall proceed to present evidence in support of the charge(s);
3. The Respondent shall present evidence in support of their defense to the charge(s);
4. Each party may then present rebuttal evidence;
5. Argument may then be presented by each party; and
6. Student Conduct and Community Standards may recommend sanction(s) to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the University for violations of a similar nature, the past disciplinary record of the Respondent, and/or other factors deemed relevant by Student Conduct and Community Standards. The Respondent shall be entitled to respond to the recommendation by Student Conduct and Community Standards. In making the sanctioning decision, the Hearing Officer will take into consideration any mitigating or aggravating factors. The Respondent who fails to appear in person at their disciplinary hearing shall remain accountable. The hearing will be held without the Respondent's presence, and a decision will be rendered by the Hearing Officer.

#### **Student Code of Conduct – Sec. 510 Evidence**

The term "evidence" refers to the means by which alleged facts are either proved or disproved. It includes the testimony of witnesses and documentary or objective exhibits offered by the parties. Either party may object to the admission of evidence upon any ground it deems appropriate. The Hearing Officer shall rule upon such objections and either admit or exclude the objectionable evidence. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party. Documents, letters, writings, pictures, drawings, or objects a party plans to offer in evidence shall first be given to the Hearing Officer to be marked and identified as the exhibit of that party and listed by the Hearing Officer. After being marked and identified, each exhibit shall be shown to the opposing party. Unless the opposing party disputes the authenticity of the exhibit or has no knowledge with respect thereto, the exhibit may be offered without authentication; however, the exhibit may be objected to on rounds other than authenticity.

#### **Student Code of Conduct – Sec. 512 Decision of the Hearing Officer**

Within fourteen (14) days of the hearing, the Hearing Officer shall render and send to the Dean and the Respondent a written decision

that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violation(s) as charged. Upon a finding of responsibility, the Hearing Officer shall assess one or more of the sanctions specified in Sections 301 and/or 303 of the Policy.

#### **Student Code of Conduct – Sec. 301 Sanctions That May be Imposed**

Any one or more of the actions listed below may be imposed upon a Student who has engaged in conduct which violates a rule, regulation, or administrative order of the University, including this Policy, a provision of the Regents' Rules of the System, or a federal, state, or local law. Sanctions may be imposed for prohibited conduct as enumerated in this Policy, including (where applicable) conduct that occurs off campus, including but not limited to University off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct. The disciplinary actions assessed in a particular case will be dependent upon the nature of the conduct involved, the circumstances and conditions that existed at the time the student engaged in such conduct, and the results which followed as a natural consequence of such conduct.

1. Disciplinary warning
2. Disciplinary probation
3. Withholding grades, official transcript or degree
4. Bar against readmission or drop from current enrollment
5. Restitution or reimbursement for damage to or misappropriation of University or System property
6. Suspension of rights and privileges, including participation in athletic or extracurricular activities
7. Failing grade for an examination or assignment or for a course, and/or cancellation of all or any portion of prior course credit
8. Suspension from the University for a specified period of time
9. Expulsion (permanent separation from the University)
10. Educational Programs
11. Revocation of degree, denial of degree, and/or withdrawal of diploma
12. Deferral of sanction
13. Other sanctions as deemed appropriate under the circumstances.

#### **Appeal Process**

##### **Student Code of Conduct – Sec. 701. Right to Appeal**

A Respondent may appeal a disciplinary sanction assessed by Student Conduct and Community Standards in accordance with Section 702 of the *Student Code of Conduct*. Either the Respondent or Student Conduct and Community Standards may appeal the decision of the Hearing Officer in accordance with Section 703 of the *Student Code of Conduct*. In cases dealing with alleged violations of the University's Policy on Sexual Harassment and Sexual Misconduct, the Respondent, Complainant, and/or Student Conduct and Community Standards may appeal the findings to the Provost or their designee. All parties are notified, in writing, about the outcome of both the complaint and the appeal. The decision of the Provost or their designee is the final appellate review.

##### **Disclosure of final results**



Disclosure to Victims. Upon receiving a written request, the University may disclose to an alleged victim of any crime of violence or a non-forcible sex offense (as those terms are defined in 34 C.F.R. 99.39), the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense. If the alleged victim is deceased, the disposition of records is a matter of state laws regarding inheritance and the next of kin or estate of the deceased victim shall be treated as the alleged victim for purposes of this paragraph.

#### **Related Statutes, Policies, Requirements or Standards**

Education Code, Chapter 51, Subchapter Z: Miscellaneous Provisions §51.936 and Chapter 37, Subchapter F: Hazing §37.151-157;

Education Code, Chapter 51, Subchapter Z: Disruptive Activities §51.935 and 37.123 (b).

Regents' Rules and Regulations, Rule 50101 Student Conduct and Discipline

UT System Office of General Counsel Model Policy, Student Conduct and Discipline

UTSA Student Policies, UTSA Student Code of Conduct

#### **Title IX Requirements**

Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual Harassment of students, which includes acts of sexual violence such as sexual assault, dating violence, domestic violence and stalking, is a form of sex discriminations prohibited by Title IX. Title IX requires The University of Texas at San Antonio to take immediate action to eliminate harassment, prevent its recurrence, and address its effects. The Title IX Coordinator is responsible for the administrative investigation of claims of Sexual Harassment and sexual violence (sexual assault, dating violence, domestic violence, and stalking) and ensuring there are appropriate grievance procedures for prompt and equitable resolution of student sex discrimination complaints. The university's Title IX investigation is different from a law enforcement criminal investigation, and a law enforcement investigation does not relieve the University of its independent Title IX obligations to investigate conduct. Title IX investigations and hearings are conducted by university officials who receive annual training related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process.

#### **Handbook of Operating Procedures – 9.24 Sexual Harassment and Sexual Misconduct Policy**

I. **Policy Statement.** The University of Texas at San Antonio (the University) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of

1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act), Violence Against Women Act (VAWA), and Clery Act. Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy will not be tolerated and will be subject to disciplinary action.

The University will strive to promptly begin the complaint resolution process, adjudicate the complaint, as appropriate, and discipline any individuals or organizations within its control who violate this Policy. Prompt reporting of incidents that could constitute violations of this Policy must be made to the Title IX Coordinator (as outlined in Section IX of this Policy).

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

- II. **Rationale.** This Policy addresses Sexual Harassment (including sexual violence), sexual misconduct, domestic violence, dating violence, and stalking regardless of where it occurs, including both on and off University property, if it potentially affects the alleged Complainant's educational program, activities or employment. The Policy complies with governing laws, regulations and guidance.
- III. **Scope.** This Policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors and applicants for admission or employment. It applies to conduct that occurs on University-owned or controlled premises, in an educational program or activity, including University-sponsored or supported events; buildings owned or controlled by student organizations officially registered with the University, or off campus when the conduct potentially affects a person's education, education-related activity or employment with the University; or that potentially poses a risk of harm to members of the University community. It also applies regardless of the gender, gender identity, or sexual orientation of the parties.

Prohibited Conduct under this Policy includes Sexual Misconduct (which includes Sex Discrimination, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and other Inappropriate Sexual Conduct); Sexual Exploitation; Retaliation; Failure to Report (for a Responsible Employee); and False Information and False Complaints. Violations of Prohibited Conduct under this Policy will be adjudicated in accordance with this policy.

#### **IV. Website address for this Policy.**

<http://www.utsa.edu/hop/chapter9/9.24.html>

#### **V. Related Statutes, Policies, Requirements or Standards**

- A. Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, and its implementing regulations at 34 C.F.R. Part 106

- B. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17, and its implementing regulations at 29 C.F.R. § 1604
- C. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery), 20 U.S.C. § 1092(f) and its implementing regulations at 34 C.F.R. §668.46
- D. Family Educational rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. Part 99
- E. Texas Education Code, Chapter 51, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.251-51.259
- F. Texas Education Code, Chapter 51, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating violence, and Stalking §51.281-51.291
- G. Texas Code of Criminal Procedures, Chapter 56A, Request for Forensic Medical Examination Art. 56A.251
- H. Texas Code of Criminal Procedures, Chapter 56A, Presence of Sexual Assault Program Advocate Art. 56A.351
- I. Texas Code of Criminal Procedures, Chapter 58, Designation of Pseudonym; Pseudonym Form, Art. 58.102
- J. Texas Code of Criminal Procedure, Chapter 58, victim Information Confidential, Art. 58.103
- K. Regents' Rules and Regulations, Rule 30105 Sexual Harassment, Sexual Misconduct, and Consensual Relationships
- L. Regents' Rules and Regulations, Rule 3.1008 Termination of a Faculty Member
- M. Regents' Rules and Regulations, Rule 30103 Standards of Conduct
- N. University of Texas Systemwide Policy UTS 184, Consensual Relationships
- O. UTSA Handbook of Operating Procedures (HOP) 2.13, Termination and Nonreappointment of a Tenured or Tenure-Track Faculty Member
- P. UTSA HOP 3.03, Discipline and Dismissal of Classified Employees
- Q. UTSA HOP 9.01, Nondiscrimination
- R. UTSA Faculty Code of Ethics
- S. UTSA Student Code of Conduct

## VI. Contacts

If you have any questions about HOP Policy 9.24, Sexual Harassment and Sexual Misconduct, contact the following office:

Equal Opportunity Services and Title IX Office  
(210) 458-4120  
[eos.office@utsa.edu](mailto:eos.office@utsa.edu)

## VII. Definitions<sup>1</sup>

- A. **Coercion** – The use of unreasonable pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including psychological or emotional

pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they eliminate a reasonable person's freedom of will and ability to choose whether or not to engage in sexual activity.

- B. **Complainant** – The individual who alleges or is alleged to be the victim of any prohibited conduct under this Policy.
- C. **Confidential Employees** – Confidential Employees include counselors and health care providers at Wellness 360 (UTSA's student health services), or clergypersons. Additionally, employees who receive information regarding an incident of Sexual Misconduct under circumstances that render the employee's communications confidential or privileged under other law (such as attorneys) are also considered "Confidential Employees." The University has designated the counseling center providers and health providers at Wellness 360, PEACE Center (Campus Advocate) and Student Assistance Services, and University Ombudspersons as confidential employees. However, all employees designated as Campus Security Authorities (CSAs) under the Clery Act must follow Clery reporting processes as well.
  - 1. Note: Under state law, Confidential Employees who receive information regarding incidents of Sexual Harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of the University, are required to report the **type of incident** to the Title IX Coordinator (or Deputy Coordinator(s)). Confidential Employees may not include any information that would violate a student's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies. At the University, Confidential Employees report the type of incident to the Title IX Coordinator on a monthly basis using a reporting form.
- D. **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 act. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. 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.
  - 1. Consent is not effective if it results from:
    - 1.1 the use of physical force;
    - 1.2 a threat of physical force;
    - 1.3 intimidation;
    - 1.4 coercion;
    - 1.5 incapacitation; or

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<sup>1</sup> The definitions provided in the main body of the Policy are the definitions adopted by the University. When applicable, the state law definitions have

been included. In any criminal action brought by law enforcement, the state law definition will apply.

- 1.6 any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity.
  2. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.
  3. The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.
- E. **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
1. The existence of such a relationship shall be determined based on the consideration of the following factors:
    - 1.1 The length of the relationship;
    - 1.2 The type of relationship; and
    - 1.3 The frequency of interaction between the persons involved in the relationship.
  2. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.
- F. **Domestic (Family) Violence** – includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, under the domestic or family violence laws of the state of Texas, including the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who
- a. is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
  - b. who share a child in common with the victim;
  - c. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; or
  - d. commits acts against an adult or youth victim who is protected from those acts under the domestic or family violence laws of the state of Texas.

**Economic Abuse:** [In the context of domestic violence and dating violence definitions] means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to

which they are entitled, including using coercion, fraud, or manipulation to

- Restrict a person's access to money, assets, credit, or financial information;
  - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
  - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
- G. **Hostile Environment** – exists when sexual misconduct is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from an education program or activity or an employee's terms and conditions of employment.<sup>2</sup> A hostile environment can be created by anyone (e.g., administrators, faculty members, employees, students, and University visitors) involved in an education program or activity or work environment.
1. In determining whether sexual misconduct has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. To determine that such conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.
  2. To ultimately determine whether a hostile environment exists for an individual or individuals, the University may consider a variety of factors related to the severity, persistence, or pervasiveness of the sexual misconduct, including:
    - 2.1 the type, frequency, and duration of the conduct;
    - 2.2 the identity and relationships of the persons involved;
    - 2.3 the number of individuals involved;
    - 2.4 the location of the conduct;
    - 2.5 the context in which the conduct occurred; and
    - 2.6 the degree to which the conduct affected an individual's education or employment.
  3. The more severe the Sexual Misconduct, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the Sexual Misconduct is not particularly severe.
- H. **Incapacitation** – Incapacitation is the inability, temporarily or permanently, to give consent because the individual is

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<sup>2</sup> Depending on the facts of a particular case, the university may investigate claims of hostile work environment under this Policy or another applicable policy.

mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

1. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.
2. After establishing that a person is in fact incapacitated, the University asks two questions:
  - 2.1 Did the person initiating sexual activity know that the other party was incapacitated? And if not,
  - 2.2 Should a sober, reasonable person in the same situation have known that the other party was incapacitated?
3. If the answer to either of these questions is “YES,” consent was absent and the conduct is likely a violation of this Policy.
4. A Respondent will be found to have violated the Policy only if the Respondent knew or should have known that the person was incapacitated.
- I. **Intimidation** – Unlawfully placing 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.
- J. **Other Inappropriate Sexual Conduct** – Conduct on the basis of sex that does not meet the definition of “Sexual Harassment” under this Policy, but is
  1. If verbal conduct (including through electronic means), unwanted statements of a sexual nature intentionally stated to a person or group of people, that are objectively offensive to a reasonable person and also so severe or pervasive that they created a Hostile Environment, as defined in this Policy. The type of verbal conduct (if all other elements are met) may include, but is not limited to:
    - 1.1 Unwelcome romantic, flirtatious, or sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
    - 1.2 Requests for sexual favors (including overt or subtle pressure);
    - 1.3 Gratuitous comments about an individual’s sexual activities or speculation about an individual’s sexual experiences;
    - 1.4 Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
    - 1.5 Persistent, unwanted sexual or romantic attention;
    - 1.6 Deliberate, repeated humiliation or intimidation.
  2. If physical conduct, conduct that is objectively offensive to a reasonable person and also so severe or pervasive that it created a Hostile Environment, as defined in this Policy. This type of physical conduct (if all other elements are met) may include, but not limited to:
    - 2.1 Unwelcome intentional touching of a sexual nature;
    - 2.2 Deliberate physical interference with or restriction of movement;
    - 2.3 Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
    - 2.4 Consensual sexual conduct that is unprofessional and inappropriate and creates a Hostile Environment.
    - 2.5 Whether or not the unprofessional or inappropriate conduct is sexual in nature will be determined by examining the totality of the circumstances, whether a reasonable person subjected to the conduct would construe the conduct as sexual in nature, and whether the individual subjected to the conduct construed it as sexual in nature.
- K. **Participants** – The term “participants” includes the University representative, Complainant, Respondent, and any witnesses.
- L. **Parties** – The term “parties” refers to the “Complainant” and the “Respondent” under this Policy.
- M. **Preponderance of the Evidence** – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of prohibited conduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.
- N. **Respondent** – The individual who has been reported to be the perpetrator of prohibited conduct under this Policy. (For UT-affiliated K-12 schools (e.g., charter schools), a parent or legal guardian of a Respondent may act on behalf of the Respondent.)
- O. **Responsible Employee** – A University employee who has the duty to report incidents of, and information reasonably believed to be, Sexual Misconduct to the Title IX Coordinator. All employees are Responsible Employees except Confidential Employees or police officers when a victim uses a pseudonym form (as outlined Section IX (B)-(C) of this Policy). Responsible Employees include all administrators, faculty, staff, resident life directors and advisors, and graduate teaching assistants. Responsible Employees must report all known information concerning the incident to the EOS/Title IX Office (Title IX Coordinator), and may include whether a Complainant has expressed a desire for confidentiality in reporting the incident.
- P. **Retaliation** – Any adverse action (including, but not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against someone *because* the

