



# ABILENE CHRISTIAN UNIVERSITY



## 2019 Annual Campus Crime, Security, and Fire Safety Report

In accordance and compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, the Higher Education Opportunity Act (the Clery Act), and amendments required by the Violence Against Women Reauthorization Act of 2013, the Abilene Christian University Police Department 2019 Annual Campus Crime, Security and Fire Safety Report (The Report) is distributed annually to all students and employees, is made available to all prospective students and employees, and is also listed for public view via the ACU Police Department (ACUPD) web page.

The Report for 2019 includes crime statistics and other information for each of the three most recent calendar years of 2018, 2017, and 2016. The crimes listed in The Report for each ACU campus are those required for disclosure under The Clery Act, and which occurred on the campus, in campus buildings, non-campus buildings and properties owned or controlled by ACU, and on public properties immediately adjacent to and accessible from an ACU campus. These crimes include those reported to ACUPD and certain other university officials, as well as those reported to local law enforcement authorities such as the City of Abilene Police Department, the Addison Police Department (for ACU-Dallas), or local foreign law enforcement agencies at any of the applicable ACU Study Abroad campuses in England, Uruguay, or Germany.

The Report includes crime statistics (separated by campus), reporting procedures, and services available at ACU-Abilene, ACU-Dallas, and the three ACU Study Abroad campuses in England, Uruguay, or Germany. In addition to campus police records, statistics provided by other campus offices including the Dean of Students and other Campus Security Authorities as defined by Federal Law, are also documented or included in this report. The ACUPD Chief of Police is responsible for preparing and publishing this report.

The Report also includes current information about ACUPD policies, crime prevention information, crime reporting procedure, and contact information. The report includes information related to ACU policies regarding sexual assault offenses as directed by the Violence against Women Reauthorization Act of 2013, missing student notification procedures, weapons, liquor law and drug violations, hate crimes, emergency response and evacuation procedures, and fire safety procedures and statistics. The Fire Safety portion of The Report includes information on fire safety procedures and details of fires that have occurred in campus residence halls at applicable ACU campuses during the past three years.

The crime statistics published in this report are also filed annually with the US Department of Education, Office of Postsecondary Education, and can be viewed at the US Dept. of Education link: <https://ope.ed.gov/campussafety/#/>

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To the ACU community,

Thank you for allowing Abilene Christian University's Police Department (ACUPD) to serve you each day. The men and women of ACUPD consider it a privilege to serve and protect such an amazing learning community and academic institution.

The mission of ACUPD is to provide the entire Wildcat community – students, faculty, staff, alumni and visitors to our campus and neighborhoods on the Hill – a safe place to live, learn and work. However, as dedicated as we are, we can't complete that mission on our own. We depend on everyone, including you, to do their part. **Always** report crimes and suspicious activity to ACUPD immediately, 24/7 at 325-674-2911.

I appreciate you taking an interest in this annual report showing certain policies, crime statistics and fire safety information as required by federal law. The document, legally referred to as the Annual Security Report, is required under federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It is intended to be a resource to help keep our community informed, aware and enabled to make decisions about crime, policies and how they can best protect themselves.

Thanks for being part of the university, and for allowing my team and I to be entrusted with your safety. It is a responsibility we take seriously. If you have suggestions on how we can better serve you or have other questions about ACUPD or this annual report, please call at 325-674-2305 or email [acupolice@acu.edu](mailto:acupolice@acu.edu).

Sincerely,

Jimmy Ellison

Chief of Police

Abilene Christian University Police Department

# ABILENE CHRISTIAN UNIVERSITY MAIN CAMPUS-ABILENE: CLERY REPORTABLE CRIME STATISTICS

CLERY REPORTABLE OFFENSES	2016				2017				2018			
	ON CAMPUS PROPERTY				ON CAMPUS PROPERTY				ON CAMPUS PROPERTY			
	ON CAMPUS	HOUSING & RES HALLS	PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS	HOUSING & RES HALLS	PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS	HOUSING & RES HALLS	PUBLIC PROPERTY	NON CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	2	2	0	0	4	0	0	1	1	1	0	0
FONDLING	1	0	0	0	1	0	0	0	1	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	1	0	0	0	0	0	0	0
BURGLARY	10	6	0	0	7	3	0	2	6	4	0	1
MOTOR VEHICLE THEFT	0	0	0	0	1	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	7	3	4	0	8	5	0	0	3	3	0	0
LIQUOR LAW VIOLATIONS	12	12	0	0	7	7	0	0	13	13	3	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	2	2	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	7	5	0	0	7	7	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	1	1	0	0	0	0	0	1	0	0	0	0
DATING VIOLENCE	1	0	0	0	3	0	0	0	1	1	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Data sources include the ACU Police Department, Abilene Police Department, and Dean of Students. This information is subject to modification or update at any time. Statistics consist of all categories and subsets of crimes required for reporting under the Clery Act: **HATE CRIMES:** 2016, 2017, 2018 (zero) Hate Crimes were reported. **PUBLIC PROPERTY:** all public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to, and accessible from the campus. **NON-CAMPUS PROPERTY** refers to any off-campus building or property owned or controlled by ACU and which is used in direct support of, or in relation to, ACU's educational purpose, is frequently used by students, and is not within the same reasonable contiguous geographic area of ACU. **UNFOUNDED CRIMES:** 2018: 1 Burglary, On-Campus, Residence Hall (unfounded by law enforcement due to no evidence of offense)

# ABILENE CHRISTIAN UNIVERSITY – DALLAS – CLERY REPORTABLE CRIMES

CLERY REPORTABLE OFFENSES	2016		2017		2018	
	10/31/2016 - 12/31/2016					
	PUBLIC PROPERTY	NON-CAMPUS	PUBLIC PROPERTY	NON-CAMPUS	PUBLIC PROPERTY	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0
RAPE (SEXUAL ASSAULT)	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
INCEST	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
<b>ARREST</b>						
DRUG VIOLATIONS	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION</b>						
DRUG VIOLATIONS	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT REPORTABLE OFFENSES (VAWA)</b>						
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0
STALKING	0	0	0	0	0	0



## ACU DALLAS CAMPUS

ACU Dallas, located on the 8<sup>th</sup> floor of the One Hanover Park office building at 16633 Dallas Parkway, Suite 600, Addison, Texas is a separate Abilene Christian University campus which opened in October 2016, coordinating ACU Online class offerings as well as hosting limited on-site Communication Sciences and Disorders Master's Degree and other short-term graduate classes to students and a variety of training classes for students and non-students. As such, the 2016 Data represents only October – December, 2016.

ACU Dallas is a non-residential site, with no on-campus housing offered. Clery Act Crime Statistics as furnished to ACUPD by the Addison Texas Police Department are included in the table. All ACU main campus policies are in effect at ACU Dallas, including Clery, Title IX, VAWA Crime Investigations, and Emergency and Timely Warning notification systems. The ACU main campus in Abilene maintains a fully licensed Texas police department on its campus. Those ACUPD officers also have jurisdiction and authority in any Texas county in which ACU owns or controls property while the officers are in the carrying out assigned duties. For immediate ACU Dallas emergencies, students/faculty/staff are instructed to call 911, which engages the City of Addison Police Department, the first responders for ACU Dallas. Although there is no written memorandum of understanding between ACUPD and Addison PD, verbal meetings of both departments' commanders have generated a verbal understanding that if a crime is reported with which ACUPD can assist Addison PD, the investigation will be conducted jointly with the necessary officers from ACUPD. For Clery crime reporting purposes, reportable crimes can be reported to ACU Dallas Campus Security Authorities described in greater detail later in this Report, OR directly to ACUPD. The process of reporting crimes is also detailed later in this Report.

**ABILENE CHRISTIAN UNIVERSITY – LEIPZIG, GERMANY**

**CLERY REPORTABLE CRIME STATISTICS**

CLERY REPORTABLE OFFENSES	2018			
	ON CAMPUS PROPERTY			
	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0
RAPE (SEXUAL ASSAULT)	0	0	0	0
FONDLING	0	0	0	0
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	0	0	0
ARSON	0	0	0	0
<b>ARREST</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPON LAW VIOLATIONS	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT REPORTABLE OFFENSES (VAWA)</b>				
DOMESTIC VIOLENCE	0	0	0	0
DATING VIOLENCE	0	0	0	0
STALKING	0	0	0	0

The ACU - Leipzig, Germany Campus is located at Kathe-Kollwitz-Strasse 52, 04109 Leipzig, Germany and opened in January 2018.

**ABILENE CHRISTIAN UNIVERSITY – MONTEVIDEO, URUGUAY**

**CLERY REPORTABLE CRIME STATISTICS**

CLERY REPORTABLE OFFENSES	2018			
	ON CAMPUS PROPERTY			
	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0
RAPE	0	0	0	0
FONDLING	0	0	0	0
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	0	0	0
ARSON	0	0	0	0
<b>ARREST</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPON LAW VIOLATIONS	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT REPORTABLE OFFENSES (VAWA)</b>				
DOMESTIC VIOLENCE	0	0	0	0
DATING VIOLENCE	0	0	0	0
STALKING	0	0	0	0

The ACU-Montevideo, Uruguay Campus is located at 1137 Obligado, Montevideo, Uruguay, 11300. Prior to 2018 the ACU – Montevideo Campus did not have on-site classroom facilities/instruction nor any on-site administrator. Both of which were added in January 2018.