- individual has made a report or filed a Formal Complaint; or who has supported or provided information in connection with a report or a Formal Complaint; participated or refused to participate in a Grievance Process under this Policy; or engaged in other legally protected activities.
- Q. **Sex Discrimination** – Occurs when an individual is treated less favorably on the basis of that person’s sex (including gender), which may also include on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual harassment, as defined in this Policy, is a form of sex discrimination.
- R. **Sexual Assault**– An offense that meets the definition of rape, fondling, incest, or statutory rape:
1. *Rape*: the causing of 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.
  2. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the individual’s age or because of the individual’s temporary or permanent mental incapacity.
  3. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.
- S. **Sexual Exploitation** – Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in sexual voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups/other individuals; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; limited to, threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; threatening to disclose someone’s highly personal images; threatening to disclose sensitive details about one’s sexual preferences, habits, and/or experiences; and threatening to expose someone’s prior sexual activity to another person; and any activity that goes beyond the boundaries of consent, such as recording the sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted infection (STI) or sexually transmitted disease (STD) to another.
- T. **Sexual Harassment** – Conduct on the basis of sex that satisfies one or more of the following:
1. *Quid pro quo*: An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
  3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined in this Policy.
    - 3.1 Subsections (1) and (3) in this definition are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such conduct is sufficiently serious to deprive a person of equal access. Therefore, any instance of quid pro quo Sexual Harassment and any instance of sexual assault, dating violence, domestic violence, and stalking are considered Sexual Harassment under this Policy.
- U. **Sexual Misconduct** – This term is broadly defined to encompass sex discrimination, Sexual Harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation and other inappropriate sexual conduct.
- V. **Sexual Violence** – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.
- W. **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his, her, or their safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--
- I. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
  - II. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - III. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Technological Abuse**: means an act or pattern of behavior that occurs within Sexual Assault, Domestic Violence, Dating Violence, or Stalking, and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras, imaging programs, apps, locational tracking devices, or communication technologies, or any other emerging technologies.



## VIII. Responsibilities

### Appellate Officer

- Oversee appeals for dismissal of Formal Title IX Complaints pursuant to the Grievance Process
- Oversees appeals to live hearings pursuant to the Grievance Process
- Cannot be the Title IX Coordinator, investigator(s), or hearing officer in the Grievance Process
- Responsible for releasing a written decision within the timeline set out in this Policy

### Applicants/Employees/Students/Visitors

- Any person who believes that he, she, or they have been subjected to Sexual Harassment and/or Sexual Misconduct should immediately file a complaint with the EOS/Title IX office and utilize the procedures set forth in this Policy
- Any person who is a witness to, or is aware of, suspected incidents of Sexual Harassment and/or Sexual Misconduct are strongly encouraged to immediately report the incident to the EOS/Title IX office. Responsible Employees, including Confidential Employees, must report such incidents to the Title IX Coordinator as provided in this Policy

### Advisor

- A party to a complaint has the right to choose an advisor to assist the party through the Grievance Process, including the opportunity to be accompanied to any related meetings or proceeding by the advisor of the party's choice
- An advisor may inspect and review all evidence
- An advisor can be, but is not required to be, an attorney
- An advisor can be, but is not required to be, a campus advocate
- At the live hearing, the party's advisor can ask the other party and any witnesses all relevant questions and follow-up questions
- The University may establish restrictions regarding the extent to which an advisor may participate in the Grievance Process, and those restrictions apply equally to advisors of both parties

### Confidential Employees

- Receives information regarding an incident of Sexual Misconduct under circumstances that render the employee's communications confidential or privileged under law and policy
- Reports the type of incident to the Title IX Coordinator on a monthly basis using a reporting form
- Includes counseling center providers and health providers at Wellness 360, PEACE Center (Campus Advocate), Student Assistance Services, University Ombudspersons, and clergypersons

### Equal Opportunity Services and Title IX Office (EOS/Title IX Office)

- Reviews and processes reports and allegations of Sexual Harassment and/or Sexual Misconduct
- Utilizes the Title IX Coordinator, Deputy Title IX Coordinator(s) and investigators to carry out the review and processing of reports and investigating allegations of Sexual Harassment and/or Sexual Misconduct

### Hearing Officer

- Conducts the hearing in an orderly manner, controlling the conduct and decorum of all participants and attendees of the hearing
- Rules on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing
- May question participants who testify at the hearing
- Renders written determinations regarding the responsibility of the Respondent's alleged conduct charges in an impartial, neutral and objective manner
- May consult Office of General Counsel of the U.T. System for advice and assistance

### Responsible Employees

- Reports in a prompt manner incidents and information reasonably believed to be Sexual Misconduct to the Title IX Coordinator and EOS/Title IX office promptly pursuant to applicable laws and policy

## IX. Procedures

### A. Reporting Incidents

1. General Statement Empowering Community. This Policy distinguishes between *reporting* sexual misconduct incidents and *filing Formal Complaints*. *Reporting* Sexual Misconduct incidents informs the University of the incident(s), which allows the institution to provide Supportive Measures (as outlined in Procedure IX(C) 1.5 of this Policy) to the Complainant, Respondent, and any other individuals related to the incident(s) as appropriate, and does not necessarily result in the initiation of the Grievance Process (as outlined in Procedure IX(D) of this Policy). All Complainants who report incidents of Sexual Misconduct will be offered individualized Supportive Measures. If Complainants wish to initiate the Grievance Process, they should *file a Formal Complaint*. As explained in more detail below (including exceptions and details as to applicability), generally speaking, the Grievance Process may involve an investigation into the incident and a hearing to determine the responsibility of the Respondent.
2. Any person may report Sexual Misconduct, Retaliation related to an EOS matter, or other conduct prohibited under this Policy to the Title IX Coordinator. Any person may report an incident, whether or not the person reporting is the person alleged to be the Complainant of the incident, and it can be a verbal or

written report to the Title IX Coordinator. Responsible Employees must report Sexual Misconduct to the Title IX Coordinator. All reports must be made to the Title IX Coordinator and this can be done by: filing a report with the Equal Opportunity Services and Title IX Office (EOS/Title IX Office) by filling out a form online at <https://www.utsa.edu/eos/report-an-incident/>, contacting the EOS/Title IX office, or reporting directly to the Title IX Coordinator or Deputy Title IX Coordinator. The EOS/Title IX office and the Title IX Coordinator's contact information is below and the Deputy Title IX Coordinators' contact information is available online at:

<https://www.utsa.edu/eos.contact.html>

Additionally, reports can be made through the Compliance Hotline at:

<https://www.utsa.edu/compliance/hotline.html>

Suzanne Patrick, JD, CCEP

Director and Title IX Coordinator

Equal Opportunity Services & Title IX Office

Main Campus: North Paseo Building (NPB), 4<sup>th</sup> Floor

Downtown Campus: Durango Building, Suite 2.214

[suzanne.patrick@utsa.edu](mailto:suzanne.patrick@utsa.edu)

Phone: (210) 458-4120

Email: [EOS.Office@utsa.edu](mailto:EOS.Office@utsa.edu)

Complaints may also be filed online at:

<https://www.utsa.edu/eos>

**2.1 Filing a Formal Complaint.** The Complainant may file a Formal Complaint with the Title IX Coordinator, as outlined above and in Procedure IX (D)(2) of this Policy.

**2.2 Anonymity.** You may make an anonymous report by telephone, in writing, or electronically with the EOS/Title IX Office at <https://www.utsa.edu/eos/report-an-incident/> or through the Compliance Hotline at <https://www.utsa.edu/compliance/hotline.html>.

The decision to remain anonymous, however, may greatly limit the University's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy because Federal Regulations mandate that a notice of allegations of sexual harassment include, among other items, "sufficient details known at the time," including but not limited to the identities of the parties involved in the incident(s), if known. Only students and complainants may remain anonymous. Responsible Employees may not remain anonymous and must report pursuant to State Law.

**2.3 Confidentiality.** You can discuss an incident in strict confidence by using the confidential

resources outlined in Procedure IX (A)(5) of this Policy.

**2.4 Timeliness of Reporting.** Responsible Employees are required to report known alleged incidents and information of Sexual Misconduct promptly to the Title IX Coordinator. For others in the University community, you are strongly encouraged to report Sexual Misconduct, Retaliation, and any other conduct prohibited under this Policy as soon as the individual becomes aware of such conduct.

3. **Reporting to Law Enforcement.** You may also file a police report with The University of Texas at San Antonio Department of Public Safety at (210) 458-4242 (non-emergency) or (210) 458-4911 (emergency) and Hearing Impaired/TDD at (210) 458-4243 (emergency); or with the City of San Antonio Police Department (210) 207-7273 (non-emergency) or 911 (emergency); or to other local law enforcement authorities. The EOS/Title IX Office, and other University offices, such as the PEACE Center (Campus Advocate), can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Department of Public Safety. A protective or restraining order can be submitted to UTSA Department of Public Safety at [police.communications@utsa.edu](mailto:police.communications@utsa.edu).
4. **Reporting to Outside Entities.** The following external agencies may also be contacted:

For students:

**Office for Civil Rights**

**U.S. Department of Education**

1999 Bryan Street, Suite 1620

Dallas, TX 75201

Phone: (214) 661-9600

Fax: (214) 661-9587

Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

**Office for Civil Rights**

**U.S. Department of Health and Human Services**

1301 Young Street, Suite 106

Dallas, Texas 75202

Phone: (800) 368-1019

Fax: (202) 619-3818

TDD: (800) 537-7697

Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

For employees:

**U.S. Equal Employment Opportunity Commission**

**Dallas District Office**

207 S. Houston Street, 3<sup>rd</sup> Floor

Dallas, Texas 75202

Phone: (972) 918-3580  
Fax: (214) 253-2720  
TTY: (512) 974-2445  
ASL Video Phone: (844) 234-5122

**Texas Workforce Commission  
Civil Rights Division**

101 E. 15th Street  
Guadalupe CRD  
Austin, Texas 78778-0001  
Phone: (512) 463-2642 or (888)452-4778  
Fax: (512) 463-2643  
Email: EEOintake@twc.state.tx.us

5. Confidential Support and Resources.
    - 5.1 Students may discuss an incident with Confidential Employees or an off-campus resource (e.g., rape crisis center, doctor, psychologist, clergyperson, etc.) without concern that the person's identity will be reported to the EOS/Title IX Office. Employees may also seek assistance from the Employee Assistance Program (EAP), their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the EOS/Title IX Office.
    - 5.2 The University and community resources that provide confidential services are:
      - 5.2.1 Student Assistance Services and University Ombudspersons,
      - 5.2.2 PEACE Center (Campus Advocate);
      - 5.2.3 Wellness 360 (i.e. student health services); and
      - 5.2.4 Counseling Center at Wellness 360.
    - 5.3 Confidential Employees who are also deemed Campus Security Authorities (CSA) under the Clery Act must meet Clery reporting responsibilities as well.
  6. Immunity. In an effort to encourage reporting of Sexual Misconduct, the University may grant immunity from student and/or employee disciplinary action to a person who acts in good faith in reporting an incident, filing a Formal Complaint, or participating in a Grievance Process and Alternative Grievance Process (e.g., investigation, hearing, and/or appeal). This immunity does not extend to the person's own violations of this Policy.
- B. Parties' Right Regarding Confidentiality, Request to Not Investigate, and Requests to Dismiss Formal Complaints
1. The University has great respect for the privacy of the parties identified in a report or Formal Complaint. Under state law, however, Responsible Employees who receive information of alleged Sexual Misconduct must share that information with the Title IX Coordinator. As such, the University may need to act to maintain campus safety and must determine whether to investigate further, regardless of the Complainant's request for confidentiality or request to not investigate a report received by the Title IX Coordinator.
  2. In making determinations regarding requests for confidentiality, Complainants' requests to not investigate, Complainants' requests to dismiss Formal Complaints, and/or requests to not disclose identifying information to Respondents, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the Complainant, the Respondent, and the campus community. Factors the University must consider when determining whether to investigate an alleged incident of Sexual Misconduct include, but are not limited to:
    - 2.1 The seriousness of the alleged incident;
    - 2.2 Whether the University has received other reports of alleged Sexual Misconduct by the alleged Respondent;
    - 2.3 Whether the alleged incident poses a risk of harm to others; and
    - 2.4 Any other factors the University determines relevant.
  3. Under state law, if the Complainant requests in writing that the University not investigate a report, the University must inform the Complainant of the decision whether or not to investigate.
  4. The Federal Regulations state that the University may dismiss the formal complaint or any allegations if at any time during the investigation or hearing: A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegation(s) therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegation(s). Upon dismissal, the University must promptly send written notice of the dismissal and reason(s) simultaneously to the parties.
  5. If the University dismisses a Formal Complaint (as outlined in Procedure IX(D)(2.3) of this Policy), the University must provide the Complainant and Respondent a written notice of the dismissal and the reason(s) for the dismissal simultaneously. Additionally, the University reserves the right to initiate a complaint under this Policy that follows the Alternative Grievance Process (Appendix A) in the event that the complaint is dismissed under the Federal Title IX Regulations.
  6. In the course of the Grievance Process, the University may share information only as necessary with people who need to know in compliance with the law, which may include but is not limited to the investigators,

witnesses, Complainant, Respondent, parties' advisors, hearing officer(s), and the appellate officer(s), if applicable. The University will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation, hearing, or in any other part of the Grievance Process.

## C. Resources and Assistance

### 1. Immediate Assistance

- 1.1 The UTSA Title IX C.A.R.E.S. document contains information on resources and is available online at: <https://www.utsa.edu/eos/docs/Title-IX-C.A.R.E.S.pdf>

### 1.2 Healthcare.

- 1.2.1 If you experience sexual violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the Respondent in a sexual violence case. Complainants can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 5 days (120 hours) of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of Methodist Specialty and Transplant Hospital or the nearest hospital that provides SAFE services.

Methodist Specialty and Transplant Hospital  
8026 Floyd Curl Dr  
San Antonio, Texas, 78229  
Phone: 210-575-8110

- 1.2.2 For more information about the SAFE, see [https://www.texasattorneygeneral.gov/files/cvs/sexual\\_assault\\_examination.pdf](https://www.texasattorneygeneral.gov/files/cvs/sexual_assault_examination.pdf). The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

### 1.3 Police Assistance.

- 1.3.1 If you experienced or witnessed sexual misconduct, the University encourages you

to make a report to the police. The police may, in turn, share your report with the EOS/Title IX Office with the exception of when a person files a pseudonym form under the Code of Criminal Procedure with a police department for incidents of sexual assault, stalking, family violence, and human trafficking. In those instances, where a pseudonym form is filed, the police will only report the type of incident to the Title IX Coordinator, but not any personally identifiable information of the Complainant.

- 1.3.2 A police department's geographic jurisdiction depends on where the incident occurred. Thus, if the incident(s) occurred on the University campus, you may file a report with the UTSA Department of Public Safety by calling (210) 458-4242 (non-emergency) or 210-458-4911 (emergency) and Hearing Impaired/TDD: 210-458-4243 or in person at UTSA Department of Public Safety at the Main Campus in the Bosque Street Building, Rm. 1.400 and the Downtown Campus in the Frio Building North 1.528, even if time has passed since the incident(s) occurred.

- 1.3.3 UTSA Department of Public Safety can also assist with applying for any protective orders. Reporting an incident to law enforcement does not mean the case will automatically go to criminal trial or go through an adjudication process. If the University police are called, a police officer will be sent to the scene to take a detailed statement. A police officer or victim services coordinator may also provide the individual with a ride to the hospital. An individual may also file a report with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of San Antonio, and off campus, an individual may also file a report with the San Antonio Police Department, even if time has passed since the incident(s) occurred. If a report is made to the police, a police officer will usually be dispatched to the location to take a written report. A sexual assault Complainant will also have an opportunity to have a crime victim liaison, counselor, advocate, or police officer with specialized training be present with the Complainant during police investigative interviews.

Students, faculty, and staff desiring a crime victim liaison, advocate, or police officer with specialized training should contact:

Community Affairs Section of the UTSA  
Department of Public Safety at (210) 458-  
6250.

#### 1.4 Counseling and Other Services.

1.4.1 If you experience Sexual Misconduct, you are strongly encouraged to seek counseling or medical and psychological care even if you do not plan to request a SAFE or report the incident to the police. You may be prescribed medications to prevent sexually transmitted infections (STI) and/or pregnancy even if the police are not contacted or if a SAFE is not performed. Students can seek health care services including HIV and STI testing, prevention and treatment as well as pregnancy testing and prevention. Students can call 210-458-4121 to make an appointment or visit the MyHealth portal. Similarly, other individuals impacted or affected by an incident are encouraged to seek counseling or psychological care.

1.4.2 You may receive medical care at the Wellness 360 (for students only), at a local emergency room, or by a private physician.

1.4.3 You may also be provided with psychological support by the Wellness 360 Counseling Center (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of your choosing.

1.4.4 Students seeking medical care on-campus should contact:

UT Health San Antonio Wellness 360  
<https://wellness360.uthealthsa.org/wellness-360-at-utsa/>

Main Campus Location:

Recreation Wellness Center - RWC 1.500  
Phone: (210) 458-4142

Students desiring counseling should contact:

Wellness 360 Counseling Center

Main Campus

Recreation Wellness Center - RWC 1.810  
210-458-4140

For Crisis Help Line chose option 3

Downtown Campus

Frio Street Building FS4.556  
210-458-4140

Faculty and staff should contact:

Deer Oaks Employee Assistance Program

1-866-EAP-2400

1-866-327-2400

24-hour Access to free Professional Support

National Relay: 1-800-877-8339

#### 1.5 Supportive Measures

1.5.1 The University will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of Sexual Misconduct with or without the filing of a Formal Complaint, when applicable in writing.

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

1.5.3 Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. Any disciplinary or punitive measures may only be implemented following the conclusion of the Grievance Process, unless an emergency removal (as outlined in Procedure IX (E)) is appropriate.

1.5.4 The University will maintain the confidentiality of Supportive Measures provided to the parties, to the extent that maintaining such confidentiality complies with governing regulations, rules, and policies does not impair the ability of the University to provide the Supportive Measures.

#### D. The Grievance Process

##### 1. Key Officials in the Grievance Process

###### 1.1 Title IX Coordinator

1.1.1 The Title IX Coordinator is the senior University administrator who oversees the University's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy. The Title IX Coordinator is available to discuss the Grievance Process, coordinate Supportive Measures, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or



more Deputy Title IX Coordinators to facilitate these responsibilities.

1.1.2 The Title IX Coordinator has designated the Director of Student Conduct and Community Standards and Associate Dean of Students to facilitate responsibilities for Title IX hearings for faculty, students and staff. The Title IX Coordinator may designate the Assistant Vice President of Talent Cultivation or designee to facilitate faculty and staff hearings in conjunction with the Director of Student Conduct and Community Standards and Associate Dean of Students.

1.1.3 Any member of the University community may contact the Title IX Coordinator with questions.

1.2 Investigator(s). The University will ensure that Formal Complaints are properly investigated under this Policy by investigators assigned to the Formal Complaint. The investigators are neutral and impartial fact-finders, and gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The EOS/Title IX Office Assistant Director/Deputy Title IX Coordinator may supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary to ensure compliance with Title IX.

1.3 Hearing Officer. The hearing officer is responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner.

## 2. Formal Complaints Against Students and Employees

2.1 Applicability of the Grievance Process. The Grievance Process in this Policy applies to the following situations:

2.1.1 Students. The Grievance Process in Procedure IX(D) 2-11 of this Policy applies in the instances where the Respondent is a student (including student employees)<sup>3</sup> at the University at the time of the alleged conduct and

- i. the conduct alleged includes Sexual Harassment;

- ii. the alleged conduct occurred in or as part of the University's education program or activity; and,
- iii. the alleged conduct occurred against a person in the United States.

The Alternative Grievance Process, referenced in Procedure IX(D)(14) and discussed in Appendix A of this Policy, applies in instances where the Respondent is a student at the time of the alleged conduct and where the conduct alleged includes Prohibited Conduct under this Policy and where any of (i)-(iii) above are not met.

2.1.2 Employees. Faculty and Staff. For employees, the Grievance Process in this Policy only applies where all of the following conditions are met; in all other instances, allegations of Sexual Misconduct (or other allegations of Prohibited Conduct in this Policy, including Failure to Report for Responsible Employees) will be handled in accordance with the Alternative Grievance Process laid out in Appendix A.

- a) The Respondent is an employee at the University at the time of the alleged conduct;
- b) The conduct alleged includes Sexual Harassment under this Policy;
- c) The alleged conduct occurred against a person in the United States; and
- d) Where the Complainant was participating or attempting to participate in an education program or activity at the University. This element is met if the conduct occurred in any of the following: on any University property; during any University activity; in a building owned or controlled by a student organization that is officially recognized by the University; or in instances where the University exercised substantial control over the Respondent and the context in which the alleged conduct occurred.

2.2 To begin the Grievance Process, the Complainant must sign a Formal Complaint (requesting an investigation) and submit it to the Title IX Coordinator. The Complainant must submit a written statement setting out the known details of

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<sup>3</sup> Respondents who are both students and employees are treated as students under this policy.

the alleged conduct that is the subject of the Formal Complaint, including the following:

- 2.2.1 Complainant's name and contact information;
- 2.2.2 Respondent's name and contact information, if available;
- 2.2.3 Detailed description of the alleged conduct or event(s) that is the basis of the alleged violation under this Policy;
- 2.2.4 Date(s) and location(s) of the alleged occurrence(s);
- 2.2.5 Names of any witnesses to the alleged occurrence(s); and
- 2.2.6 The resolution sought.

In lieu of a written statement the Complainant may ask the investigator to prepare a statement of what the investigator understands the complaint to be and ask the Complainant to verify that statement. The Complainant may also submit any documents or information that is relevant to the Formal Complaint.

The Title IX Coordinator may also sign a Formal Complaint against a Respondent (requesting an investigation) and in doing so will initiate the Grievance Process. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become the Complainant. The individual who experienced the alleged prohibited conduct will be treated and listed as the Complainant for the Grievance Process and in the formal hearing process.

### 2.3 Mandatory and Discretionary Formal Complaint Dismissals.

2.3.1 Under Title IX regulations, universities are required to distinguish between prohibited conduct that is "under Title IX" and prohibited conduct that is a violation of university policy. Under Title IX, the University must dismiss a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where:

- a) Sexual Harassment is alleged and where:
  - i. The conduct alleged does not meet the definition of Sexual Harassment;
  - ii. The alleged conduct did not occur in or as part of the University's education program or activity; or
  - iii. The alleged conduct did not occur against a person in the United States

A dismissal under this provision only applies to allegations of Sexual Harassment under Title IX. In such an instance, the University may still investigate a Formal Complaint for allegations of Sexual Harassment or other Prohibited Conduct under this Policy. These allegations that fall outside the requirements of Title IX will be handled through the Alternative Grievance Process in Appendix A.

2.3.2 The University may dismiss a Formal Complaint, at its discretion, under this Policy's Grievance Process for any of the following circumstances:

- a) If the Complainant sends a request to the Title IX Coordinator in writing to dismiss a Formal Complaint (e.g., withdraws the Formal Complaint or any allegations therein), as outlined in Procedure IX(B) of this Policy;
- b) If the Respondent is was an employee and is no longer employed by the University. Any specific circumstances that prevent the university from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or
- c) The conduct alleged does not meet the definition of any prohibited conduct under this Policy.

2.3.3 If the University dismisses a Formal Complaint, the University must promptly and simultaneously provide both parties a written notice of the dismissal and the reason(s) for the dismissal.

2.4 Concurrent Criminal or Civil Proceedings. The University will not, as a matter of course, wait for the outcome of a concurrent criminal or civil justice proceeding to take action on a Formal Complaint in a University Grievance Process. The University has an independent duty to respond to Formal Complaints of Sexual Misconduct. At the University's discretion, the University may delay the investigation or Grievance Process for a reasonable period due to concurrent criminal or civil proceedings on a case-by-case basis.

### 3. Written Notice of the Formal Complaint, and Notification of University Offices Offering Assistance

3.1 After receiving a Formal Complaint, the EOS/Title IX Office will provide a written notice to the parties of the Formal Complaint and available University

resources and assistance. The written notice of the Formal Complaint will include the following:

- 3.1.1 A notice of the Grievance Process, as outlined in this policy;
- 3.1.2 A notice of the allegations that potentially constitute prohibited conduct under this Policy, including sufficient details about the alleged conduct, including the identity of the parties, if known, and the date(s), time(s), and location(s) of alleged conduct known by the University at the time of the Formal Complaint;
- 3.1.3 A statement of the potential policy violations being investigated;
- 3.1.4 A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Grievance Process;
- 3.1.5 Both parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence;
- 3.1.6 A statement that the parties may review evidence gathered as part of any investigation;
- 3.1.7 Provision of this Policy that knowingly making false statements or knowingly submitting false information during the Grievance Process is prohibited and subject to disciplinary action; and
- 3.1.8 Any other relevant information for the written notice.

#### 4. Informal Resolution Option of Certain Formal Complaints

- 4.1 After the parties have been provided a copy of the written notice of a Formal Complaint, both parties may, in writing, voluntarily agree to use this Informal Resolution option, if applicable, at any point prior to reaching a determination regarding responsibility, but the parties are not required to do so. The Informal Resolution entails the parties forgoing the Grievance Process (including the investigation and hearing, depending on when the parties agree to engage in an Informal Resolution). The Informal Resolution may include a mediation process, for example.
- 4.2 At any point prior to finalizing to an Informal Resolution, each party has a right to withdraw from the Informal Resolution process and resume the Grievance Process with respect to the Formal Complaint.

- 4.2.1. Informal Resolution Availability. The Informal Resolution process is not permitted in cases where Sexual Harassment is alleged in the Formal

Complaint. Informal Resolution is also not available where the Respondent has previously participated in the Informal Resolution process and where that process resulted in a mutual agreement.

- 4.2.2. Informal Resolution Timeframe. Informal Resolutions of a Formal Complaint will be concluded within 45 days of notice to the University that both parties wish to proceed with the Informal Resolution process, except as may be extended by good cause shown. Such notice that the parties wish to proceed with an Informal Resolution process will “pause” the counting of the timeframe to conclude the Grievance Process in Procedure IX (D) of this Policy, should the Informal Resolution process fail and the parties continue with the Grievance Process.

- 4.2.3. Informal Resolution Documentation. Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven years as required by law (and see Procedure IX (D) 12 of this Policy for additional information on Grievance Process Documentation). However, no audio or video recording of the Informal Resolution process will be made. All statements made during the Informal Resolution process cannot be used for or against either party (and the Hearing Officer and Appellate Officer may not consider any such statement(s) made during Informal Resolution) should the parties resume the Grievance Process. Failure to comply with an Informal Resolution agreement may result in disciplinary action.

#### 5. Investigation of the Formal Complaint – Gathering of Evidence

- 5.1 After the University provides written notice of a Formal Complaint to the parties, the Respondent will be allowed a reasonable time to respond in writing and through an interview with the investigator.
- 5.2 The University will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings in the Grievance Process.
- 5.3 Evidence. The parties in the investigation may present any information and evidence that may be relevant to the Formal Complaint, and may have

an advisor of their choice attend any related interview, meeting, or proceeding in the Grievance Process. Advisors are not permitted to actively participate in meetings or proceedings in the Grievance Process, except as explicitly outlined in Procedure IX (D) (7.10) of this Policy. The parties may present the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the Formal Complaint. The parties may specify to the investigator any questions or topics they would like asked of any known potential witnesses or parties.

- 5.4 Witness Interviews. The investigators will interview relevant and available witnesses. Neither the Complainant nor the Respondent will normally attend these interviews; however, if either party is permitted to attend, the other party shall have the same right.
- 5.5 Investigation Timeframe. The investigation of a Formal Complaint will be concluded within 90 business days of the filing of a Formal Complaint, except as may be extended by good cause shown. The parties should be provided updates on the progress of the investigation, as needed.
- 5.6 Access to Evidence. Prior to the completion of the investigation report, the investigators will provide access to all evidence obtained (whether relevant or not) as part of the investigation to all parties (and each party's advisors, if any, upon a party's signed information release for their advisor of choice, if applicable). Both parties will have at least 10 calendar days to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the investigator and will be considered prior to the investigator completing the investigative report. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.
- 5.7 Completed Investigation Report. The completed investigation report will outline each of the allegations that potentially constitutes prohibited conduct under this Policy, provide the timeline (e.g., procedural steps) of the investigation, and fairly summarize relevant evidence, participant statements, and responses to questions. The EOS/Title IX Office will provide a completed investigation report concurrently to both parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice, if applicable, at least 10 calendar days prior to the date of the scheduled hearing to review and provide a written response at the hearing. A copy of the completed investigation report will be

issued to the Title IX Coordinator, and to the hearing officer assigned for the hearing.

- 5.8 You may not record any meetings, whether virtual or in person, pursuant to this process. No recording devices are allowed during EOS/Title IX Office interviews or meetings. The EOS/Title IX Office personnel will take notes during all interviews with parties, as well as with all witnesses interviewed.
  - 5.9 EOS will reach out to parties and witnesses and provide a reasonable time period for the parties and witnesses to ensure the accuracy of their statements made during interviews before completing the final report.
6. Standard of Evidence & Presumption of Not Responsible. All Grievance Processes will use the preponderance of the evidence standard, as defined in this Policy. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the Grievance process.
  7. Live Hearing – Determination of Responsibility
    - 7.1 Absent a Formal Complaint dismissal or the parties' decision to reach an Informal Resolution agreement (if applicable), the University will provide a live hearing for all Formal Complaints subject to the Grievance Process as outlined in this Policy.
    - 7.2 Written Notice of the Hearing. The University will provide at least 10 calendar days written notice of the hearing to the parties (and the parties' advisor, if any, upon a party's signed information release for their advisor of choice if applicable), including the date, time, location, names of all participants of the hearing (including the hearing officer, and all parties and participants in the investigation report), purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered. The hearing notice may also provide a deadline by which the University representative and the parties have an opportunity to disclose (1) the names of any witnesses they intend to call to testify at the hearing, if any, and (2) a copy of any documents they intend to use as exhibits at the hearing, not already included in the investigation report, if any.
    - 7.3 Challenges to the Hearing Officer. Either party may challenge the fairness, impartiality or objectivity of a hearing officer. The challenge must be submitted in writing to the hearing officer through the office coordinating the hearing within 4 calendar days after notice of the identity of the hearing officer, and must state the reasons for the challenge. The hearing officer will be the sole judge of whether they can serve with fairness,

impartiality, and objectivity. In the event that the hearing officer recuses themselves, an alternative hearing officer will be assigned in accordance with the institution's procedures.