**ABILENE CHRISTIAN UNIVERSITY – OXFORD, ENGLAND**

**CLERY REPORTABLE CRIME STATISTICS**

CLERY REPORTABLE OFFENSES	2018			
	ON CAMPUS PROPERTY			
	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0
RAPE (SEXUAL ASSAULT)	0	0	0	0
FONDLING	0	0	0	0
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	0	0	0
ARSON	0	0	0	0
<b>ARREST</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0
<b>REFERRALS FOR DISCIPLINARY ACTION</b>				
DRUG VIOLATIONS	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0
WEAPON LAW VIOLATIONS	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT REPORTABLE OFFENSES (VAWA)</b>				
DOMESTIC VIOLENCE	0	0	0	0
DATING VIOLENCE	0	0	0	0
STALKING	0	0	0	0

The ACU-Oxford, England campus is located at 9 & 10 Canterbury Road, Oxford, OX2 6LU, United Kingdom. Prior to 2018 the ACU-Oxford Campus did not have on-site classroom facilities, nor on-site administrators, both of which were added in January 2018.

## ACU POLICE DEPARTMENT AUTHORITY AND JURISDICTION

Abilene Christian University is authorized by Texas law to operate a campus police department. The Abilene Christian University Police Department (ACUPD) staff consists of fourteen (14) full-time police officers, three (3) part-time police officers, five (5) part-time, noncommissioned parking enforcement student employees, and various office clerical personnel. ACUPD is staffed and fully operational twenty-four hours a day, seven days a week, and 365 days a year.

All ACUPD Police Officers have completed State of Texas mandated law enforcement academies and are fully certified and licensed as Texas Peace Officers by the Texas Commission on Law Enforcement. ACUPD Officers are commissioned under the authority of the Texas Education Code, section 51.212, and are fully recognized as Texas Peace Officers under Article 2.12 of the Texas Code of Criminal Procedure.

Additionally, ACUPD officers are certified as Adjunct City of Abilene Police Department (APD) police officers under Texas Code of Criminal Procedure Article 2.123.

Pursuant to these statutes, ACUPD officers have full police powers – defined as the authority to respond to police-related calls and other emergencies on- campus as well as off-campus. All ACUPD officers are authorized to respond to and investigate reported crimes, arrest offenders, and enforce traffic laws. ACUPD's primary jurisdiction includes all properties owned and /or controlled by ACU in Abilene, Texas, and in accordance with the Texas Education Code Section 51.212, ACUPD jurisdictional authority also extends to apply whenever ACUPD officers are executing their assigned duties in any Texas County in which ACU owns land.

All Texas Peace Officers, including ACUPD officers, are authorized to arrest individuals for certain types of offenses even when outside their primary jurisdiction. As mentioned previously, through mutual written agreement with the City of Abilene Police department, ACUPD Officers operate as Adjunct Abilene Police Officers with full Peace Officer authority whenever they are off campus and within a designated geographic zone defined as a one-mile radius of the ACU campus.

ACUPD maintains a close working relationship with the City of Abilene Police Department, Taylor County Sheriff's Department, the local office of the Texas Department of Public Safety, and the local field office of the FBI. ACUPD operates on the City of Abilene Police Department radio system which serves Abilene PD, the Abilene Fire Department, ACUPD, and the City of Abilene Emergency Management Office. Because ACUPD is on this City of Abilene system, ACUPD has continuous radio contact with the Abilene Police Department, Abilene Fire Department, and the city of Abilene Emergency Management Office. As requested by APD, ACU community members, or other area residents, ACUPD responds to police-related and emergency calls in the neighborhoods immediately adjacent to the campus. ACUPD is an active member of a formal network of information sharing maintained by the Abilene Police Department.

By written agreement via a Memorandum of Understanding between ACUPD and Abilene PD, ACUPD acts as the primary response agency for law enforcement and investigative needs for all calls and offenses that occur on the ACU campus and other ACU owned non-campus properties. When necessary, ACUPD may call upon APD for response investigative assistance of certain criminal offenses that occur on campus. In the event that either ACUPD or a victim requests APD's involvement in the investigation of an on-campus offense, the investigation is conducted as a joint investigation by both agencies. When ACUPD handles students or university employees or non-ACU affiliated individuals in matters constituting violations of local, state, or federal laws, the involved parties are subject to arrest, citation, prosecution as authorized by applicable criminal laws. When ACU students or employees are the subject of criminal investigations or offenses being investigated by ACUPD in addition to the applicable criminal filing or prosecution processes, if the matter involves a violation of the ACU Student Code of Conduct or ACU Employee Standards, the matter is also referred to the ACU Dean of Students (if involving a student), or the ACU Chief Human Resources Officer (if involving a staff or faculty member) as applicable for any possible administrative violations, sanctions or discipline.

In addition to being fully commissioned peace officers, ACUPD officers are also designated by ACU as University officials; this designation empowers ACUPD officers to enforce certain university regulations and policies relating to conduct issues, parking regulations, and other university policy matters. When ACUPD officers handle violations related to matters of university policy, their findings may be referred to the Dean of Students, the Provost, or the Chief Human Resources officer.

### **ACU POLICE DEPARTMENT LOCATION AND CONTACT INFORMATION**

ACUPD is located on the ACU campus at 1634 Campus Court and can be contacted by telephone 24/7 by dialing either 325-674-2305 or 325-674-2911. Callers using a campus network telephone may call ACUPD by dialing "2305" or "2911". Calls made to any of these four numbers are answered and handled by ACUPD personnel. Callers may also dial "911," in which case the call will be routed to the city of Abilene 911 Call Center for assessment and subsequent dispatching of ACUPD and/or APD officers, EMS, fire, other emergency personnel as appropriate.

ACU maintains eleven emergency call kiosk stations -- each with a continuously burning blue light on top -- stationed throughout and around the main campus perimeter. Each kiosk has a telephone keypad that automatically connects to the 911 Call Center at the touch of any keypad button. This feature allows callers to request emergency services from 911 operators. Upon assessing a call station alert, the Call Center will dispatch ACUPD to investigate the nature of the kiosk activation.

### **GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY**

All members of the ACU community -- students, faculty, staff, Campus Security Authorities (CSA's) and visitors -- are regularly reminded and encouraged to *promptly* and accurately notify the ACU Police Department of all crimes and public safety-related incidents they encounter. Prompt reporting of crime, especially those "in-progress," creates the opportunity for ACUPD to intervene and resolve matters quickly, potentially minimizing or eliminating further victimization and property damage. Additionally, prompt reporting enables ACUPD to issue critical Clery-mandated Timely Warnings to the campus community with pertinent information and

advice about a crime threat on campus. From a Clery Act perspective, crimes must be reported to ACUPD to ensure their inclusion in the annual campus Crime Report as well as the Daily Crime and Fire Logs. This data gives campus community members and other interested persons more accurate knowledge of reported crime activity in the campus area. Timely and accurate reporting of criminal activity and offenses provides more accurate data for use by ACUPD in enacting targeted patrol or other proactive and investigative activities. The campus community is regularly reminded of the various ways to notify or contact ACUPD (in person at 1634 Campus Court, by phone at 325-674-2305, or 325-674-2911) as described above.

### ACUPD RESPONSE TO A CALL FOR SERVICE

ACUPD is staffed twenty-four hours a day, 365 days per year, to answer calls for service. Depending on the nature of a call for service, ACUPD will take action by either dispatching officers to the scene or by asking the victim to come to ACUPD to file an incident report. ACUPD will investigate all reported crimes and the resulting reports will become a part of ACUPD records. If ACUPD requires assistance from the local Police or Fire Departments, ACUPD will contact the appropriate agency. If a sexual assault or rape is reported, ACUPD staff on the scene, as well as other ACU staff who may be assisting, will offer the victim a wide variety of services and resources. These are explained in greater detail later in this report under the section **Assistance for Victims: Rights and Options**, specifically under **On-Campus Resources and Off-Campus Abilene Area Resources**.

In some instances, students and employees report victim or non-emergency criminal information to ACU personnel other than ACUPD officers. While ACUPD is known as the campus reporting authority and accordingly, strongly encourages the reporting of all criminal activity or offenses directly to ACUPD, certain campus personnel are specifically authorized and mandated to accept victim and non-emergency information from students and employees. These campus personnel are known as Campus Security Authorities (CSA's) and include certain designated ACU positions/employees and ACU program volunteers whose functions involve significant responsibility for student or campus activities. If someone has significant responsibility for student and campus activities, he or she is a CSA. These campus officials are trained and aware of their Clery Act responsibility to report crime information to ACUPD. Further, CSA's are regularly reminded how to address victims' needs as well as the overall safety and security of the campus community. CSA's are also aware that only those ACU employees who are employed as, and actively serving in, designated pastoral university chaplain or assistant university chaplain roles, or employees who serve as professional counselors, and who received the information in direct correlation with that designated role, are exempted by confidentiality exceptions from reporting their clients' crime information to ACUPD. Pastoral university chaplain personnel and professional counselors who receive information while serving in those designated roles are however, encouraged to report *crime data only*, and are encouraged to report the offenses to ACUPD under a confidential reporting process (discussed below) for data inclusion in the Annual Security Report. Such information allows ACUPD to be aware of incidents which may pose an ongoing risk to the campus community and may lead to the issuance of Timely Warnings when deemed applicable.