- 7.4 Hearing Officer Duties at the Hearing. The hearing officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System.
- 7.5 Access to Evidence. Each party will have access to all evidence from the investigation, including a copy of the completed investigation report as outlined in Procedure IX(D)(5.6) in this policy.
- 7.6 Separate Rooms and Virtual Participation. At the request of either party, the University will provide the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually, and are not required to be physically present at the same physical location of the hearing.
- 7.7 University Representative Role. The University representative will present information regarding the case at the hearing and will have the ability to present information and witnesses, question witnesses, and provide opening and closing statements at the hearing.
- 7.8 Each party may make opening and closing statements. Advisors for the parties may not deliver these opening or closing statements.
- 7.9 Privileged Information Excluded. No person will be required to disclose information protected under a legally recognized privilege. The hearing officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- 7.10 Advisor of Choice. Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the University will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.
- 7.11 Questioning of the participants in the hearing: The hearing officer may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other

party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The University representative and the advisors may ask questions under the following procedure:

- 7.11.1 The questioner will ask a question of the applicable participant.
  - 7.11.2 Before the participant answers a question, the hearing officer will rule as to whether the advisor's question is relevant to the alleged conduct charges.
  - 7.11.3 If the hearing officer rules that the question is not relevant, then the hearing officer must explain any decision to exclude a question as not relevant. If the hearing officer allows the question as relevant, the participant will answer it.
- 7.12 Prior Sexual History: A Complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.
8. Hearing Officer Determination. The hearing officer will issue a written determination, which must include the following:
    - 8.1 The allegations that potentially constitutes prohibited conduct under this Policy;
    - 8.2 A description of all the procedural steps of the Grievance Process under this Policy (from receipt of a Formal Complaint to the determination regarding responsibility of the Respondent, including any notifications of the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held);
    - 8.3 The findings of fact supporting the hearing officer's determination;
    - 8.4 The conclusion(s) and rationale as to whether the Respondent is responsible for each allegation;
    - 8.5 The disciplinary sanctions, if applicable;
    - 8.6 Whether additional remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and
    - 8.7 The institution's procedures and permissible bases for the parties to appeal, if applicable.



The hearing officer will send a copy of the written determination concurrently to the parties within 21 business days from when the hearing concludes, in addition to the Dean (for student Respondents) or appropriate administrator (for employee Respondents) and the Title IX Coordinator.

9. The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the University. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

10. Sanctions and Remedies. The following sanctions and remedies may be considered by the hearing officer in accordance with this Policy:

10.1 Possible Sanctions and Remedies for Student Respondents:

- 10.1.1 Educational training;
- 10.1.2 No shared classes or extra-curricular activities;
- 10.1.3 Disciplinary probation;
- 10.1.4 Withholding of grades, official transcript, and/or degree;
- 10.1.5 Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the University
- 10.1.6 Suspension of rights and privileges, including but not limited to participation in athletics or extracurricular activities;
- 10.1.7 Denial of degree;
- 10.1.8 Suspension from the University for a specific period of time. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the University's procedures when all conditions of the suspension are met;
- 10.1.9 Expulsion (permanent separation from the University). Expulsion creates a permanent notation on the student's academic transcript;
- 10.1.10 Revocation of degree and withdrawal of diploma; and/or
- 10.1.11 Other sanction(s) or remedies as deemed appropriate under the circumstances.

10.2 Possible Sanctions and Remedies for Employee Respondents:

- 10.2.1 Employee probation;
- 10.2.2 Job demotion or reassignment;
- 10.2.3 Suspension with or without pay for a specific period of time;
- 10.2.4 Dismissal or termination;
- 10.2.5 Ineligible for rehire; and/or
- 10.2.6 Other sanction(s) or remedies as deemed appropriate under the circumstances.

11. Appeals and Additional Processes Provided to Students and Employees

- 11.1 Appeals. Either party may appeal in writing to a hearing officer's determination regarding a Respondent's responsibility under the Grievance Process or from the University's dismissal of a Formal Complaint (or any allegations in the Formal Complaint) within ten (10) calendar days of notification of such a determination, on the following basis:

- 11.1.1 A procedural irregularity that affected the outcome of the matter;

- 11.1.2 There is new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or

- 11.1.3 The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

- 11.2 The appellate officer must not be the same as the Title IX Coordinator, investigator(s), or hearing officer in the Grievance Process. Both parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both parties.

- 11.3 Any non-appealing party (or the University) will have seven (7) calendar days from the notification of an appeal to submit a written statement in support of the outcome. The decision-maker on the appeal will release a written decision within 21 calendar days from the date of the appeal.

- 11.4 The appellate officer will release a written decision simultaneously to both parties within 21 business days from the date of the appeal to:

- 11.4.1 Affirm the hearing officer's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;

- 11.4.2 Affirm the hearing officer's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;

- 11.4.3 Affirm the University's dismissal of a Formal Complaint (or any allegation in the Formal Complaint);

- 11.4.4 Remand the process back to the investigation or hearing stage for the investigator or hearing officer (or applicable equivalent) to remedy any procedural irregularity or to consider any new evidence;

11.4.5 Reverse the hearing officer's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or

11.4.6 Affirm or amend the sanctions and/or remedies outlined in the administrative disposition.

12. **Grievance Process Documentation.** The University (through the appropriate office) will retain all of the documentation included in the Grievance Process (outlined in Procedure IX(D) of this Policy) for seven years, in accordance with state and federal records laws and University policy. All documentation of records are private and confidential to the extent possible under law. Student records of the Grievance Process are disciplinary records under Family Educational Rights and Privacy Act (FERPA). Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA), and included in the employee's official employment record.

13. **Grievance Process Timeframe.** The entire Grievance Process (outlined in Procedure IX(D) of this Policy, including any appeal) will be completed in no more than 150 business days from the filing of the Formal Complaint. However, the circumstances may require a temporary delay in this timeframe and the University may extend this timeframe for good cause. In such an instance, the University will provide written notice to the parties of the delay or extension and the reason(s) for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance; or accommodation of disabilities. The time period in this section does not include the period the parties attempted, but failed, to reach an agreement in the Informal Resolution Process, if applicable, and in such a case, the Grievance Process timeframe will be extended by the period the parties attempted to reach an Informal Resolution (outlined in Procedure IX(D)4 of this Policy).

14. **Alternative Grievance Process for Students – Applicable Exceptions for Non-Federal Title IX Formal Complaints.** Please see Appendix A.

#### E. Emergency Removal and Employee Administrative Leave

1. **Emergency Removal.** A Respondent may be removed from the University's education program or activity on an emergency basis if, after an individualized safety and risk analysis, it is determined that such a removal is justified because the Respondent poses an immediate threat to the physical health or safety of an individual arising from the allegations of Sexual Misconduct.

Under these circumstances, the Respondent will be notified in writing of the emergency removal from the University's education program or activity, and the Respondent will have an opportunity to immediately challenge the decision following the emergency removal. Within 5 business days of the notification for emergency removal, the Respondent must submit an appeal to the Emergency Appeal Official(s). After receipt of an appeal for emergency removal, the Emergency Appeal Official(s) will have 5 business days to provide the Respondent a written determination regarding the appeal.

2. **Employee Administrative Leave.** An employee Respondent may be placed on administrative leave, in accordance with the University's policy and procedures on employee administrative leave, during the pendency of a Grievance Process, as outlined in this Policy.

#### F. Dissemination of Policy and Education Program

1. This Policy will be made available to all University administrators, faculty, staff and students online at <https://www.utsa.edu/hop/chapter9/9-24.html> and in University student catalog(s) and any employee handbook of operating procedures, as necessary. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Misconduct Policy, including but not limited to, at the beginning of each fall and spring semester. The notice will include information about Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy, including the Formal Complaint procedure, the University Grievance Process, and available resources, such as support services, health, and mental health services. The notice will specify the right to file a Formal Complaint under this Policy, the right to file a police report to law enforcement, the Title IX Coordinator's contact information, and will refer individuals to designated offices or officials for additional information.

2. **Ongoing Sexual Misconduct Training.** The University's commitment to raise awareness of the dangers of Sexual Misconduct includes providing ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about primary prevention, risk reduction, and bystander intervention. For more additional information about the training University personnel have attended, please visit [https://www.utsa.edu/Compliance/TitleIX\\_Training.html](https://www.utsa.edu/Compliance/TitleIX_Training.html).

3. Training of Title IX Coordinators, Investigators, Hearing Officers and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over University Grievance Processes, and appeals shall receive training each academic year about applicable prohibited conduct, Grievance Processes, due process, and University policies related to Sexual Misconduct. All training materials used to train Title IX-related personnel (e.g., Title IX Coordinators, deputies, investigators, hearing officers, and appellate officers (among others)) will be made available on the University's website: <https://www.utsa.edu/Compliance/TitleIX/TitleIX Training.html>
  4. Annual Reporting and Notice. The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online ([www.utsa.edu/eos](http://www.utsa.edu/eos)), in required publications and in specified departments.
- G. Additional Conduct Violations under this Policy
1. Retaliation. Any person who retaliates against (a) anyone filing a report of Sexual Misconduct or Formal Complaint, (b) the parties or any other participants (including any witnesses or any University employee) in a Grievance Process relating to a Formal Complaint, (c) any person who refuses to participate in a Grievance Process, or (d) any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in a Grievance Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator.
  2. False Information and False Complaints. Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.
  3. Interference with the Grievance Process. Any person who interferes with the Grievance Process (outlined in Procedure IX (D) of this Policy) is subject to disciplinary action up to and including dismissal or separation from the University. Interference with the Grievance Process may include, but is not limited to:
    - 3.1 Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
    - 3.2 Removing, destroying, or altering documentation relevant to the Grievance Process; or
    - 3.3 Knowingly providing false or misleading information to the Title IX Coordinator, investigator(s), or hearing officer(s), or encouraging others to do so.
4. Failure to Report for Responsible Employees. If a Responsible Employee knowingly fails to report to the Title IX Coordinator all information concerning an incident the employee reasonably believes constitutes Sexual Misconduct (including stalking, dating violence, sexual assault, or sexual harassment) committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.
    - 4.1 The Duty to report acts reasonably believed to be stalking, dating violence, sexual assault, and Sexual Harassment arise from state law. The University goes further to require Responsible Employees to report all acts reasonably believed to be any type of Sexual Misconduct as defined in this Policy. It is important to note that for purposes of Failure to Report, the definition of Sexual Harassment, as defined under state law, is broader than the definition of Sexual Harassment under this Policy and is defined as: Unwelcome, sex-based verbal or physical conduct that:
      - 4.1.1 in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
      - 4.1.2 in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary institution.
  5. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a Formal Complaint under this Policy will not stop or delay any action unrelated to the Formal Complaint, including: (1) any evaluation or disciplinary action relating to a Complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University's ability

to take interim action or execute an emergency removal.

## **XII. HOP 9.24 Appendix A Alternative Grievance Process**

### **A. Alternative Grievance Process**

#### **1. Informal Resolution of Certain Complaints**

2.1 Both parties may voluntarily agree to use this option instead of or before the formal resolution process but are not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that they have been subjected to Sexual Misconduct may immediately file a Formal Complaint. Anyone interested in the Informal Resolution process, should contact the Title IX Coordinator. Before beginning the Informal Resolution process, the Title IX Coordinator must provide both parties full disclosure of the allegations and their options for formal resolution. At any time during the Informal Resolution process, the Complainant may elect to discontinue the Informal Resolution process and file a Formal Complaint.

1.2 Informal Assistance. If informal assistance is appropriate, the individual will be provided assistance in informally resolving the alleged Sexual Misconduct. Assistance may include providing the complainant with strategies for communicating with the offending party that the behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment that is free of sexual harassment or Sexual Misconduct.

1.3 Timeframe. Informal resolutions will be completed within 60 (sixty) business days from receipt of a request for informal Resolution. However, the circumstances may require a temporary delay in this timeframe and the University may extend this timeframe for good cause. In such an instance, the University will provide written notice to the parties of the delay or extension and the reason(s) for the action.

1.4 Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation.

#### **2. Formal Complaint and Investigation Procedures**

2.1 To begin the investigation process, a statement setting out the details of the conduct that is the subject of the complaint must be submitted including the following:

- 2.1.1 Complainant's name and contact information;
- 2.1.2 Name of the person directly responsible for the alleged violation;
- 2.1.3 Detailed description of the conduct or event that is the basis of the alleged violation;
- 2.1.4 Date(s) and location(s) of the alleged occurrence(s);
- 2.1.5 Names of any witnesses to the alleged occurrence(s);
- 2.1.6 The resolution sought; and
- 2.1.7 Any documents or information that is relevant to the complaint.

The University may initiate an investigation regardless of the manner in which a complaint is received or whether a complaint is received at all. However, the Complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator(s) should prepare a statement of what the investigator(s) understands the complaint to be and ask the Complainant to verify that statement. If a complaint is received by an individual other than the Title IX Coordinator or a Deputy Title IX Coordinator, the individual receiving the complaint should refer the complaint to the Title IX Coordinator or a Deputy Title IX Coordinator.