## CONFIDENTIAL REPORTING PROCEDURES

Victims of crime who do not wish to pursue their matters through either the criminal justice system or the university's administrative conduct system are, nonetheless, encouraged to file confidential reports with the ACU Police Department.

With a victim's permission, the Chief of Police or his designee can file a report detailing the incident even while protecting the reporting party's identity. The filing of confidential reports accomplishes three purposes:

- Addresses the confidential victim's future safety, and
- Provides data useful in quantifying crimes and determining patterns of unlawful activities, and
- Presents data necessary for determining the need for Issuing a Timely Warning. Crimes reported confidentially are also included in ACU's Annual Security and Fire Safety Report

As mentioned previously, the university encourages ACU university chaplains and professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics and as an aid to developing crime trend responses. Additionally, anonymous or confidential reporting enables ACUPD to, when appropriate, issue timely warning notices alerting the University community to the crime, allowing for members of the community to be better informed and aware of their own safety.

## MISSING PERSONS REPORTING PROCEDURES

The Clery Act and the Higher Education Opportunity Act of 2008 requires institutions that maintain on-campus housing facilities to establish a missing student notification policy and procedure. The following policy and procedure is applicable to ACU-Abilene, as well as each of the ACU Study Abroad campuses which all have various components of on-campus residential housing.

Whenever **any** student is believed to be missing, that information should be reported immediately to ACUPD at: (325) 674-2911. In addition to ACUPD, missing student reports for students who reside in any on-campus housing facility may also be filed with any ACU Residence Life staff member or the Office of the Vice President for Student Life. In addition to ACUPD, missing student reports for students who live off-campus may also be reported to the office of the Vice President of Student Life.

All reports regarding missing students filed with Residence Life, Student Life officials, or the office of the Vice President of Student Life, are to be immediately referred to ACUPD for investigation.

Once ACUPD has been made aware of a possible missing student situation, an ACUPD Missing Person report will be initiated and an investigation begun immediately.



All students residing in on-campus student housing (ACU residence halls, ACU's University Park Apartments, and all ACU owned residential rental properties located adjacent to the ACU-Abilene campus) have the option to annually register confidential contact person(s) to be notified by ACUPD in the event the student is officially reported as missing and has been determined by ACUPD to be missing for 24 hours or more. The Missing Person Contact Person(s) can be registered by students within the ACU Banner System Registration process at the time of registering for classes each semester. The student can also update their contact information at any time in Banner.

The Missing Person Contact Person(s) information will be maintained as confidential and will only be accessible by authorized campus officials and may not be disclosed to anyone except to law enforcement personnel in furtherance of a missing person investigation.

The Missing Person Contact Person(s) is separate from any "Emergency Contacts" that a student might register elsewhere with the institution. Missing Person Contacts apply ONLY to missing student situations. Missing Person Contact Persons can be the same individuals a student may have as Emergency Contacts, but specifically, should be someone who will always have a general idea of the student's daily routines, whereabouts, and travel plans, information that would be pertinent to investigators.

Individuals named as a Missing Person Contact will be notified by ACUPD or ACU administrative officials at any time within 24 hours of when the student has been determined by the institution to be missing.

For students who are under 18 years of age and who are NOT legally emancipated/independent of their parents, in addition to notifying any Missing Person Contacts the student has registered, the institution is also required by law to notify a custodial parent or guardian within 24 hours of determining that the student is missing.

In the initial investigation Missing Person Investigation, ACUPD will complete a Missing Person case report and will focus on obtaining all known identifiers, description, and information pertaining to the missing person, including cell phone number, known vehicle information, ACU class schedule, etc. If the missing person resides in a residence hall or at ACU's University Park Apartments or any of the off-campus residential rental houses used as Student Housing, ACUPD will also make contact with the applicable Resident Director or Off-campus Housing coordinator to help ascertain any additional information related to the investigation such as checking the assigned room of the missing person, interviewing roommates/friends, last known whereabouts, current relationships, etc.

If a student has been determined to be missing for 24 hours or more, regardless of whether the student has identified a Missing Person Contact, or is above the age of 18, or is an emancipated minor, ACUPD will notify the Abilene Police Department (or if the missing persons case originates at any non-Abilene ACU campus, ACUPD will contact the law enforcement authority with applicable local jurisdiction) to coordinate missing person notification to that agency, begin information sharing/joint-investigative efforts in the ongoing investigation. *(Note that ACUPD is required to involve local law enforcement anytime a student has been determined to be missing for 24 hours but may also enact these local law enforcement notifications and partnerships at any time prior to 24 hours elapsing during a missing person investigation.)*

## **DAILY CRIME LOG**

In accordance with Clery Act requirements for institutions that have a campus police or security department, ACUPD maintains daily Crime and Fire logs which are available for public review during normal business at ACUPD, 1634 Campus Court, Abilene, Texas. The crime log is designed to report all crimes reported to ACUPD, not just Clery Act crimes. In addition to statistics, the crime log includes specific information about criminal incidents reported as having occurred within “Clery geography” locations and reports of crimes that occurred with ACUPD’s primary patrol jurisdiction. These crimes are entered in the Crime Log within two days of their being reported to ACUPD.

## **CRIME PREVENTION AND SAFETY/SECURITY AWARENESS PROGRAMS**

The ACUPD offers crime prevention programs tailored for the university community, emphasizing each person’s role and responsibility in helping to provide for their own personal safety and the overall safety of the campus. Program topics such as general crime prevention, personal safety, sexual assault prevention, and identity theft and are presented each fall semester during mandatory parent/student orientation sessions, as well as during mandatory freshman and sophomore residence hall meetings. Specialized programs are also offered at various times throughout the school year and are also available upon request for special presentations as deemed appropriate. Student Life personnel offer ongoing training sessions throughout the school year to all students. Crime Prevention programs address personal and residence hall safety as well as sexual assault prevention programs that deal with sexual assault, date rape, personal safety, etc. ACUPD also offers Rape Aggression Defense (RAD) personal self-defense classes for women.

Any presentation or topic is readily available to any student or employee group upon request. The standing theme of all ACU campus safety awareness and crime prevention programs is that students, faculty, and staff share responsibility for their own and the campus community’s safety. Each person can do his/her part by immediately reporting all criminal or suspicious activity to ACUPD. The ACUPD, the Office of the Dean of Students, and the Office of Residence Life offer a number of educational programs per year. These programs address topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention. As part of the security awareness programs, students and employees are encouraged to be responsible for their own security and the security of others.

## TIMELY WARNINGS

In an effort to provide timely notice to the ACU campus community in the event of a Clery Act category crime that occurs on any of the ACU campuses or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties (or other near-campus areas not listed above) and which may pose a serious or continuing threat to members of the community, the ACU Police Department (ACUPD) issues “Timely Warnings.” ACUPD will generally issue Timely Warnings for the following types of crimes only, and only if there is a continuing or serious threat the ACU community:

- Arson
- Aggravated assault
- Burglary
- Criminal homicide
- Hate Crimes
- Motor Vehicle Thefts
- Robbery
- Sexual assaults
- Stalking
- Dating Violence
- Family Violence

Examples of certain criminal incidents that may not necessarily present a serious or continuing threat and therefore might not merit a Timely Warning, include the following:

- An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- In the case of a delayed report. Some reports of crime are received well after they occurred creating situations where the information is no longer “timely.” These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.
- Crimes in which the perpetrator(s) have been apprehended, thereby eliminating the threat.
- Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others, such as domestic violence.
- Also, the university is not required to provide a Timely Warning Notice related to crimes which were reported to ACU personnel in the course of their assigned employment capacity as a university chaplain or professional counselor.

ACUPD may post these Timely Warning notices through a variety of ways, including but not limited to campus-wide e-mails, ACU ALERT text messages/emails, and other media.

All Timely Warning notices will begin with “ACU POLICE TIMELY WARNING/CRIME ADVISORY” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. The information provided in a Timely Warning Notice may provide vital information on what actions you need to take if you are on campus during such a situation. A Timely Warning may include following information:

- Type of crime
- Date, time and location of the crime
- Brief description of the incident
- Available suspect information
- Safety tips to help with the risk of being involved in a similar incident.
- For purposes of Timely Warning information, the names of victims will be considered as confidential and will always be excluded from Timely Warnings.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. ACUPD will issue Timely Warnings whenever the following criteria are met:

- 1) A Clery Act category crime has been reported and determined to have occurred on an ACU campus or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties
- 2) The perpetrator has not been apprehended; and
- 3) There is a substantial and ongoing risk to the physical safety of other members of the campus community because of this crime.

Such crimes include, but are not limited to Clery Act crimes that are reported to ACUPD or to local police, or to any campus security authority who refers the report to ACUPD.

Additionally, ACUPD may in some circumstances issue Timely Warnings for certain non-Clery category crimes or for crimes occurring at non-ACU locations near ACU campus properties, or when there is a pattern of crimes against persons or property. At Abilene Christian

University, the ACUPD Chief of Police or designee, will generally make the final determination, sometimes in consultation with other senior university officials, if a Timely Warning will be issued.

Anyone with information warranting a timely warning or emergency response notification for any ACU campus may contact ACUPD-Abilene anytime 24hrs per day at 325-674-2911 or [acupolice@acu.edu](mailto:acupolice@acu.edu)

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

## ACCESS TO MAIN CAMPUS FACILITIES

### RESIDENCE HALLS

Abilene Christian University offers traditional residence halls that provide non-coed campus housing for approximately 2,000 ACU students. The safety and security of these residents, their property, and the facilities are important to the University. The office of Residence Life manages all ACU Residence Hall facilities and programming. Each ACU residence hall is staffed by a professional, live-in residence hall director (RD). In addition to RD's, each hall has a contingent of live-in Resident Advisors, Senior Leaders, and lobby desk managers, all of whom have responsibility for residence hall safety and spiritual and daily community life mentoring for residents. All Residence Life Education and Housing staff members undergo comprehensive training each year regarding community living environments and are taught that safety and security are vital parts of that environment. All members of Residence Life Education and Housing are Campus Security Authorities [CSA's] and are trained for that role by ACUPD as one aspect of promoting and fostering residence halls safety and security. An on-call RD is available 24/7 to manage residence hall matters. AC's work closely with ACUPD to address safety and compliance issues.

Each residence hall is locked twenty-four hours per day, seven days-a-week, with ordinary access restricted to residents and other authorized ACU personnel bearing valid electronic card reader access cards, Access is allowed only at designated hall entrances, students discovered propping non-carded entry/exit doors open face financial and disciplinary sanctions by Residence Life personnel. Authorized exceptions to access rules include escorted, approved guests, university staff, and emergency personnel as necessary. Additionally, are typically on duty in first year student halls from 11:00 pm – 2:00 am, Sunday through Thursday nights when classes are in session. If Residence Life personnel are unavailable, ACUPD is authorized to assist individuals by providing after-hours access. Safety and security related presentations are made each fall semester to all campus residence halls, alerting residents to the fact that they are partners in preventing campus crime. Residents are encouraged to always lock their room doors when they leave their rooms or are asleep, and to alert Residence Life staff and the ACUPD if they see or hear anything or anyone unusual in or around residence hall facilities.

In addition to the traditional residence halls that are offered to freshman and sophomore students, ACU also offers University Park, a privately managed nine-building, 200 unit apartment complex located on the main ACU campus. This facility offers 428 beds for upper class students and approximately 8-10% non-ACU students. Each building has three stories and entry to each unit provided by exterior door placement. Each student accesses his or her apartment via a knob and dead bolt door and each interior door via key locks. Entry and egress are available twenty-four hours per day. The leasing company has on site management personnel staffing offices in a free-standing clubhouse. In addition to the corporate staff, ACU is represented by Student Life staff including an AD and several RA's. They maintain liaison with the University and act with the same authority over ACU student residents as the personnel assigned to standard residence halls. Tenants are educated to contact ACUPD, management personnel, and/or Student Life representatives as necessary.

## **ACADEMIC AND ADMINISTRATIVE BUILDINGS**

Academic and administrative buildings are locked/unlocked by ACU contract custodial personnel [WFF, Inc.] at varying times depending on the expressed needs of the particular departments using the building. While hours vary occasionally and for special events, most academic and administrative buildings are open from 7:30 am to 5:30 pm weekdays and closed weekends and for university approved holidays. Once a facility is locked, it is deemed to be closed to the public, emergency access to any campus building can be requested through the ACUPD.

ACUPD General Orders direct officers to conduct routine automobile, bicycle, and foot patrols of ACU academic and administrative facilities to monitor and assess security measures. By policy ACUPD officers are responsible for checking the security of all campus structures during non-business hours and to personally enter the common area/lobby of residence hall facilities to check for security of all hall entry/exit doors. [Note: the University Park Apartments do not have internal common areas, but patrols are conducted throughout the parking and general complex area].

## **SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES**

ACU Facilities Management Department and Landscape & Grounds personnel are dedicated to maintaining an attractively landscaped campus. Efforts are made to ensure that landscape plants and shrubs are groomed so that they do not pose risks for building security or campus community personal safety. ACUPD and Facilities Management closely monitor campus lighting with Facilities Management personnel being tasked to provide prompt replacement of ailing or non-functioning bulbs and standards. Any concerns about plants/shrubs or landscaping that may pose a safety or security risk should be reported to ACUPD.

## ALCOHOL POLICIES

Abilene Christian University is committed to maintaining an alcohol-free campus. The ACU community cares deeply about the health and safety of its students and is committed to educating students about the physical and spiritual dangers of alcohol abuse.

Furthermore, realizing the heightened dangers found in some social settings off campus, ACU discourages students from attending establishments such as dance clubs, bars, and private parties where the principal purpose is known to be the sale and/or consumption of alcoholic beverages. The history of activities associated with these establishments (such as alcohol abuse, underage drinking, and drunkenness) is counter to ACU's stated Christian values and lifestyle. The life choices and decisions that students make extend far beyond the college experience, and ACU is committed to challenging students to make decisions that ultimately glorify God.

In accordance with our educational mission, and for the well-being of our students and the ACU community, the University has established the following policies related to alcohol:

- The possession, consumption, or distribution of alcoholic beverages on campus (including all ACU residence halls and University Park Apartments) is strictly prohibited. Moreover, any student present where alcohol is found on campus (including but not limited to residence halls or apartment rooms, vehicles, or in personal belongings) may be subject to sanctions.
- Alcohol is prohibited at all University-sponsored events, *including* off-campus events. No ACU-provided channels of communication may be used to promote or advertise any event (on or off-campus) that involves alcohol.
- Any officially recognized student clubs or organizations (regardless of legal drinking age of its members) are prohibited from hosting or participating in any formal event (on or off-campus) that involves alcohol. Such groups include, but are not limited to: special interest groups, social clubs, athletic and intramural teams.
- Intoxicated students found on campus or at a University-sponsored event will be sanctioned. For the purposes of ACU's student conduct policy and process, intoxication will be defined as any disruptive, destructive, hazardous, vulgar, or uncontrolled behavior during or following the consumption of alcoholic beverages.
- Alcohol paraphernalia such as glassware commonly used to serve alcoholic beverages; empty beer bottles or cans; posters, clothing, or signs promoting alcohol, etc. is not permitted on campus or ACU-owned or controlled properties.

- Local neighborhood disturbances of the peace caused by ACU students may result in administrative disciplinary action/sanctions by the office of Student Life/Dean of Students in accordance with applicable ACU Student Code of Conduct Standards, and where alcohol is involved, additional or further sanctions may apply. For the purposes of ACU's student conduct policy and process, a disturbance involving alcohol will be defined as an event in which alcohol is present and one or more of the following occur: the student(s) fail(s) to maintain control of the event, complaints are reported, and/or police respond to the scene.
- All students must abide by Texas law related to the possession, consumption, and distribution of alcohol. Specifically, Texas law prohibits:
  - The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age (Texas Alcohol Beverage Code Sec. 106.02, 106.04-106.05, 106.071);
  - Being intoxicated in public to the degree that one poses a danger to him/herself or to others (Texas Penal Code Sec. 49.02);
  - Furnishing alcohol to a minor (Texas Alcohol Beverage Code Sec. 106.06). For the purposes of this policy, ACU defines furnishing as purchasing for, giving to, or making alcoholic beverages available to a minor. This includes, but is not limited to, creating a situation where there is a risk a minor may be provided with, or obtains alcohol. Driving while intoxicated (Texas Penal Code Sec. 49.04)
  - Driving under the influence of alcohol by a minor (TABC Code 106.041). Per Texas law, any detectable amount of alcohol in the minor's system (such as alcohol emitting from the person's breath) is defined as driving under the influence.

### ALCOHOL POLICY VIOLATION SANCTIONS

Students who are found guilty of violating the University policy concerning the possession, consumption, or distribution of alcohol or alcohol related disturbances will be subject to a range and/or combination of the following sanctions:

- Fines ranging from \$100 to \$250;
- Completion of an alcohol education program, which involves a \$75 fee to students;
- Counseling;
- Disciplinary probation;
- Indefinite suspension; and



- Dismissal from the University

Violations of under-age drinking, serving, or making alcohol available to those who are under the legal drinking age will result in strict sanctions (up to and including dismissal), and will be turned over to the appropriate legal authorities.