#### **2.2 Investigation**

- 2.2.1 After an investigator is assigned, the Respondent will be provided notice of the complaint and be allowed a reasonable time to respond in writing. The Respondent may provide their response orally and the investigator will draft the Respondent's response in writing based on the Respondent's oral statement. The Respondent will have an opportunity to review the statement.
- 2.2.2 The parties may present any information and evidence that may be relevant to the complaint, including the names of any witnesses who may provide relevant information.
- 2.2.3 The investigator will interview relevant and available witnesses. Neither the Complainant nor the Respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- 2.2.4 EOS will reach out to parties and witnesses and provide a reasonable time period for the parties and witnesses to ensure the accuracy of their statements made during interviews before completing the final report.
- 2.2.5 The investigation of a complaint will be investigated as soon as possible after receipt of

- the complaint. The parties should be provided updates on the progress of the investigation.
- 2.2.6 After the investigation is complete, a written report will be issued to the appropriate administrator. The report shall be factual findings and a preliminary conclusion regarding each allegation of whether a violation occurred (based on a “preponderance of the evidence” standard).
- 2.2.7 For cases with student Respondents, and in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Texas Education Code, Section 51.971, the Complainant and the Respondent will receive an appropriately redacted copy of the report where applicable. The Complainant and Respondent have seven (7) business days from the date of the report to submit comments regarding the report to the Dean of Students (DOS).
- 2.2.6.1 In cases with employee Respondents, a copy of the report will be provided to the Complainant, Respondent, and the Vice President or Dean who has authority over the Respondent. The Vice President or Dean may delegate the responsibility for reviewing the EOS/Title IX report, reviewing any submitted comments, and taking appropriate actions as the adjudicator. The Complainant and Respondent have seven (7) business days from the date of the report to submit comments regarding the report to the appropriate Vice President or Dean or their designee.
- 2.2.8 Within seven (7) business days after the deadline for receipt of comments from the parties, the appropriate office or department will:
- 2.2.8.1 request further investigation into the complaint;
- 2.2.8.2 dismiss the complaint if it is determined that there was no violation or inappropriate conduct occurred; or find that the Respondent committed Prohibited Conduct under this Policy.
- If it is determined that the Respondent committed Prohibited Conduct under this Policy, the matter will be referred for disciplinary action in accordance with the hearing process outlined in the Student Code of Conduct.
- 2.2.9 The parties shall be informed concurrently in writing of the decision in accordance with the Formal Complaint and Investigation section of this Alternative Grievance Process.
- 2.2.10 If disciplinary actions and/or sanction(s) are warranted, it will be imposed in accordance with the applicable policies and procedures.
- 2.2.11 Standard of Proof. All investigations will use the preponderance of the evidence standard, as defined by this Policy.
- 2.2.12 Timelines. Best efforts will be made to complete the complaint process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. The investigation of a complaint will be conducted as soon as possible after receipt of the written complaint. In investigations exceeding ninety (90) Business days, a justification for the delay will be presented to and reviewed by the Compliance Officer overseeing the EOS office.
- 2.2.13 At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the Complainant regarding the Complainant’s rights, procedural options, the status of the investigation, and the implementation of supportive measures to ensure the Complainant’s safety and well-being. The University will also communicate with the Respondent regarding the Respondent’s rights, procedural options and information regarding the status of the investigation. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.
3. The filing of a complaint under the Alternative Grievance Process does not excuse the Complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University’s investigation of the complaint.
4. Dismissal of Complaint  
The Grounds for dismissal outlined in Section 2.3 above: Mandatory and Discretionary Formal Complaint Dismissals are also applicable in Appendix A.
5. Remedies. In addition to disciplinary actions and/or sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of Sexual Misconduct, prevent any recurrence and, as appropriate, remedy any effects:
- 5.1 Imposing sanctions against the Respondent, including attending training, suspension, termination or expulsion;



- 5.2 Ensuring the parties do not share classes, working environments or extracurricular activities;
- 5.3 Making modifications to on-campus living arrangements of the parties;
- 5.4 Providing comprehensive services to the parties including medical, counseling, and academic support services, such as tutoring;
- 5.5 Providing the parties with adjustments as appropriate to complete or retake a class or withdraw from a class without an academic or financial penalty;
- 5.6 Determining whether Sexual Misconduct adversely affected the Complainant's University standing;
- 5.7 Designating an individual specifically trained in providing trauma-informed comprehensive services;
- 5.8 Conducting a University climate check to assess the effectiveness of Sexual Misconduct prevention measures;
- 5.9 Providing targeted training for a group of students, including bystander intervention and Sexual Misconduct prevention programs;
- 5.10 Issuing policy statements regarding the University's intolerance of Sexual Misconduct.
6. Sanctions and Discipline. Disciplinary action will be handled under the appropriate disciplinary policy depending on the status of the Respondent, including but not limited to the policies below.
  - 6.1 Regents' Rules and Regulations, Rule 3.1008 Termination of a Faculty Member
  - 6.2 UTSA Handbook of Operating Procedures (HOP) 2.13, Termination and Nonreappointment of a Tenured or Tenure-Track Faculty Member
  - 6.3 UTSA HOP 3.03, Discipline and Dismissal of Classified Employees
  - 6.4 UTSA Faculty Code of Ethics
  - 6.5 UTSA Student Code of Conduct
7. Assistance. During the investigation process, parties may be assisted by an advisor as long as the parties have signed the appropriate information release, as applicable. The advisor may be an attorney but does not have to be an attorney. However, the advisor may not actively participate in a meeting or interview. The University reserves the right to remove or dismiss advisors who violate restrictions on participation. Additionally, the University is not required to reschedule a proceeding or meeting if the advisor cannot attend a proceeding or meeting. An individual named by either party as a witness or potential witness should not serve in the role of advisor to either party.
8. Time Limitations. Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator based on a written showing of good cause by the parties or the University.
9. Concurrent Criminal or Civil Proceedings. The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an independent duty to investigate complaints of Sexual Misconduct.
10. Documentation. The University shall document complaints and their resolution and retain copies of all materials in accordance with state and Federal records laws and University policy.
11. You may not record any meetings pursuant to this process. No recording devices are allowed during EOS/Title IX Office interviews or meetings. The EOS/Title IX Office personnel will take notes during all interviews with parties, as well as with all witnesses interviewed.
  - 11.1 EOS will reach out to parties and witnesses and provide a reasonable time period for the parties and witnesses to ensure the accuracy of their statements made during interviews before completing the final report.
12. Additional Conduct Violations.
  - 12.1 Retaliation. Any person who retaliates against the parties or any other participants in an investigation or disciplinary process relating to an EOS/Title IX complaint, or any person who under the Alternative Grievance Process opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in an investigation believes they have been subject to retaliation, they should immediately report the alleged retaliatory conduct to the Title IX Coordinator or Deputy Title IX Coordinator.
  - 12.2 False Complaints. Any person who knowingly files a false complaint under the Alternative Grievance Process is subject to disciplinary action up to and including dismissal or separation from the University. A finding that a Respondent is not responsible for the Sexual misconduct alleged does not imply a report was false.
  - 12.3 Interference with an Investigation. Any person who interferes with an investigation conducted under the Alternative Grievance Process is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an ongoing investigation may include, but is not limited to:
    - 12.3.1 Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
    - 12.3.2 Knowingly removing, destroying, or altering documentation relevant to the investigation; or
    - 12.3.3 Knowingly providing false or misleading information to the investigator or other personnel with the EOS/Title IX Office, or encouraging others to do so.

## Campus Sexual Assault, Domestic Violence, Dating Violence, and Stalking Victim's Bill of Rights

The United States Congress enacted the "Campus Sexual Assault Victim's Bill of Rights" as a part of the Higher Education Amendments of 1992, as amended by the Campus Sexual Violence Elimination Act (Campus SaVE). This law requires that all universities afford sexual assault, domestic violence, dating violence, and stalking victims' certain basic rights such as:

- Accuser and accused must have the same opportunity to have others present including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- Both parties shall be simultaneously informed of the outcome of any disciplinary proceedings in writing.
- Survivors shall be informed of the options to notify law enforcement, including on-campus and local police.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations, if so requested by the victim and if such accommodations are reasonable available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

## Programs for Awareness and Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence and Stalking

The University of Texas at San Antonio provides students, faculty, and staff with ongoing awareness and prevention related to sexual assault, domestic violence, stalking, and dating violence. These initiatives can help campus community members reduce their risk of becoming a victim of sexual assault, domestic violence, dating violence and stalking.

Furthermore, the awareness and prevention programs are designed to be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and assessed for value and effectiveness. These programs also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Resources, programs and events include:

*The UTSA PEACE Center:* The UTSA PEACE Center, established in the Summer of 2019, is charged with providing advocacy services and campus-wide comprehensive programming and education for our UTSA community. The center's services include Prevention, Education, Advocacy, Consultation & Empowerment for students, faculty, and staff impacted by interpersonal violence and/or sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking.

The UTSA PEACE Center offers free and confidential comprehensive victim-centered, trauma informed advocacy services to individuals who have been impacted by sexual violence, dating violence, domestic violence, harassment, and stalking. The Campus Advocate's primary role is to provide confidential support in the

areas of safety, healing, justice and restitution. The Campus Advocate may provide the following services: psychosocial assessment; risk assessment/danger assessment; safety planning; crisis intervention; case management; problem solving; education on the Title IX process; support through administrative and/or criminal processes; and referrals to on and off campus resources as necessary. The Campus Advocate may accompany a student to any official meeting with other University offices, Police investigative interviews, or hearing proceedings.

The UTSA PEACE Center provides trainings, workshops, and outreach events with a focus on Primary Prevention Education. Examples include Green Dot bystander trainings, prevention education programming, and campus events that correspond to National awareness campaigns. The PEACE Center Prevention Specialist is available to provide programming on specific topics to staff and faculty as requested. The UTSA PEACE Center received a three-year Department of Justice Office of Violence Against Women Grant to reduce incidents of sexual violence, dating/domestic violence, and stalking on campus. This grant created the Coordinated Community Response Team which meets monthly to collaborate and streamline reporting processes, prevention education, and revise current sexual violence policies as needed. Contact Information: UTSA PEACE Center, SU 1.02.22, 210-458-4077.

Below is a list of some of the prevention, risk reduction, and awareness programs UTSA offers.

*Sexual Assault Awareness Month (SAAM Activities/Programs):* Various UTSA departments collaborate each April to participate in this nationwide event by hosting activities that promote sexual assault awareness and prevention. Events include tabling events in high traffic areas of campus, workshops, film screenings, discussion groups, social norming campaigns, photo booths and collaboration with registered student organizations. Messaging towards reoccurring annual campaigns such as RAINN Day, Start by Believing and Denim Day are highlighted throughout the month. Learn more at

<https://www.utsa.edu/students/wellbeing/programs/sexual-assault-awareness-month.html>

*Start by Believing Day:* Each April, UTSA raises awareness of sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking prevention through Start by Believing Day, a university-wide educational fair. Attendees can ask questions about sexual harassment and sexual assault, obtain information about sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking and make a pledge to become an active bystander.

*Take Back the Night:* Each fall, UTSA participates in Take Back the Night, a gender inclusive experience to help college students take back the night and stop intimate and interpersonal violence on campus. At UTSA, Take Back the Night Brings the campus and community together by providing a resource fair, guest speakers, a Silent Witness Exhibit, and a march around campus.

*National Night Out:* This annual fall event aims to decrease crime and increase safety awareness. It features crime prevention information tables, games, food and entertainment.

*Safety Escort Program:* Uniformed UTSA Department of Public Safety staff, to include Rowdy Watch Student Patrol, provide escorts around the clock upon request from anywhere on campus to any other location on campus. Request an escort at 210-458-4242.

*Rowdy Wing Fling:* A program offered to students before Spring Break that focuses on prevention education around the topics of alcohol, sexual violence, and consent which includes activities and games focusing on individual responsibility.

*Online Student Sexual Assault Prevention Programs:* This online program, educates students about the elements of healthy relationships, the importance of sexual consent and the role of bystanders in creating safe, healthy communities. This program is required for all first-time freshman, transfer students, and incoming graduate students. Additionally, ongoing training is available for all current students.

*Crime Prevention Presentation:* The UTSA Department of Public Safety Community Affairs Section, established in 1994, offers a series of presentations to students about personal safety, risk reduction, sexual assault prevention, acquaintance rape, women's self-defense, and alcohol and drug awareness. Customized crime prevention presentations and literature related to sexual harassment and sexual assault prevention are also available upon request. Learn more at:

[http://www.utsa.edu/publicsafety/pd/general\\_information/safety\\_topics/](http://www.utsa.edu/publicsafety/pd/general_information/safety_topics/)

*Institutional Standards of Conduct Training:* This regular training for faculty, staff, and student employees addresses federal and state laws, particularly those that are relevant to the higher education environment. The training covers sexual harassment, Title IX and Campus SaVE and informs university employees about crime prevention and their mandatory reporting responsibilities.

*Title IX Training:* This comprehensive classroom training about Title IX educates responsible employees about issues related to stalking, dating and domestic violence, and sexual assault.

## **Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy**

### **Violence Against Women Act of 1994 (VAWA) and Reauthorization Act of 2022**

On March 15, 2022, President Biden signed into law the Consolidated Appropriations Act of 2022, which included the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022). VAWA 2022 reauthorizes, amends, and strengthens the Violence Against Women Act of 1994, as amended (VAWA). The provisions of VAWA 2022 that are applicable to HUD programs are found in title VI of Division W of the Consolidated Appropriations Act of 2022, with is entitled "Safe Homes for Victims." Section 2 of VAWA 2022 provides revised definitions for the statute.

### **Introduction**

It is the policy of The University of Texas at San Antonio to maintain an environment that is free from intimidation and one in which students may be educated to their fullest potential. UTSA fosters an understanding of difference and cultivates the ethical and moral issues that are the basis of a humane social order. Therefore, UTSA prohibits and will not tolerate physical abuse, threats of violence, physical assault, or any form of sexual assault, including but not limited to acquaintance or date rape, domestic violence, dating violence, and/or stalking. In addition, all such acts of sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking are considered forms of Sexual Harassment covered under Title IX of the Education Amendments of 1972 (Title IX) and the 1994 Violence Against Women Act.

### **State Definitions**

In Texas, the Family Code defines "Family Violence" (domestic violence) to mean 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. (Texas Family Code 71.004)

"Dating Violence" is defined in Texas as an act, other than a defensive measure to protect oneself, by an actor that: is committed against a victim or applicant for a protective order: with whom the actor has or has had a dating relationship; or because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage. The act is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault. A "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, which is determined based on consideration of the length, nature, 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 71.0021)

The Texas Penal Code defines "Sexual Assault" as an offense if committed by a person that intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; or 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. (Texas Penal Code Sec. 22.011)

"Without Consent" in regards to sexual assault is defined in Texas Penal Code as:

- the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

- the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- the actor is a public servant who coerces the other person to submit or participate;
- the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
- the actor is an employee of a facility where the person is a resident, unless the employee and resident are formally or informally married to each other;
- the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
- the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor;
- the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor. (Texas Penal Code Sec. 22.011)

Texas law defines "Stalking" when a person commits an offense if the person, on more than one occasion and pursuant to the same course of conduct directed specifically at another person, knowingly engages in conduct that:

1. the actor knows or reasonably should know the other person will regard as threatening bodily injury or death for the other person; bodily injury or death for a member of the other person's family or household or for an individual with whom

the other person has a dating relationship; or that an offense will be committed against the other person's property;

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, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. Further, it would cause a reasonable person to fear bodily injury or death for himself or herself; 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 that an offense will be committed against the person's property; or feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended. (Texas Penal Code Sec. 42.072)

### **Federal Definitions – Violence Against Women Act 1994**

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

1. The existence of such a relationship shall be determined based on a 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 purposes 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 under the definition of domestic violence.

**Domestic Violence:** means a pattern of behavior involving the use or attempted use of physical, sexual, verbal, psychological, economic, or technological abuse or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who --

1. is a current or former spouse or dating partner of the victim, or other person similarly situated to a spouse of the victim;
2. shares a child in common with the victim;
3. is cohabitating with, or has cohabitated with, the victim as a spouse or dating partner;
4. commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.

### **Stalking:**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  - a. Fear for his or her safety or the safety of others; or
  - b. Suffer substantial emotional distress.
2. For the purposes 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Sexual Assault:** An 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:** The 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.

**Procedures to follow if you are a Victim of Sexual Assault, Domestic Violence, Dating Violence or Stalking**

Anyone who is a victim of any form of sexual assault, domestic violence, dating violence, or stalking should immediately call the UTSA Department of Public Safety by dialing 4911 on campus or by calling (210) 458- 4911. Reporting these crimes does not mean that the victim must press charges; take the case to criminal trial and/or a university disciplinary hearing.

A victim may be undecided about filing criminal charges, but it is very important to report to the police, preserve evidence and going to a hospital for forensic collection of physical evidence that may assist in proving that a criminal offense occurred and may be helpful in obtaining a protective order. Treatment at a hospital is also important for the treatment of injuries and emotional trauma. A victim may always exercise the option to file criminal charges later.

Victims may also report in a confidential manner to any of the following: UT-Health Wellness 360 Counseling at (210-458-4140), UTSA PEACE Center, Confidential Advocacy Services (210-458-4077), or Student Health Services at (210-458- 4142). While the above-mentioned offices are confidential they are now required by law to report incidents of sexual assault, sexual harassment, stalking, dating violence, and domestic violence that occurred while enrolled at UTSA. They are only required to report that the incident occurred

and the type of offense; no personally identifiable information is shared.