This information is intended to give students a range of expected outcomes or consequences regarding violations of the University's alcohol policy. Depending on the level of severity involved per violation, and at the discretion of the Vice President for Student Life or his/her designee, sanctions may vary from what is outlined above. Subject to privacy laws, parents or legal guardians may be contacted where deemed appropriate.

## DRUG POLICIES

In keeping with the Drug Free Schools and Communities Act, ACU has implemented a "zero-tolerance" policy prohibiting the unlawful possession, use, or distribution of illegal drugs and controlled substances, including prescription medications or steroids. Also prohibited is the possession, use or distribution of any simulated or synthetic psychoactive substance, including synthetic marijuana/cannabinoids, which are designed, intended, possessed or used for the purposes of producing an intoxicating, hallucinogenic or psychoactive effect on the user. These substances may include, but are not limited to, salvia, "spice," "K2," or any other substance categorized as such.

The university upholds local, state, and federal laws governing the possession, use, and distribution of illegal drugs and/or drug paraphernalia. Offenses involving on-campus possession, use or distribution of illegal drugs and controlled substances may be referred to the ACU Police Department for investigation and possible filing of applicable criminal charges. Violations of this policy will be assessed the full range of disciplinary responses, including the possibility of immediate dismissal from the university.

Students suspected of, or reported to have been, using illegal drugs or controlled substances, on or off campus, may be required to submit to drug testing. Failure to comply may result in further disciplinary action. Any student testing positive for any illegal drug or controlled substance, including steroids, or found in violation of the university drug policy, may be suspended or dismissed from the university.

Under the Higher Education Opportunities Act of 2008, federal law requires the university to notify students that a criminal conviction for any drug offense may result in the student's losing his/her financial assistance related to any Title IV, HEOA grant, loan,

or work-study programs. Therefore, a student's ability to obtain financial assistance upon returning to the university after completion of a suspension may be impacted.

## **FEDERAL LAW REGARDING CONVICTION FOR VIOLATIONS OF CERTAIN LAWS**

**Civil Rights Forfeiture** – According to state and federal laws, a person convicted of certain misdemeanor or felony offenses may forfeit certain civil rights, including his/her right to vote, hold public office, purchase or possess firearms, or obtain or maintain certain licenses for a specified period of time. (United States Code Sec. 1973gg-6, United States Code Sec. 992 (g)).

**Possession of a Controlled Substance (United States Code 844(a))** Defined as: knowingly or intentionally possesses a controlled substance unless such substance was obtained directly or pursuant to a valid prescription or order, from a practitioner; Punishable by up to 1 year imprisonment and/or a minimum fine of \$1,000. Note: Possession of Flunitrazepam (also known as Rohypnol) may be punishable by up to 3 years imprisonment.

Under the Higher Education Opportunities Act of 2008, federal law requires the university to notify students that a criminal conviction for any drug offense may result in the student losing his/her financial assistance related to any Title IV, HEA grant, loan, or work-study programs. Therefore, a student's ability to obtain financial assistance upon returning to the university after completion of a suspension may be impacted.

## **ALCOHOL AND DRUG ABUSE PREVENTION AND TREATMENT INFORMATION**

### **& RESOURCES AVAILABLE FOR COUNSELING, TREATMENT AND REHABILITATION**

The following services are available through the University Counseling Center for those students and employees who are struggling with substance abuse problems:

- Assessment
- Referral
- Individual therapy
- Family and/or relational
- Educational programs

Students may obtain the above services on a confidential basis by calling the University Counseling Center at 325-674-2626 or by visiting the Counseling Center web homepage: [ACU Medical & Counseling Care Center](#)

## **STATEMENT OF PARTNERSHIP OF THE ACU DEAN OF STUDENTS AND ACUPD**

In order to maintain ongoing reconciliation of data regarding alcohol, weapons, and drug violations (arrests or referrals), the office of the Dean of Students maintains close contact with ACUPD, the University's Clery reporting authority. This contact includes continuous advisories and discussions between both groups to ensure that all Clery reportable matters are shared and fully documented. Two times per year both groups have a formal meeting to fully review all pertinent cases from the previous calendar year. The goal of this collaboration between the Dean of Students and ACUPD is to yield fully synched data and discussion about violation trends that might be evident.

## **PREVENTION AND EDUCATION EFFORTS**

The office of the Dean of Students is currently conducting research as a method of expanding the University's efforts to educate our student body about the hazards of alcohol misuse, illicit drug use, and abuse of prescription medications. During the spring 2019 semester we worked with ARCADA (Abilene Regional Council on Alcohol and Drug Abuse) and the Public Policy Research Institute at Texas A & M University to administer a survey to our student body. This was done in an effort to find meaningful data that will help guide our student education efforts as well as shape our institution's response to police violations. At a practical, but overtly challenging level, we find that the minimal number of offenses calling for arrest or referral does not readily lend itself to statistical analysis. We believe that our partnering with ARCADA and Public Policy Research Institute at Texas A & M University is helping to provide more effective analysis tools and results. A side effect of these partnerships is the inclusion of ACU campus data in the broader higher education survey database of violations, programming, and hopefully stimulate the development of effective proactive and reactive operating policies.

## JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT,

### AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Abilene Christian University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Abilene Christian University issues this statement of policy to inform the campus community of our programs to address:

- Domestic violence
- Dating violence
- Sexual assault
- Stalking
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

As a result, Abilene Christian University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Abilene Christian University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

### CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

**DOMESTIC VIOLENCE** – A felony or misdemeanor crime of violence committed by:

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

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

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

SEXUAL ASSAULT – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. 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 body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- *Incest* – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.

**STALKING**— Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

- For the purposes of this definition:
  - Course of conduct - 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.
  - Reasonable person - a reasonable person under similar circumstances and with similar identities to the victim.
  - Substantial emotional distress –significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

## **STATE OF TEXAS DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

**NOTE: Texas law does not use the term “Domestic Violence”, rather uses “Family violence” The Texas Family Code [Title 4, Sec 71.004] defines family violence as follows:**

### **FAMILY VIOLENCE –**

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

The Texas Family Code {Title 4 Sec. 71.0021} defines **Dating Violence** as:

**DATING VIOLENCE** means an act, other than a defensive measure to protect oneself, by an actor that:

- 1) is committed against a victim or applicant for a protective order :

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

The Texas Penal Code [Sec. 22.011] defines SEXUAL ASSAULT as:

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

The Texas Penal Code [Section 42.072] defines STALKING as:

- A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
  - Bodily injury or death for the other person;
  - Bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - that an offense will be committed against the other person's property;
- causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- would cause a reasonable person to:
  - fear bodily injury or death for himself or herself;
  - fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - fear that an offense will be committed against the person's property; or
  - feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended

### TEXAS LAW REGARDING CONSENT

A sexual assault under Texas Penal Code Sec. 22.011, SEXUAL ASSAULT, Subsection (a)(1) is ***without the consent of the other person*** if:

- the actor compels the other person to submit or participate by the use of physical force or violence;
- the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and
- the other person believes that the actor has the present ability to execute the threat;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;



- the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- the actor is a public servant who coerces the other person to submit or participate;
- the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code

## **PROCEDURES FOR REPORTING A SEXUAL VIOLENCE COMPLAINT**

The University has developed procedures that serve to be sensitive to those who report sexual assault, domestic violence, dating violence and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, and information for international students regarding any possible effect on their visa or immigration status should criminal charges be filed against them, and other services on and/or off campus. The University also affords other options and remedies to prevent contact between a complainant/victim and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will consider such accommodations if either party requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the ACUPD or Abilene Police Department (APD). To initiate requests for these types of options and accommodations, students and employees should contact the ACU Title IX Office at 325-674-6802 or the Office of the Vice President of Student Life at 325-674-2067.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Hendrick Medical Center, 1900 Pine, Abilene, Texas, 325-670-2000. In Texas, evidence may be collected even if the victim decides against making a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are also encouraged to preserve evidence by saving applicable text messages, instant messages, social networking pages, other communications, and photographs, logs or other copies of documents, if they have any,

that would be useful to university hearing boards, administrative investigators, or to law enforcement/police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is always the victim's choice whether or not to make such a report. Victims have the right to decline involvement with the police, but, if victims so desire, ACU's Title IX Co-Coordinator, Wendy Jones, 325-674-2359 can assist them in notifying local police. The ACUPD may be reached 24/7/365 at 325-674-2305, 1634 Campus Court, Abilene, Texas. Additional information about the ACUPD is available online at [ACU Police Department](#). The Abilene Police Department may be reached directly by calling 911, the non-emergency number 325-673-8331, or in person at 4565 S. 1<sup>st</sup> Street, Abilene, Texas.

If a campus community member has been the victim of domestic violence, dating violence, sexual assault, or stalking, they should report the incident promptly to the ACU Police Department –and- to Title IX Co-Coordinator, Chief Human Resource Officer Wendy Jones at 325-674-2359 in the Hardin Administration Building, Room 213, or to Deputy Title IX Investigator, Sherita Nickerson at 325-674-6802 in the Hardin Administration Building, Room 213, by calling, writing, or coming into the office to report in person. The University will provide resources on campus, off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with the applicable legal requirements, and to impose appropriate sanctions on violators of this policy. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the ACUPD or, if off-campus, the Abilene Police Department to preserve evidence in the event that the victim changes her/his mind at a later date.

## **ABILENE CHRISTIAN UNIVERSITY TITLE IX – SEXUAL MISCONDUCT**

### **(Including Sexual Harassment, Sexual Exploitation, Sexual Assault, Stalking and Relationship Violence)**

#### **1. Purpose**

The purpose of this policy is to maintain a work and academic environment that is free of sexual misconduct, including sexual harassment. This policy also establishes a prompt and equitable procedure to resolve complaints regarding sexual misconduct.

#### **II. Scope**

This policy applies to all members of the ACU community, including students, faculty, staff, and visitors. Its application is not necessarily limited to the workplace or the educational environment. It can extend beyond university property to any university-

sponsored program, activity, or event regardless of the location. The university will consider the effects of the conduct when evaluating whether there is an impact on the work or educational environment. Misconduct that is alleged to have occurred outside of these contexts or that is committed by a person outside the ACU community may be more difficult to investigate and remedy. Still, where the university's response is so limited, it will advise the reporting party regarding their right to file a complaint with the alleged perpetrator's school or local law enforcement within the jurisdiction where the misconduct occurred

### III. POLICY

**A. Prohibition Against Sexual Misconduct** – Sexual misconduct, as defined below, will not be tolerated at Abilene Christian University. It is a breach of community that expresses disrespect, exploits and undermines relationships based on trust, and interferes with learning and productive work.

**B. Responding and Reporting** – Any person who experiences sexual misconduct or who otherwise becomes aware of such an incident may object to this behavior by telling the perpetrator to stop and should promptly report the incident pursuant to this policy (see Section V and VI). ACU encourages all reports to be made in good faith. If an investigation results in a finding that an accusation of harassment or retaliation was made in bad faith or maliciously, the accuser may be disciplined appropriately. However, filing a complaint or providing information that a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute intentional false reporting.

**C. Immunity from Code of Conduct Violations** – Under Texas law, the university may not take any disciplinary action against an enrolled student or employee who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student or employee of the university's code of conduct occurring at or near the time of the incident (e.g., underage drinking, drug use, or curfew violations), regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. This means that while the university may provide support and education options, it will not discipline students or employees for conduct violations in such cases. Such immunity does not apply to students or employees who are the subject of the complaint.

**D. No Retaliation**– No member of the ACU community may be subject to further harassment, bullying, or retaliation by any employee or student for actions taken in good faith to file or encourage one to file a complaint, participate in an investigation, or oppose sexual misconduct. Retaliation includes things like intimidation, threats, or hostile actions based on someone's complaint or participation in this process. A party may also be responsible for retaliation by someone affiliated with them (e.g., a friend or family member). Any such behavior should be reported to the Title IX Coordinator or designee immediately. For more information regarding protections against retaliation, see [Policy 421 - Whistleblower Policy](#)

**E. Notification and Training** – In an effort to prevent sexual misconduct, ACU will provide, near the beginning of each long semester, all employees and students with a notification regarding this policy and protocols for reporting including where to file a complaint. It will also provide periodic training for employees and training for all new freshmen and undergraduate transfer students before or during the first semester enrolled. Participation in such training is required.

#### **IV. DEFINITIONS [1]**

- A. “Reporter” or “Complainant”** – the person filing a report or complaint that the policy was violated.
- B. “Accused” or “Respondent”** – the person accused of violating the policy or responding to a complaint related to a violation.
- C. “Sexual Misconduct”** – A broad, non-legal term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. This term includes, but is not limited to, sexual harassment, sexual assault, sexual exploitation, stalking, and relationship violence (including dating and domestic violence). Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

- 1. Sexual Harassment: Unwelcome, sex-based verbal or physical conduct that:
  - a. In the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or
  - b. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from the educational programs or activities at ACU.

Examples may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. In making this determination, the University will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment under a reasonable person standard. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to create a hostile environment. A single instance of violence may be sufficient to create a hostile environment.

- 2. Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes both Rape (non-consensual sexual intercourse), and Fondling (non-consensual sexual contact).

- a. Rape (Non-Consensual Sexual Intercourse): The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - b. Fondling (Non-Consensual Sexual Contact): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Sexual Exploitation: Occurs when an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the one being exploited.

Examples of exploitation include, but are not limited to exposure of genital or coercing another to expose their genitals; engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, allowing others to watch activity or situations of a sexual nature without the other person's consent, inducing intoxication/incapacitation for the purposes of sexual activity; aiding in the commission of sexual misconduct; or engaging in sexual activity while knowingly infected with an STD or HIV without informing the other person of the infection.

4. Relationship Violence (Dating and Domestic Violence): Under this policy, relationship violence includes both dating and domestic violence. Relationship violence can occur at any state in a relationship, including after its termination.
- a. *Domestic violence* (also called family violence in Texas): 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.
  - b. *Dating violence* – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and (2) Dating violence does not include acts covered under the definition of domestic violence.
5. Stalking: Engaging in a course of conduct directed at a person that would cause a reasonable person to fear for his or her safety or suffer substantial emotional distress. (Stalking that is motivated by sex or gender will be handled under this policy.

Stalking that is not motivated by sex or gender may still be a violation of separate university policy.) For purposes of this section:

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

**D. "Consent"** – An informed, deliberate, and voluntary decision to engage in mutually acceptable sexual activity.

- 1. Consent must be mutually understood and clear: Consent can be given by words or actions as long as those words or actions create clear, unambiguous, mutually understandable permission regarding the conditions of sexual activity. However, relying solely on non-verbal communication can lead to misunderstandings and harmful consequences for all of the parties involved because this form of communication may be unclear. Consent may not be implied by silence, passivity, or lack of resistance. Instead, consent must be part of a mutual and ongoing process by both parties throughout the sexual interaction. Consent to engage in one sexual activity does not imply consent to engage in another or different sexual activity. A current or previous dating relationship or sexual relationship may not be taken to imply consent. Consent cannot be implied or inferred by attire, time or place (e.g., being invited to a person's residence at a certain time of night). Consent to sexual activity may be revoked at any time, as long as the revocation is communicated clearly, at which point sexually activity must cease immediately.
- 2. Consent must be free and voluntary – Consent is not valid if acquired through means of physical force, threat of physical force, intimidation, coercion, incapacitation, or any other fact that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to participate in a sexual activity. Because consent may never be provided by an incapacitated person, one must assume consent has been withdrawn should an individual become incapacitated at any point during a sexual act or encounter. However, Respondent must know or reasonably should have known that the Complainant was incapacitated at the time of the sexual activity.

**E. "Incapacity"** - Any state where individuals cannot make a rational, reasonable decision because they lack the ability to understand the consequences of their actions. They cannot fully understand what is happening, and therefore cannot consent even if they appear to be a willing participant. This includes but is not limited to persons incapacitated based on their voluntary or involuntary use of drugs or alcohol, unconsciousness, blackout or sleep.

Because it can be difficult to know when someone has passed from the state of intoxication to a point of incapacitation, if you have any doubt about a person's ability to consent, you should not engage in sexual contact with them. Moreover, engaging in sexual activity while under the influence of alcohol or drugs can impair an individual's ability to make sure they have received consent. The use of alcohol and/or drugs by the person initiating sexual activity will never be an excuse for failing to obtain consent.

**F. "Force"** - The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact. Force is not limited to physical violence, but also includes threats, intimidation, abuse of power, coercion, duress or any combination of these behaviors.

1. Physical Force, Violence: Physical force is the use of power, violence or strength upon another person's body. An individual's use of physical force, or violence, or threat of physical force or violence to make another person participate in or perform a sexual activity they might not have otherwise agreed to, or did not want to engage in, is a violation of this policy.
2. Threats: A threat often occurs when someone says or implies that there will be negative consequences from failing to acquiesce to or comply with sexual activity. It is a violation of this policy if an individual uses threats to make another person participate in or perform a sexual activity that they would not have agreed to engage in otherwise.
3. Intimidation or Abuse of Power/Authority: Intimidation or abuse of power/authority occurs when individuals use their real or perceived authority to influence other people to acquiesce or submit to sexual activity. Intimidation happens through a real or perceived display of superior power that someone uses to make another do what they want them to do.
4. Coercion or Duress: Coercion and duress occur when continual and repeated pressure is used to compel someone to engage in sexual activity. Coercion and/or duress can be bullying an individual into sexual activity that they did not and/or would not have wanted to participate in but for the coercion and/or duress. Coercion or duress can be physical or verbal. Coercion can be a process that happens over a period of time. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

## V. EMERGENCY ASSISTANCE, MEDICAL TREATMENT, AND EVIDENCE GATHERING

If a person has concerns for their safety, they should contact the **ACU Police Department (ACUPD) (325-674-2911)** or the **Abilene Police Department (APD) (911)**. If on campus, ACUPD can also be contacted by activating one of the blue safety phones located throughout campus. Police can help with transportation to the hospital for sexual assault exams, connecting a person to other resources, and help in obtaining a restraining order. For more information, see [In Case of Emergency](#).