Any student or employee victim who reports to UTSA that has been a victim of sexual assault, domestic violence, dating violence, and stalking, whether the offense occurred on or off campus, will be provided with a written explanation of the victim's rights and options. These can be found:

<https://www.tdcj.texas.gov/divisions/vs/rights.html>

UTSA will protect the confidentiality of victims and other necessary parties in all public access records, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925 (a)(20)). UTSA will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of UTSA to provide the accommodations or protective measures.

**Notification of Law Enforcement**

Victims of sexual assault, domestic violence, dating violence and stalking or persons who have information regarding these crimes are strongly encouraged to report the incident to the UTSA Department of Public Safety immediately. It is the UTSA's policy to conduct investigations of all sexual assault, domestic violence, dating violence, and stalking complaints with sensitivity, compassion, patience, and respect for the victim.

Investigations are conducted in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure, and the Bexar County District Attorney's Office. UTSA will report all acts of sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking to the Title IX Coordinator on campus. A victim of sexual assault, domestic violence, dating violence or stalking has the right to decline notification or reporting to law enforcement authorities.

**Non-Reported Sexual Assault Evidence Program**

The Non-Reported Sexual Assault Evidence Program allows survivors of a sexual assault to obtain a forensic medical exam and have evidence collected, without cost to the victim, even if they do not wish to involve law enforcement personnel at the time of its collection. This will secure the evidence while giving the survivor time to consider if they want to report the assault. The Methodist Specialty and Transplant Hospital located at 8026 Floyd Curl Drive (210-575-8168) employs trained Sexual Assault Nurse Examiners. Sexual assault victims enter through the emergency room but have a separate waiting area and exam room. A victim may bring a friend to the hospital for support. A Rape Crisis Center Advocate can be present to offer emotional support. If the assault occurred weeks or months before, medical attention is still important. Contact UTSA Department of Public Safety's Community Affairs Section at (210) 458-6250 for more information or assistance. Student victims of sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking can also contact the Title IX



Coordinator in the Office of Equal Opportunity Services at (210) 458-4120.

### **Bystander Intervention**

Bystander intervention is defined as the willingness to take action and help someone in time of need to prevent harm. Safe and positive options for bystander intervention will be in place for an individual who intervenes to prevent harm when there is a risk of sexual assault, domestic violence, dating violence, and stalking against a person. Safe and positive options for bystander intervention include:

- Utilize the three D's to take Direct action, Delegate others to take action, or use distraction to reduce harm
- Join a 90-minute virtual Green Dot session to learn bystander intervention skills to intervene on a situation involving harm to others and is available to incoming student and new employee and also on an ongoing basis.
- Call UTSA Department of Public Safety (210) 458-4911
- Report to a 24-hour Crisis Helpline – for emotional support (210) 458-4140
- Report to the Equal Opportunity Services office (210) 458-4120

Getting others involved and reporting potential or actual crimes to the police or UTSA officials helps to mitigate risk for the bystander and serves to ensure that the victim receives appropriate care as well as addressing the offender's behavior. UTSA has a *Beaks Up Speak UP* program designed to establish a culture of care where bystanders would not stand idly by when trouble reared its ugly head, but rather would choose to intervene for one another.

### **Behavioral Intervention**

The Behavioral Intervention Team (BIT) is dedicated to a proactive, coordinated, and planned approach to the identification, prevention, assessment, management and reduction of interpersonal and behavioral threats to the safety and well-being of The University of Texas at San Antonio students, faculty, staff and visitors. Anyone can report concerning or threatening behavior to the Behavioral Intervention Team by submitting an online referral at <http://www.utsa.edu/bit> or speaking with a team member.

### **Pseudonym/Criminal Charges**

All information and reports of sexual assault are kept strictly confidential. In accordance with the Texas Code of Criminal Procedures Art. 57, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault. The victims of sexual assault, domestic violence, dating violence, and stalking are not required to file criminal charges or seek judicial actions through the university disciplinary process. However, victims are encouraged to report the assault in order to provide the victim with physical, academic and emotional assistance.

### **Police Training**

UTSA Department of Public Safety police officers attend the Sexual Assault Family Violence Investigators Course (SAFVIC). This course is specifically designed to provide law enforcement officers with the tools they need to effectively investigate and prevent sexual assault and family violence. The curriculum covers crucial aspects for law enforcement's response to these crimes, as well as the creation and use of community-based resources to assist law enforcement's efforts. SAFVIC is offered when classes become available. Officers are also assigned online mandatory SUNY Training that also focuses on Trauma Informed Response.

### **Victim Support Services**

Written information and assistance is available for the victim through the UT-Health Wellness 360 Counseling (210-458-4140), UT-Health Wellness 360 Health Services (210-458-4142), UTSA PEACE Center, Confidential Advocacy Services (210-458-4077), Rape Crisis Hotline (210-349-7273), Rape Crisis Center (210-521-7273), The Bexar County Family Justice Center (210-208-6800), and the Office of Student Life (210-458-4720). These departments can provide support services to the victim and specifically assist the victim in reporting a sexual assault, domestic violence, dating violence, or stalking to the UTSA Department of Public Safety. The UTSA Department of Public Safety Community Affairs Section is available to all victims to provide an immediate safety plan, written information about personal safety, information and assistance in obtaining protective or no contact orders, information and assistance with campus housing relocation for campus residents, Texas Crime Victims' Rights, Texas Crime Victims Compensation Fund, and other related information upon request.

Reports of sexual assault, domestic violence, dating violence, and stalking can also be made to the San Antonio Police Department at (210) 207-7273 or the Bexar County Sheriff's Office at (210) 335-6000. UTSAPD Community Affairs Section can assist the victim in contacting these agencies, if requested. Support can also be provided to the victim for visa and immigration assistance by the UTSA International Students Services Office at (210) 458-7202 and for student financial aid by the UTSA Student Financial Aid and Enrollment Services Office at (210) 458-8000.

### **Protective and No Contact Orders:**

Victims of sexual assault, domestic violence, dating violence, and stalking are eligible to apply for protective orders and/or no-contact orders or similar lawful orders issued by a criminal, civil, or tribal court and/or Office of Student Conduct and Community Standards. Protective Orders may prohibit the offender from committing further acts of family violence; or harassing or threatening the victim, either directly or indirectly by communicating the threat through another person. A "No Contact Order" is a court order or administrative order that prohibits someone from contacting another person in any way. Texas law provides for the criminal enforcement of valid protective orders issued by a Texas court and valid out of state protective orders. For more information on protective orders, contact the UTSAPD Community Affairs Section at (210) 458-6250 or the Bexar County Family Justice Center at (210) 208-6800.

## Supportive Measures: Assistance with Changes in Academic and Living Situation

The EOS/Title IX office can assist with supportive measures prior to or during an investigation. The EOS/Title IX office provides this in their written CARES document to parties after the initial report of every situation. In addition, the document includes services provided by on and off-campus providers, the EOS/Title IX office can take immediate action to implement supportive measures to assure the safety and well-being of the complainant and respondent, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members. Supportive measures are designed to ensure equal access to educational programs and activities as well as equal access to the workplace.

The following list is not exhaustive and each situation will be handled on a case-by-case basis to evaluate what might be reasonable available under the specific circumstances:

- Class schedule or dorm room changes
- Work schedule changes
- Transportation assistance
- Change in dining location
- Excused absences or substitute assignments
- Escorts for safe movement within the campus community
- University-issued stay away orders or agreements
- Supportive measures- counseling, mental health, medical services
- Assistance acquiring victim advocacy services from local providers
- Assistance acquiring VISA and immigration information
- Assistance acquiring student financial aid information
- Assistance acquiring legal services information
- Parties are encouraged to communicate any other needs regarding protective measures that may not be listed and, if available additional protective measures may be provided.

## Sex Offender Registration Requirements

Federal law requires convicted sex offenders to register with local law enforcement in the jurisdiction where they live as well as those who have indicated that they are enrolled, employed, or carrying on a vocation at institutions of higher learning. That information is provided to the Texas Department of Public Safety, which maintains a public database of names, crimes, and addresses. Information concerning Sex Offender Registration information and registered sex offenders is found at the Texas Department of Public Safety web site for Sex Offender Registration at:

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

## Drug and Alcohol Policies

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.)

and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

- Student alcohol/drug policy:  
<https://www.utsystem.edu/board-of-regents/rules/50101-student-conduct-and-discipline>
- Employee alcohol/drug policy:  
<https://www.utsystem.edu/sites/policy-library/policies/uts-102-drugs-and-alcohol-policy>  
<https://www.utsa.edu/hop/chapter9/9-18.html>
- Annual notification: Employees are provided notification of policies through annual compliance training and students are provided the policy during enrollment, both are required on an annual basis.
- Alcohol/drug webpage:  
<https://catalog.utsa.edu/policies/administrativepoliciesandprocedures/drugfreeschoolsandcommunitiesact/>
- Biennial review report:  
<https://www.utsa.edu/hr/docs/Drug-Free-Schools-Communities-Act-2022-Biennial-Review.pdf>

## Drugs

The unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs on any UTSA campus or at any UTSA sponsored event held off campus is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner that impairs performance of assigned tasks. UTSA police officers enforce laws regulating the use of illegal drugs.

Texas law prohibits the medically unsupervised use, possession, sale, manufacture, or distribution of drugs classified as illegal; or the use, possession, sale, manufacture, or distribution of prescription medication used in an illegal manner or used in a manner other than that prescribed. Students determined to be in violation are subject to arrest, criminal prosecution, and referral to Student Conduct and Community Standards for disciplinary action. Additional policies on drugs regulated by campus housing may apply at campus housing facilities.

The UTSA Student Code of Conduct prohibits the use, manufacture, possession, sale, or distribution on campus of the substances defined and regulated under the Texas Health and Safety Code; except as may be allowed by the provisions of such articles.

## Alcohol

The use of alcoholic beverages must comply with Texas law and is strictly limited to persons 21 years of age or older. The possession, transportation, and/or consumption of alcohol by individuals less than 21 years of age is strictly prohibited. UTSA police officers enforce laws regulating the use of alcoholic beverages and underage drinking. Officers may issue court appearance citations or affect an arrest if required by law. In addition, student violators are referred to the Student Conduct and Community Standards office, Housing and Residence Life, and Campus Living Villages as appropriate. Alcoholic beverages may not be consumed or possessed in public areas of the university, except for approved catered events or at

authorized off-campus facilities. Additional policies on alcohol regulated by Housing and Residence Life apply at campus housing facilities. According to the UTSA *Student Code of Conduct*, the use or possession of any intoxicating beverage is prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural facilities, housing facilities (except at Laurel Village and the University Oaks Apartments with specific restrictions), and all other public areas. Regarding the possession and consumption of alcoholic beverages, Texas state law will be strictly enforced on the campuses at all times.

### **Drug and Alcohol Services on Campus**

As a part of Wellbeing Services, the UTSA Recovery Center, a collegiate recovery program, provides a continuum of care for alcohol and other drugs, including education and prevention; assessment and intervention; and recovery support for students in long-term recovery.

**Recovery Support:** The Recovery Center offers students healing from substance use disorder and/or addiction the community, support, and environment necessary to maintain recovery while receiving an education. Active student members in recovery enjoy a dedicated recovery lounge for studying and socializing. Members benefit from free printing, snacks, beverages, and small meals in effort to reduce food insecurity. Individual services are available to students seeking additional recovery support. Peer support groups are facilitated daily including: All Recovery, 12-step recovery, and SMART Recovery. In the spring 2021-2022 academic year, the Recovery Center added Cannabis Recovery, Eating Recovery, for eating disorders, and sexual addictions recovery groups.

**Prevention and Education:** The Recovery Center provides individual and group services to help students explore their alcohol and/or cannabis use providing the opportunity to increase positive choices while decreasing risks and consequences. Programs include BASICS, Brief Alcohol Screening and Intervention for College Students, a 2-session brief intervention that provides alcohol education and utilizes individual assessment patterns of use with the aim of reducing consequences. CASICS is adapted from BASICS to provide education and assessment for cannabis use.

In addition to BASICS and CASICS, the Recovery Center provides opioid overdose awareness and prevention training including distribution and training on NARCAN (naloxone).

The Recovery Center has also partnered with Wellbeing Services in beginning the effort to help normalize the choice not to drink while simultaneously educating on strategies to reduce risk of drinking. During Mocktails, Magic, and Wellbeing, a comedic magic show, and Safe Spring Break Kick Off Party, the Recovery Center utilized mocktails to provide this education.

**Assessment and Intervention:** Some students may benefit from a more long-term approach, which includes an in-depth substance use assessment and ongoing solution-focused sessions. The Recovery Center offers individual assessment and support for students struggling with substance use disorders and other behavioral

addictions. Students who may require more intensive services are referred to many of our community referral partners.

Wellness 360 (210-458-4142) is located in the Recreation and Wellness Center, Room 1.500 and no appointment is required. Wellness 360 provides referrals for education and other support services to students dealing with alcohol and drug issues.

Wellbeing Services offers a Peer Education Program, whose mission is to promote healthy lifestyles and better decision making to the UTSA community by providing accurate health information and resources to students. The program consists of Peer Educators who are UTSA student volunteers who provide peer-to-peer education on various health topics through fun and interactive games and discussions. Peer Educators work together to promote wellness by increasing awareness of student health issues and encouraging positive lifestyles. Topics covered in the Peer Education Program include:

- Alcohol
- Flu
- Time management
- Nutrition
- Healthy relationships
- Tobacco
- Body image
- Financial health
- Stress
- Sexual health
- Physical activity
- Skin care

The Office of Student Activities (210-458-4160) located in the HEB Student Union, Room 1.210 and provides a variety of programming opportunities and events for students. Training is provided to the Student Activities Risk Education staff to facilitate discussions with representatives of UTSA's 248 student organizations regarding drug and alcohol use and misuse among student organizations. Campus wide programs with intentional educational messages regarding alcohol and drugs are offered throughout the year. Educational programs include Rowdy Wing Fling, Party on the Paseo, and Late Night at the Rec. Classroom and student organization presentations are also offered.

Student Conduct and Community Standards office (210-458-4720) is located in the Student Union, Room 2.01.04, promotes appropriate standards of behavior for the UTSA community and administers the conduct process using the E.P.I.C. (Engagement, Personal development, Interpersonal development, and Community membership) Journey Sanctioning Model. This developmental approach to conduct includes combining consistently applied inactive sanctions such as probation and deferred suspension, with active experiences, to engage the student in risk education and learning. This combination of sanctions provides a journey intended to transform the student's decision-making patterns.

UTSA Department of Public Safety collaborates with other campus departments in providing alcohol and drug awareness programs. These programs include:

- National Collegiate & Drug Alcohol Week
- Spring Break Safety
- U in the Driver Seat
- Late Nite @ the Rec
- Rowdy Wing Fling

People Excellence provides employees with services through the Employee Assistance Program (EAP). The Employee Assistance Program is a confidential service that includes short-term assessments, counseling, prevention, education, crisis intervention, and referrals for a wide range of issues including substance abuse. For additional information please visit the website at:

<https://www.utsa.edu/hr/eap/>.

### **Safety Awareness Programs**

The University of Texas at San Antonio encourages all students and employees to take an active role in their own security and practicing good safety habits. UTSA has a number of campus-wide educational programs such as orientation for new students, faculty, and staff to include:

*Roadrunner Days:* A series of required events for all freshmen and transfer students that traditionally takes place on the two days prior to the first day of classes and held twice a year that includes elements of safety and security from UTSAPD.

*Health Fairs:* Held twice a year to give faculty, staff, and student's information on various health issues to include HIV awareness, drug and alcohol dependency issues, and sexual assault awareness.

*International Student Orientation:* Usually held three times a year for international students to gain knowledge of UTSA student support services, academic life, and reduce anxiety about the transition to U.S. college life.

*Wellbeing Services - Alcohol and Drugs Presentation:* This is a peer-led discussion on the risks of alcohol and drug use that is presented to student organizations, in a classroom or conference setting, and offered several times during the year.

*UTSA PEACE Center:* The PEACE Center provides confidential advocacy services to students, faculty & staff who have experienced incidents related to sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Advocates utilize a comprehensive approach to assist victims with getting their core needs met in the following areas: safety, healing, justice and restitution.

*State Mandated Risk Management Training for Student Organizations:* In September 2007, the State of Texas passed a law requiring student organization leaders and advisors to attend a training course that covers seven risk management topics that include alcohol, drugs, hazing, sexual harassment, firearms, weapons, travel and behavior at organization events. It is the hope of both The State of Texas and UTSA that students will practice risk management techniques in order to have safe student organizations.

*UTSA Student Organizations:* are required to send two student leaders each academic year to a state mandated risk management training course provided by the Office of Student Activities. Advisors of student organizations are required to attend at least one training. Once the organization has had two leaders attend a training session, it is the duty of those representatives to ensure that members of their organization are aware of the information presented.

*E.P.I.C Journey:* Administered by Student Conduct and Community Standards, the EPIC Journey model is a developmental approach to conduct intended to transform the student's decision-making patterns.

These programs are offered at scheduled times during the calendar year and all university community members are encouraged to attend. The programs are designed to inform students, faculty, and staff about campus safety and security procedures.

### **Campus Carry**

#### **General Provisions**

Subject to applicable Texas or federal laws and rules adopted by UTSA, individuals holding a valid license to carry (LTC) or the former state designation for the same, Concealed Handgun License (CHL), will be allowed to carry their Handgun, concealed on their person on the Campuses of UTSA, except in areas designated as Exclusion Zones as outlined in Appendix A.

Pursuant to Texas Penal Code Sections 46.035 and 30.07, the open Display of a Handgun in plain view of another person on UTSA campuses is never allowed except by authorized individuals, such as licensed peace officers of the UTSA Department of Public Safety, or other commissioned peace officers.

While UTSA will employ all reasonable means to clearly delineate Exclusion Zones by signage in accordance with Texas law, it is the responsibility of the License Holder to know, understand, and follow these rules and applicable laws while on UTSA Campuses. Holders of such permits are bound by state and federal law and may face criminal or civil penalties for violation of those statutes.

Authorized LTC Holders are not required to disclose their status to anyone other than a law enforcement officer. UTSA will not maintain a list of LTC Holders. This information is not a matter of public records. UTSA employees (other than law enforcement officers) may not, under any circumstances, require students or employees to disclose their LTC status.

UTSA will not provide gun storage on Campuses. LTC Holders must keep their Concealed Handguns in a secure location, on, or about their person at all times. For the purposes of this policy and subject to the requirements of Texas law, "on or about one's person" means close at hand and within such distance of the LTC Holder so that, without materially changing his/her position, the LTC Holder could get his/her hand on it. UTSA recommends the use of holsters or protective covers.

LTC Holders are responsible for safeguarding their Handguns at all times and must take all necessary precautions to ensure their handguns are secured in a manner that is most likely to prevent

theft, loss, damage, misuse, or accidental discharge. LTC Holders are liable for any and all damage, injury, liability, loss, cost, or expense, directly or indirectly resulting from or arising out of an accidental or inadvertent discharge of their Concealed Handgun or their violation of this policy.

#### **Specific Exclusions to Concealed Carry of a Handgun**

The UTSA President is the only person with the authority to declare a specific area as an Exclusion Zone. Therefore, except as provided herein, without the express written consent of the President, no faculty member, staff member, student, or student groups may designate an area as an Exclusion Zone.

Subchapter H, Chapter 411 of the Texas Government Code gives the presidents of public universities the ability to designate gun-free zones on their campuses. UTSA has identified Exclusion Zones based on applicable laws and regulations, the general makeup of the campus population in those areas, safety considerations, and any unique material characteristics of the areas. The Texas Government Code 411.2031(d-1) and the Texas Penal Code 30.06 require notice to be given regarding areas where LTC Holders may not carry. Signage will be provided for these areas, using the required wording. A list of Exclusion Zones can be found in at <https://www.utsa.edu/campuscarry/policy.html>

#### **Training and Awareness**

Mandatory training regarding information about the Campus Carry Law and procedures for responding to violations or associated emergencies will be provided to faculty, staff and students.

#### **Compliance, Violations and Enforcement**

Compliance is the responsibility of all persons on UTSA Campuses. It is the responsibility of the LTC Holder to know, understand, and follow this policy and applicable laws while on UTSA Campuses. LTC Holders are bound by state and federal law and may face criminal or civil penalties for violation of those statutes.

Any violation of this policy by members of the UTSA community will be dealt with in accordance with applicable University policies and procedures, which may include disciplinary actions up to and including termination of employment for employees or expulsion for students.

Violations of this policy by anyone not a member of the UTSA community will result in removal from UTSA property. Suspected violations of law will be reported to the UTSAPD or other law enforcement agencies and may result in criminal penalties.

Individuals should report noncompliance to UTSAPD who will forward potential violations to the Office of Institutional Compliance and/or Office of People Excellence or Student Conduct and Community Standards.

#### **Missing Students who Reside on Campus**

If any person has reason to believe that a student who resides on campus is missing, he or she should immediately notify the UTSA Department of Public Safety at (210-458-4911). Missing students who reside in on campus housing (Alvarez Hall, Chaparral Village, Chisholm Hall, Guadalupe Hall and Laurel Village) may also be

reported to Housing and Residence Life (210-458-6200) and they will immediately notify the UTSA Department of Public Safety. Depending on jurisdictional issues, UTSA Department of Public Safety will generate a missing person report, initiate an investigation and/or assist outside law enforcement agencies in the furtherance of a missing person investigation by sharing relevant investigative information.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the UTSA Department of Public Safety will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the UTSA Department of Public Safety will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Prior to moving into on campus housing, all students have the option of designating someone as their "Missing Person" contact. This designation is confidential and can be the same as or different than the person designated as the student's "emergency" contact. The confidential contact information is restricted and will only be used by authorized campus officials and/or law enforcement in the furtherance of a missing person investigation as well as appropriate campus officials and/or law enforcement as necessary in compliance with all applicable privacy laws. Students who wish to identify and select a confidential contact can do so through their respective on-campus housing management.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the person determining that the student is missing or the campus representative to whom the report is made, will inform the local law enforcement agency that has jurisdiction in the area within 24 hours of the determination that the student is missing that the student is missing.

#### **Self-Protection for On-Campus Residence**

- BE AWARE! Residents should be familiar with who lives in their building and who does not.
- Report any suspicious person or activity immediately to HRL at (210) 458-6200, or the UTSAPD at (210) 458-4242.
- Always lock your door and windows. Lock them especially at night before you go to bed or when you are alone in your apartment. Make sure you have your ID with you when you lock your door.
- Promptly report any unlocked doors and windows, or any door and window that is not locking securely.
- DO NOT OPEN your door to STRANGERS! Never unlock your door for a person you cannot identify, or for persons who refuse to sufficiently identify themselves. If such a situation occurs, do not hesitate to contact HRL or the UTSAPD.
- Report all suspicious telephone calls to a staff member. Never give your credit card number, social security number, or student ID number over the phone.

- Whenever possible, travel with a group, especially at night or early morning. Always alert your roommate, a friend, or a staff member as to your destination and when you expect to return.
- Travel in well-lighted areas at night and early in the morning.
- Avoid shortcuts through dark, wooded, or deserted areas.
- Whenever possible, walk facing traffic so you can better judge potential traffic hazards and decrease the possibility of being followed by someone in a vehicle. Step away from alleys and recessed doorways.
- Park in the best-lighted area you can find. If you park early and leave late, take the time in the afternoon to move your car to a well-lighted area. Report areas that are not well lighted. Notify a staff member if you notice an exterior light that is not working.
- Keep car keys in your hand when walking to your car. These can be used as a weapon. This also cuts down the time it takes to get into your car. Check beneath your vehicle as well as in the back seat to ensure no one is hiding there.
- Never leave keys in your car, even if you plan on being gone from your car only a few moments. It takes less than a minute to steal a typical locked vehicle, and a few seconds to steal a car with keys in the ignition. It is also against the law to leave your vehicle running with keys in the ignition.
- Keep car doors locked when riding in any vehicle.

### On-Site Staff

Housing and Residence Life employs Resident Assistants who live on-site to support residents and the operation of the communities. There are also graduate and professional staff members living on-site who provide support to the RAs. Together, these staff members provide after-hours emergency coverage.

### ***To contact an RA on-call staff member, please call:***

- Chaparral Village Buildings 1, 2, 3, 4, 5, and 12
  - (210) 889-0481
- Chaparral Village Buildings 6, 7, 8, 9, 10, and 11
  - (210) 336-2578
- Laurel Village Buildings 1, 2, 3, and 4
  - (210) 336-2541
- Laurel Village Buildings 5, 6, 7, and 8
  - (210) 889-0026
- Alvarez Hall North Tower
  - (210) 935-4752
- Alvarez Hall South Tower
  - (210) 935-4750
- Guadalupe Hall
  - (210) 935-4743
- Chisholm Hall
  - (210) 935-4746

A map of UTSA Main Campus can be found at:

<https://www.google.com/maps/d/edit?mid=1ouLILnOEKfyFN7SjF9rKit5XXZlWr5Wq&usp=sharing>

A map of UTSA Downtown Campus can be found at:

<https://www.google.com/maps/d/edit?mid=1DKr7lezp64PoqRoYla0GW50X8tRq7Csu&usp=sharing>



## 2022 Main Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography and no hate crimes were reported at Main Campus. There was one unfounded motor vehicle theft crime at the Main Campus for 2022.

Offense Type	On Campus	Non-Campus	Public Property	Total	On Campus-Student Housing
Murder/Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	12	0	0	12	11
Fondling	2	0	0	2	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	2	0	0	2	1
Burglary	2	1	0	3	1
Motor Vehicle Theft	9	0	0	9	0
Arson	0	0	0	0	0
Weapons Law Violation-Arrest	1	0	0	1	0
Drug Law Violation-Arrest	39	0	3	42	19
Liquor Law Violation-Arrest	30	0	2	32	11
Weapons Law Referral for Discipline	1	0	0	1	0
Drug Law Referral for Discipline	13	0	0	13	12
Liquor Law Referral for Discipline	25	0	0	25	15
<b>Violence Against Women Act Offenses</b>					
Domestic Violence	1	0	0	1	1
Dating Violence	12	0	0	12	10
Stalking	16	0	0	16	3

## 2022 Downtown Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography and no hate crimes were reported at the Downtown Campus. There were no unfounded crimes at the Downtown Campus for 2022.

Offense Type	On Campus	Non-Campus	Public Property	Total	On Campus-Student Housing
Murder/Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	1	0	0	1	0
Aggravated Assault	3	0	0	3	0
Burglary	0	7	0	7	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Weapons Law Violation-Arrest	0	0	2	2	0
Drug Law Violation-Arrest	3	0	3	6	0
Liquor Law Violation-Arrest	0	16	0	16	0
Weapons Law Referral for Discipline	0	0	0	0	0
Drug Law Referral for Discipline	0	0	0	0	0
Liquor Law Referral for Discipline	0	0	0	0	0
<b>Violence Against Women Act Offenses</b>					
Domestic Violence	0	1	0	1	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0

## 2021 Main Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography and no hate crimes were reported at Main Campus. There were no unfounded crimes at the Main Campus for 2021.

Offense Type	On Campus	Non-Campus	Public Property	Total	On Campus-Student Housing
Murder/Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	13	0	0	13	12
Fondling	1	0	0	1	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	2	0	0	2	1
Aggravated Assault	2	0	0	2	1
Burglary	24	1	0	25	24
Motor Vehicle Theft	7	0	0	7	0
Arson	0	0	0	0	0
Weapons Law Violation-Arrest	1	0	2	3	0
Drug Law Violation-Arrest	37	0	7	44	13
Liquor Law Violation-Arrest	119	0	1	120	97
Weapons Law Referral for Discipline	0	0	0	0	0
Drug Law Referral for Discipline	14	0	0	14	3
Liquor Law Referral for Discipline	28	0	0	28	19
<b>Violence Against Women Act Offenses</b>					
Domestic Violence	1	0	0	1	1
Dating Violence	5	1	0	6	3
Stalking	18	0	0	18	4

## 2021 Downtown Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography and no hate crimes were reported at the Downtown Campus. There were no unfounded crimes at the Downtown Campus for 2021.

Offense Type	On Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	2	1	0	3
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	1	0	1
Motor Vehicle Theft	0	0	0	0
Arson	1	0	0	1
Weapons Law Violation-Arrest	0	0	0	0
Drug Law Violation-Arrest	7	0	4	11
Liquor Law Violation-Arrest	0	40	0	40
Weapons Law Referral for Discipline	0	0	0	0
Drug Law Referral for Discipline	0	0	0	0
Liquor Law Referral for Discipline	0	0	0	0
<b>Violence Against Women Act Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

## 2020 Main Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography. There were two hate crimes of intimidation one with a bias of religion and one with a bias of sexual orientation reported on campus-Main Campus in 2020.

Offense Type	On Campus	Non-Campus	Public Property	Total	On Campus-Student Housing
Murder/Non-Negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	4	0	0	4	3
Fondling	5	0	0	5	3
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	1	0	0	1	1
Aggravated Assault	2	0	0	2	2
Burglary	8	0	0	8	1
Motor Vehicle Theft	2	0	0	2	0
Arson	0	0	0	0	0
Weapons Law Violation-Arrest	1	0	0	1	0
Drug Law Violation-Arrest	40	0	5	45	24
Liquor Law Violation-Arrest	8	0	1	9	2
Weapons Law Referral for Discipline	0	0	0	0	0
Drug Law Referral for Discipline	34	0	0	34	27
Liquor Law Referral for Discipline	4	0	0	4	2
<b>Violence Against Women Act Offenses</b>					
Domestic Violence	3	0	0	3	2
Dating Violence	8	0	0	8	8
Stalking	21	0	0	21	7

There were no unfounded crimes at the Main Campus for 2020.

## 2020 Downtown Campus Crime Statistics

All crimes were evaluated for all hate crime bias categories for all Clery Geography and no hate crimes were reported at the Downtown Campus.

Offense Type	On Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	1	0	0	1
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	1	0	1
Arson	0	0	0	0
Weapons Law Violation-Arrest	0	0	0	0
Drug Law Violation-Arrest	6	0	5	11
Liquor Law Violation-Arrest	0	0	0	0
Weapons Law Referral for Discipline	0	0	0	0
Drug Law Referral for Discipline	0	0	0	0
Liquor Law Referral for Discipline	0	0	0	0
<b>Violence Against Women Act Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

There were no unfounded crimes at the Downtown Campus for 2020.

## 2022 Fire Safety Report

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an Annual Fire Safety Report that contains information about campus fire safety practices and standards of the institution. Details of the information required by this act for The University of Texas at San Antonio (UTSA) are below.

### Definitions

The following terms are used in this report. Definitions have been obtained from the Handbook for Campus Safety and Security Reporting.

- **On-Campus Student Housing:** A student housing facility 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.