Regardless of whether an incident of sexual misconduct is reported to the police or the university, ACU strongly encourages individuals who have experienced sexual misconduct to go to Hendrick Medical Center both to obtain medical treatment and to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future. Additionally, such evidence may be helpful in pursuing a complaint with ACU. While the university does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies (including ACUPD) and medical assistance providers may be considered as evidence in a university investigation or proceeding, provided they are available at the time of the investigation or proceeding. Additionally, ACUPD has officers specifically trained to work with Complainants who can explain their rights and options and provide relevant resources. (For more information see “Hendrick Medical Center” section under [In Case of Emergency](#)).

## VI. REPORTING OPTIONS AND EMPLOYEE REPORTING REQUIREMENTS

A variety of resources are available at ACU and in the area around campus to assist those who have experienced sexual misconduct. If you have experienced any of the behaviors described in this policy, the university encourages you to seek help and support by reporting this conduct. The university will provide individuals with the support options and resources, as appropriate, regardless of whether or not the individual chooses to file a disciplinary or a criminal complaint.

The university recognizes that reporting misconduct can be difficult, and Complainants may experience a multitude of emotions when considering whether or not to report the conduct. In that regard, there are multiple options to address this conduct, both through our disciplinary process and/or through the legal system or simply seeking support. These various options are detailed in the sections that follow.

**A. Confidential Reporting/Support Options** - If a person desires to identify themselves but desires that the personally identifiable information not be reported to the university, they are encouraged to speak with one of the following: On or off-campus mental health professional or health care service providers; off-campus rape crisis resources; off-campus clergy, and on-campus Chaplains as designated by the university. See [Reporting](#) for contact information about making a confidential report. These individuals will maintain the confidentiality of a Complainant’s disclosures unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 17; or (iv) as otherwise required or permitted by law or court order. These on-campus individuals are required to report to the Title IX Coordinator only the type of incident reported and may not include any information that would violate an expectation of privacy.

**B. Direct Reporting to Title IX Coordinator** - [Reports can be made](#) directly to the Title IX Coordinator or the Deputy Coordinator. It is important to note that reporting to the university does not require pursuing a formal investigation (Please see Section VII for more information).



## **Title IX Coordinator for Faculty, Staff, and Students**

Wendy Jones

Chief Human Resources Officer

Hardin Administration Building, Rm. 213

325-674-2359

[wendy.jones@acu.edu](mailto:wendy.jones@acu.edu)

## **Title IX Deputy Coordinator for Faculty, Staff, and Students**

Sherita Nickerson, M.Ed.

Hardin Administration Building, Rm. 213

325-674-6802

[sherita.nickerson@acu.edu](mailto:sherita.nickerson@acu.edu)

## **For complaints about gender equity in ACU's athletics programs:**

Sarah Shipp

Director of Academics/SWA

Teague Special Events Center

1201 East Ambler Avenue

Abilene, TX 79699

325-675-6454

[sarah.shipp@acu.edu](mailto:sarah.shipp@acu.edu)

## **For complaints related to pregnant or parenting students:**

Report to the Title IX Coordinator listed above

**C. Electronic Reporting** - [Electronic reports can be submitted by using the incident reporting form.](#) This information goes to the Title IX Coordinator. Providing contact information is optional except in situations where employees are required to report under Texas law, as explained further below. Anonymous Complainants should understand that while the university will do its best to address anonymous complaints and reports, it may be limited in its ability to investigate and otherwise respond to or address them.

**D. Reporting to Law Enforcement** – Separate and apart from violations of this policy, many sexual misconduct offenses may also be crimes in the state or locality in which the incident occurred (See Appendix A). For that reason, the university also encourages any related criminal violations to be reported to ACUPD so that they can consider legal options. Students may request assistance from the Title IX office in notifying ACUPD or decline reporting the crime to law enforcement, in which case the Title IX office will only provide the type of incident reported and its approximate location as required by federal law. These options are available to the Complainants, who may change their minds about pursuing them at any time. For example, Complainants may seek a protective order from a court against the alleged perpetrator(s); pursue a civil action against the alleged perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the alleged perpetrator(s). The university will honor such protective orders. ACUPD can be contacted at:

### **ACU Police Department**

325-674-2305 (non-emergency)

325-674-2911 (emergency)

[acupolice@acu.edu](mailto:acupolice@acu.edu)

ACU Box 28010

Abilene, Texas 79699

It is important to note that reporting to ACUPD or any other law enforcement does not require filing criminal charges and that there are options for filing criminal complaints using a pseudonym.

1. Timely Public Warning - Under the Clery Act, ACUPD must issue immediate timely warnings for certain types and circumstances of Sexual Misconduct occurring on Clery Act defined geography reported to them if it is determined that a serious or continuing threat exist to the members of the campus community. If that is necessary, the University will never include any information which could identify a victim, while still providing enough information for community members to make safety decisions in light of the danger.
2. Cooperation with Law Enforcement Requests - The University will comply with a law enforcement request for cooperation, and such cooperation may require the University to temporarily suspend any fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its resolution/investigation of the complaint after receiving approval from law enforcement or as soon as notified that law enforcement has completed the evidence gathering process, whichever is earlier. This length of time will vary depending on the specific circumstances of each case, but in no case will the university suspend any investigation for an ongoing or indefinite period.

**E. External Reporting** - Individuals with complaints of this nature always have the right to file a formal complaint with the United States Department of Education. A complaint must be filed within 180 calendar days of the date of the alleged conduct unless the time for filing is extended by OCR for good cause shown under certain circumstances.

### Office for Civil Rights

Dallas Office  
U.S. Department of Education  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Telephone: 214-661-9600  
Facsimile: 214-661-9587  
Email: [OCR.Dallas](mailto:OCR.Dallas)

### U.S. Department of Education, Office for Civil Rights (OCR)

Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
1.800.421.3481  
Email: [ocr@ed.gov](mailto:ocr@ed.gov)

**F. Employee Reporting Requirements** - Under Texas law, all university employees (besides the university Chaplains and health care professionals mentioned above) are “Responsible Employees” or “Mandatory Reporters.” This means if, in the course and scope of their employment, they witness or receive information regarding the occurrence of an incident that (1) they reasonably believe constitutes sexual misconduct under this policy and (2) is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, they must promptly report the incident to the Title IX coordinator or deputy Title IX coordinator. The report should include all relevant details needed to determine what occurred and address the situation including the name(s) of the parties or witnesses and any relevant facts including date, time and location and requests for confidentiality. The University provides an [incident reporting form](#) for such reports to be made.

There are two modifications to these reporting requirements: (1) employees who receive such information under circumstances that render the employee's communication confidential or privilege under other law are only required to report the type of incident that occurred but may not include information that would violate the legal expectation of privacy and (2) employees who learn of incidents as a part of a public awareness event sponsored by ACU or related student organizations (e.g., Take Back the Night) are not required to report.

Although Responsible Employees are required to report conduct under this policy to the Coordinator, they will otherwise maintain the privacy of the information related to the matter reported. In other words, notification to a Responsible Employee does not necessarily mean information will be shared with the accused individual.

To the extent possible, the Responsible Employee should explain this obligation to the reporter before the report is made, identify reporting options (i.e., confidential, direct, and law enforcement) and clarify that the individual has an option to ask that the Coordinator maintain his or her confidentiality.

Even if no action is requested by the reporter or they are unsure about what they want to do, such reporting to the Coordinator or Deputy Coordinator is legally required by Texas law and is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that ACU can track incidents and identify patterns; and that, where appropriate, ACU can take steps to protect the University community. Reported allegations will be reviewed by the Coordinator or Deputy Coordinator, who will assess the report and consult with the Complainant.

Responsible Employees who know about but fail to report allegations of sexual misconduct may be subject to disciplinary action, including termination, as required by law.

**G. Timing of Complaints** - There is no time limit for the submission of a complaint under this policy. A complaint received after the semester has ended or during a University break may result in a short delay in the investigation of the complaint. The Coordinator and/or Deputy Coordinator will make every effort to conduct investigations during school breaks or between school years unless doing so would sacrifice witness availability or otherwise compromise the process. The university may be limited in its ability to respond if a Respondent is not enrolled. The university seeks to address all complaints in a prompt and equitable manner. The investigation and adjudication of complaints are expected to take up to 60 days but, depending on the complexity of the investigation and/or the severity and extent of the alleged conduct, more or less time may be required. In those cases, the parties will be informed of such.

Although laws specify timeframes within which any legal claim must be brought, the University takes all complaints of sexual misconduct seriously. So there is no time limit for the submission of a complaint under this policy. However, the response may be limited based on the evidence available and whether parties are still part of the university community.