This term refers only to structures containing residential occupancy for students. It does not include neighborhood centers within student housing developments, campus facilities (administrative, academic, library, student life, or support) where students may overnight on a transient basis, vehicles, locations off UTSA property, or outdoor locations of any kind.

- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire does not include controlled burning, even when that event is contrary to policy, such as candles, smoking, or other open flames, when that open flame does not result in property damage.

### Campus Student Housing Facilities:

UTSA has six on-campus student facilities, described below.

UTSA Housing and Residence Life (HRL) operates five developments:

- Alvarez Hall
- Chaparral Village
- Laurel Village
- Guadalupe Hall
- Chisholm Hall

Learn more about HRL by visiting <http://housing.utsa.edu>

Campus Living Villages (CLV) operates one development:

- University Oaks Apartments

Learn more about CLV by visiting [www.mystudentvillage.com/university/university-of-texas-san-antonio/](http://www.mystudentvillage.com/university/university-of-texas-san-antonio/).

## Fire Safety Systems

**Alvarez Residence Hall**, a 618-bed four-story residence hall, built in 2013, consists of II-B (unprotected non-combustible) construction with 30-minute demising walls separating sleeping units. Alvarez Hall has fully automatic fire sprinkler coverage and addressable local and building fire alarms with manual and automatic initiation. The fire alarm system reports to the UTSA central monitoring station at the UTSAPD Dispatch Center. UTSA has installed portable fire extinguishers inside the building.

**Chaparral Village**, built in 2004 with type V-A (protected wood frame) construction, consists of three-story multi-building development. Student housing structures within the development have automatic smoke detectors with local alarm and building-wide alarms with manual initiation. The fire alarm system reports to the UTSA central monitoring station at the UTSAPD Dispatch Center. All buildings in the development have full sprinkler coverage. UTSA has provided portable fire extinguishers outside the buildings.

**Chisholm Hall**, built in 1986 of type II-B (unprotected non-combustible) construction, is a single four-story residential building. Chisholm has local and building fire alarms with manual and automatic initiation. The fire alarm system reports to the UTSA central monitoring station at the UTSAPD Dispatch Center. The building has full sprinkler coverage. UTSA has provided portable fire extinguishers inside the building.

**Guadalupe Hall**, a 360-bed four-story residence hall, built in 2021, consists of II-B (unprotected, non-combustible) construction with 30-minute demising walls separating sleeping units. Guadalupe Hall has fully automatic sprinkler coverage and addressable local and

building fire alarms with manual and automatic initiation. The fire alarm system reports to the UTSA central monitoring station at the UTSA PD Dispatch Center. Five community kitchen spaces in Guadalupe Hall have UL-300A automatic fire suppression. UTSA has installed portable fire extinguishers inside the building.

**Laurel Village**, built in two phases in 2007 and 2008 with type V-A (protected wood frame) construction, consists of three-story multi-building development. Student housing structures within the development have local and building fire alarms with manual and automatic initiation. The fire alarm system reports to the UTSA central monitoring station at the UTSA PD Dispatch Center. All buildings in the development have full sprinkler coverage. UTSA has provided portable fire extinguishers outside the buildings.

**University Oaks**, built in three phases in 1992, 1993, and 1994 with type V-A (protected wood frame) construction, consists of three two-story multi-building developments. Student housing structures within the development have local alarms with automatic initiation. CLV has installed portable fire extinguishers in the buildings. In 2011, Campus Living Villages upgraded the fire alarm systems to provide manual initiation and improved audible alarm coverage in all three phases of the development, including notification of emergency forces through a remote monitoring service.

## Fire Prevention Policies

UTSA HRL and CLV policies prohibit open flames, candles, smoking indoors, modification of fire safety devices (sprinklers, smoke detectors, extinguishers, etc.), and initiating false alarms. Campus policies prohibit storage and use of propane cylinders.

Topic	Development	Policy Text
Appliances	CLV (University Oaks)	<p>L13. APARTMENT UNITS – We recognize the importance of personalizing your Apartment. However, in order to comply with fire codes (which exist for your protection and safety), to reduce the risk of accidents, and to prevent other damage to the Apartment, we have established the policies that follow. If you fail to follow these policies, we may sanction you and/or charge you fines and costs.</p> <ul style="list-style-type: none"> <li>A. Hot plates, toaster ovens, toasters and open-faced electrical or heating appliances with exposed heating are not allowed.</li> <li>B. All electrical appliances must display a label indicating that such appliances have been tested by a Nationally Recognized Testing Laboratory such as the Underwriters Laboratory (U.L.) or Intertek ETL Mark acceptable to the state fire marshal and/or other authority having jurisdiction. Residents are responsible for keeping appliances turned off when not in use. Microwave ovens with more than 750 watts are prohibited.</li> <li>C. You may not use halogen lamps, candles, incense or any open flame in your Apartment. If the power goes out, use flashlights only for light. Do not store flammable liquids in or around your Apartment.</li> </ul>
Appliances	HRL (All)	<p>Sharing a residential community includes sharing the utility capabilities of that facility. Outlets and overall electrical capacity in all student-housing areas can be easily overloaded. As a result, students must use caution and limit their use of electrical equipment in the residential buildings to minimize risk of harm to them and the community. At no time are appliances with exposed heating elements, or surfaces hot to the touch allowed.</p> <p>Avoid Fire Hazards</p> <ul style="list-style-type: none"> <li>• Avoid electrical overloads.</li> <li>• Electrical appliances must be approved by HRL.</li> </ul>
Smoking	CLV (All)	<p>L9. SMOKING PROHIBITED – Smoking is strictly prohibited within the confines of the apartment complex. You will be assessed a \$100 fine each time you are found in violation of this policy, in addition to any cleaning or damage costs associated with smoking in the apartment. Evidence of smoking may include, but is not limited to, ashes, odor, cigarette butts, smoke, and paraphernalia. Students caught smoking may face disciplinary sanctions and through the University judicial process, face the loss of student status.</p>
Smoking	HRL (All)	<p>UTSA is a tobacco and smoke free campus, and at such time, smoking and the use of Tobacco Products will be prohibited in and on all University-owned and leased property to include buildings, grounds, University Housing areas, parking lots and structures, green space, sidewalks, walkways, as well as personal vehicles on the property. The Tobacco Free and Smoke Free Campus policy is contained in Section 9.36 of UTSA's Handbook of Operating Procedures. Tobacco Products is defined as including but not limited to cigarettes (of any kind including herbal/spice cigarettes), cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, and smokeless tobacco, snuff and chewing tobacco.</p>

		Violations of this policy may result in additional cleaning charges to remove the smell associated with smoking in an apartment or stains associated with chewing tobacco.
Open Flames	CLV (University Oaks)	<p>L7. FIRE SAFETY – The greatest threat to any community is that of a fire. Fire can produce deadline smoke, heat and toxins. Therefore, it is imperative that you take all attempts to prevent a fire from starting and to protect the lives of your roommates and yourself should a fire occur. To assist you we have installed smoke detectors and a fire extinguisher in each unit.</p> <p>A. LIGHTING SOURCES &amp; OPEN FLAMES – you may not use halogen lamps, candles, incense or any open flame in your Apartment. No candle-type products are permitted such as but not limited to any wax and hot plate items, candles with removed wicks, etc. If the power goes out, use flashlights only. Do not store flammable liquids in or around your Apartment.</p>
Open Flames	HRL (All)	<p>Avoid Fire Hazards</p> <ul style="list-style-type: none"> <li>No open flames.</li> </ul>

Further information about these policies may be found in housing agreement documents, linked below:

- UTSA Housing and Residence Life: <https://housing.utsa.edu/housing-resources/housing-documents/>
- University Oaks: <https://www.mystudentvillage.com/us/university-oaks/resources/>

## Evacuation Procedures:

The UTSA Community Emergency Response Guide and the UTSA Fire and Life Safety Manual include emergency procedures for fire.

### Fire:

Pull the nearest fire alarm and leave via the preplanned evacuation route if safe to do so.

Dial 4911 or 911 (UTSA Phone) and give your name and location of the fire. (If necessary, dial 911 from another building)

#### ***When a fire alarm sounds, occupants should:***

Proceed immediately to an exit according the posted evacuation plan and move a safe distance away from the building.

If the primary exit is blocked, choose the best alternate route. If time permits, close doors and windows behind you.

Do not use an elevator.

#### ***If there is smoke in the area, remain close to the floor.***

Before passing through any door, feel the metal doorknob. If it is hot, do not open the door. Before opening a door, brace yourself against it slightly; if heat or heavy smoke are present, close the door and stay in the room.

If you cannot leave the room:

- Open the windows.
- Seal the cracks around doors with clothing or other material, soaked with water if possible.
- Hang an object (bed sheet, jacket, shirt, etc.) out the window to gain attention.
- Shout for help.
- If possible, call 458-4911 or 911 (UTSA phone) and report that you are trapped.
- If all exits are found to be blocked, go to a room as far as possible from the fire, close the door and the follow the above procedures.

As with any emergency, the best advice is to be prepared by familiarizing yourself with evacuation route plans.

The UTSA Housing and Residence Life Handbook outlines additional procedures for evacuation in Alvarez Hall, Chaparral Village Chisholm Hall, Guadalupe Hall, and Laurel Village.

### Fire Alarm



In the event of a general fire alarm, all occupants are to calmly exit the building immediately and gather at the meeting point for your building, or 50 to 150 feet away. If able, occupants should gather cell phones, wallets, and keys on their way out. Once at their meeting point, occupants should provide HRL staff members with their contact information. This will help the department keep an accurate track of residents.

Fire Evacuation for Housing Residence Life Residents (Laurel Village, Chisholm Hall, Guadalupe Hall, Chaparral Village and Alvarez Hall)

The presence of smoke and/or heat will automatically activate the alarm system. In case of a fire alarm:

- Get out as quickly as possible. Call UTSAPD at (210) 458-4911 to report the fire and tell them where you live.
- Close your bedroom door on the way out to prevent the fire from spreading.
- Check to see that your roommates are aware of the fire alert.
- Proceed quickly and quietly as you exit the building.
- Follow all instructions from the staff and fire department personnel. In the event of a fire alarm, residents must evacuate the buildings immediately. Never assume it is a false alarm. Once outside, report the fire immediately.
- Chaparral Village buildings 1-5 and 12 should meet in parking lot R2 in front of the City Center. Chaparral Village buildings 6-11 meet in parking lot R 3. Laurel Village buildings 1-4 should meet in parking lot R 2. Laurel Village buildings 5-8 should meet in parking lot R 1. Residents of Alvarez Hall North Tower should meet in parking lot R 2. Residents of Alvarez Hall South Tower should meet in parking lot R 1. All residents should wait for instructions from an HRL staff member, UTSAPD, or fire personnel.
- STAY OUT of all buildings until an official "all clear" has been issued.
- If you are unable to evacuate your room or unit, please take the precautions you feel necessary and appropriate to secure your safety.

Possible precautions include:

- Turn on lights, raise blinds, and open drapes to improve visibility for rescue workers.
- Close all windows so additional oxygen will not spread the fire.
- Put on a non-flammable coat for protection against heat, flames, and inclement weather.
- Put on hard-soled shoes to protect from hot or slippery floors and broken glass.
- Dampen a towel to put over your face in case of heavy smoke.
- If trapped in your room, check the door prior to exiting. Feel for heat. If the door is cool, leave the room. If the door is hot, do not open the door. Hang a towel from your window to notify safety personnel that you are in your room.

Campus Living Villages' Emergency Procedures Manual has additional procedures for evacuation in University Oaks.

#### Fire Evacuation for Campus Living Residents (University Oaks)

- Get out as quickly as possible. Call UTSAPD at (210) 458-4911 to report the fire and tell them where you live.
- Close your bedroom door on the way out to prevent the fire from spreading.
- Check to see that your roommates are aware of the fire alert.
- Proceed quickly and quietly as you exit the building.
- Follow all instructions from the staff and fire department personnel. In the event of a fire alarm, residents must evacuate the buildings immediately. Never assume it is a false alarm. Once outside, report the fire immediately.

## Fire Drills

Occupants of on-campus student housing facilities with centrally monitored fire alarm systems (Chaparral Village, Laurel Village, Chisholm Hall, Guadalupe Hall, and Alvarez Hall) perform drills on fire evacuation at least once per year per building. CLV performs one fire drill per semester at each of the residential facilities in University Oaks. To create and sustain a culture of preparedness, fire drills are unannounced to residents and occur at times of high-expected occupancy.

Development	On-campus Student Housing Buildings	Drills per building per year	Drills per year
Alvarez Residence Hall	1	1	1
Chaparral Village	12	1	12
Laurel Village	8	1	8
Chisholm Hall	1	1	1
Guadalupe Hall	1	1	1

University Oaks	42	1	42
Total	65		65

Fire drills scheduled to occur between March 15, 2020 and December 31, 2021 were suspended due to the COVID public health emergency.

## Fire Safety Education Programs

Members of UTSA Housing and Residence Life staff, including Resident Assistants, receive training in fire prevention, emergency response, and emergency management.

Members of Campus Living Villages staff, including Residential Assistants, receive training in emergency management protocols, including fire alarm activation.

Some UTSA students and employees receive fire safety training as part of organized safety, health, and environmental protection training programs. Exposure to this training content depends on the roles and responsibilities of the student or employee.

The Office of Risk and Emergency Management makes fire safety and prevention training available to UTSA employees and on-campus student residents upon request.

## Reporting Fires in On-Campus Student Housing

***In all instances of fires, call the UTSA Police Department (210) 458-4911.***

Fire reporting in UTSA on-campus student housing varies by housing development. For purposes of including a fire in the statistics in the annual fire safety report, the following personnel can be notified, in addition to the UTSAPD:

- Chaparral Village, Laurel Village, Chisholm Hall, Guadalupe Hall, and Alvarez Hall
  - Assistant Director Housing Administration, Housing and Residence Life
  - Assistant Director Residence Life and Student Conduct, Housing and Residence Life
  - Executive Director, Housing and Residence Life
- University Oaks
  - Residential Advisor
  - CLV professional staff
  - Residential Life Coordinator
  - Director of Operations

## Plans for Future Improvements

UTSA and Campus Living Villages intend to expand and develop fire protection and fire drills in on-campus student housing facilities, and fire prevention policies, as necessary.

## Fire Statistics

Fire Statistics - Alvarez Residence Hall 6908 N. Loop 1604W, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	0		0	0	0	0
2021	0		0	0	0	0
2020	0		0	0	0	0
Fire Statistics - Chaparral Village 6910 N Loop 1604W, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	1	Electrical	0	500	0	0
2021	0		0	0	0	0
2020	0		0	0	0	0

Fire Statistics – Chisholm Hall 6960 N Loop 1604W, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	0		0	0	0	0
2021	0		0	0	0	0
2020	0		0	0	0	0

Fire Statistics – Guadalupe Residence Hall (New in 2021) 6904 N Loop 1604W, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	0		0	0	0	0
2021	0		0	0	0	0

Fire Statistics – Laurel Village 6904 N Loop 1604W, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	0		0	0	0	0
2021	1	Accidental (cooking equipment)	0	15	0	0
2020	1	Improper handling of smoking materials	0	15	0	0

Fire Statistics University Oaks I & II – 6685 UTSA Boulevard, San Antonio, TX 78249 University Oaks III – 6707 UTSA Boulevard, San Antonio, TX 78249						
Number and Causes of Fires			Property Damage (\$)		Injuries (count)	Deaths (count)
			Facility	Occupants		
2022	0		0	0	0	0
2021	1	Cooking	250	0	0	0
2020	0		0	0	0	0