## VII. INTAKE, INTERIM MEASURES, AND PRELIMINARY ASSESSMENT

**A. Intake** - Upon receiving the report, the Coordinator or designee will provide Complainant with a general understanding of their rights and responsibilities, explain this process including confidentiality, explain prohibitions against retaliation, and determine if interim

measures are requested/necessary to protect the Complainant's or university community's rights or safety. The Complainant will be provided with a copy of the relevant policies or provided links to the same in a follow-up email.

**B. Interim Measures and Other Resources** – The University will offer support services or “interim measures” for students and employees, as appropriate. These can include but are not limited to modification of classes or work schedules (e.g., either a Complainant or Respondent may be permitted to drop an academic course without any academic penalty when the parties are enrolled in the same course), No Contact Orders, interim removal from campus or university housing pending investigation, or restrictions regarding being on campus or movement on campus.

The parties will also be informed regarding relevant resources, which include the assignment of a Title IX Liaison, academic or counseling services, and the right to report a crime or seek a protective/restraining order from campus or local law enforcement. To the extent possible, Complainant and Respondent will be offered counseling services by different counselors in the ACU Counseling Center. These support services or interim measures are available to individuals even if they choose not to file or pursue a disciplinary complaint or if the status of a Respondent to the university is unclear (e.g., un-enrolled student or non-employee). In keeping with legal requirements, the university may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one party. Interim measures should be individualized and appropriate based on the information gathered by the Coordinator or designee, making every effort to avoid depriving any student of her or his education. The Coordinator or other designee is responsible for ensuring the implementation of support services and interim measures.

1. No Contact Orders – From the time the Coordinator or designee receives a complaint alleging a violation, an administrative No Contact Order may be issued barring any communication between the parties allegedly involved. This No Contact Order may prohibit any attempt to contact or respond to any communication from the other party, either directly or through others (e.g., friends, family members). The Coordinator or designee will work with the parties involved to help facilitate the No Contact Order between the parties, so that they may attend classes and use common university facilities as appropriate. A No Contact Order may be extended after the conclusion of the process at the request of either party or based on the determination by the Title IX Coordinator or designee. In cases where a demonstrated violation of this No Contact Order has been shown, the responsible party may be separated from the university pending the final resolution of the disciplinary complaint.
2. Interim Removal from Campus or Housing - The university will not automatically restrict a student from attending classes or participating in other university activities on the basis of complaints. However, the university reserves the right to impose interim removal at any time upon learning that (1) the safety of any person may be in imminent danger as a result of an alleged incident or (2) members of the university community face an unreasonable risk of danger.

**C. Request for Confidentiality and/or No Action** – If Complainant requests that their name not be revealed to the Respondent or asks that the university not investigate or seek action against the Respondent, the Coordinator, in consultation with the Deputy Coordinator, will

evaluate such requests by balancing the Complainant's desire with the university's responsibility to provide a safe and nondiscriminatory environment. In other words, while the university wants to respect the Complainant's request, it is important to note the law may require the university to override the request especially in cases involving sexual violence. In making this decision, they will consider a number of factors, including but not limited to:

- Do circumstances suggest there is an increased risk of the alleged Respondent committing additional acts (e.g., other complaints against the Respondent or threats of additional action by Respondent)?
- Do circumstances suggest there is an increased risk of someone else committing additional acts under similar circumstances (e.g., a pattern of acting or certain location)?
- The seriousness of the allegations (e.g., force or violence was used, weapon involved, multiple Respondents).
- Whether the university possesses other means to obtain relevant evidence to proceed (e.g., security cameras or physical evidence).

If the university determines that it can honor this request, the university's ability to respond fully to the incident, including pursuing disciplinary action against the alleged Respondent, will be limited. If the university determines that it can honor the Complainant's request, it will ask the Complainant to sign a case drop form and the case will be closed with the understanding that the Complainant can later change his or her mind. The university will still take all reasonable and necessary steps to respond to the complaint consistent with the Complainant's requests and determine whether interim measures are appropriate or necessary. This might include taking steps to limit the effects of alleged misconduct such as providing increased monitoring, supervision or security at a location where the misconduct occurred. In some instances, a Respondent may be spoken to without the Complainant being identified.

In other cases, issues of privacy must be balanced against the university's need to investigate and take appropriate action. Although the university affirms the right of the Complainant to decide whether they wish to be involved in any process to address misconduct, individuals should understand that if the conduct at issue poses a threat to campus safety (which includes, but is not limited to, the considerations above), the university will take action regardless of whether the Complainant wishes to proceed with their individual complaint. Under these circumstances, the university will inform the Complainant of its need to move forward prior to commencing an investigation of its intent to disclose the identity of the Complainant. A Complainant may receive interim measures, support, and safety services regardless of the level of participation or engagement with applicable procedures or guidelines. Moreover, the Complainant may request that the university inform the Respondent that he or she asked the university not to investigate or seek discipline, and the university will honor that request. In this type of case, the Coordinator will serve as the Complainant using the process outlined below.

**D. Preliminary Assessment** – No later than five business days after receiving the complaint, the Coordinator or designee will make an initial assessment to determine if there is reasonable cause to believe the policy has been violated. No reasonable cause exists when, even

assuming that all the facts reported by the Complainant are true, no violation of the policy could exist. If no reasonable cause exists, the case will be closed and that conclusion reported in writing to Complainant and Respondent, if applicable. (Any reports of University Code of Conduct violations may be forwarded to the Dean of Students or to Human Resources, as applicable, to be addressed under that process, unless immunity applies as addressed in Section III C above.) If there is reasonable cause, the complaint will proceed. The Coordinator or designee will then determine how the Complainant wishes to proceed: informal resolution (if applicable) or formal resolution, which are discussed in the following section.

**E. Conflicts of Interest** – If either of the parties contends that the Coordinator, Deputy Coordinator or a Decision Maker has a conflict of interest in fulfilling their responsibilities under this policy, the university encourages the party to raise those issues with the Coordinator so that they can be considered and addressed. Parties must raise the issue of a conflict of interest within two business days of learning the identity of the administrator and their role in the process. Failure to raise a conflict of interest concern within two business days of learning the identity of the administrator assigned will act as a waiver of any perceived conflict.

## VIII. INFORMAL RESOLUTION

A Complainant may wish to informally resolve the complaint. An informal resolution might take the form of the Coordinator or Designee, appropriate supervisor/administrator, or Complainant discussing the issues with the Respondent in order to establish the kind of behavior that may be deemed objectionable and securing the cessation of such behavior, and how repetition might lead to formal complaints. It might also take the form of an informal mediation or listening session between the parties. Participation in mediation or listening sessions is voluntary, should provide equal opportunities for the parties, and may be ended at any time at the request of either party.

The use of an informal complaint and resolution procedure is optional. Nothing in this informal complaint process is meant to discourage an individual from filing a formal complaint. In instances where a Complainant does not wish to engage in the informal procedure or in situations where attempts at the informal procedure are unsuccessful, the formal procedure may be followed. Written notice of the outcomes of any informal procedure will be given to Complainant and Respondent by the Coordinator within one week of the outcomes.

## IX. FORMAL RESOLUTION

If the Complainant wishes to proceed with a formal resolution or the university determines that a formal resolution should proceed, the Coordinator will begin an investigation or assign the investigation to an investigator, who will conduct an investigation under the

supervision of the Coordinator. The goals of the investigation are to determine (1) if a preponderance of the evidence shows that the alleged violation occurred (i.e., it is more likely than not) and (2) if so, what actions the university should take to respond to the violation and prevent recurrence. In so doing, the university strives for the investigation to be sufficient, reliable and impartial including the opportunity for both Complainant and Respondent to provide evidence and witnesses to the investigator, as applicable. For the sake of clarity, the university's process for investigating complaints is not a court hearing. Rather, the university's formal resolution process is an internal administrative investigation of an alleged policy violation where both parties are afforded opportunities to review and appeal the initial investigation finding(s).

## **A. General**

1. Advisor of Choice – Parties involved in this process may be more comfortable navigating the process with the help of a support person (Advisor). An Advisor is someone whom the party trusts to provide advice and support during the process. The Advisor can be any person the party feels comfortable confiding in, and need not be affiliated with the university (e.g., a friend, a family member, a person from a support or advocacy agency, or an attorney). The Advisor may accompany the party to any part of the adjudication process, including any meetings with university personnel. The Advisor may not have personal involvement regarding any facts or circumstances of the alleged misconduct. The Advisor's only function will be to assist and/or consult with the party they are advising, and the Advisor may NOT actively participate in the process in any way. The Advisor may not act as a spokesperson or in any way interfere with the meeting or investigation. Attorneys may serve as support persons, with the same rules applying.
2. Influencing Witnesses - The parties have the right to identify any relevant witnesses, and the investigator will attempt to contact and interview any witnesses that he or she deems relevant to the resolution of the complaint. Witnesses should only be encouraged to cooperate and to speak the truth. If either party, individually or through others (e.g., friends, family members, attorneys), attempts to threaten, intimidate, or otherwise improperly influence a witness, such action will result in a separate disciplinary action by the university.

## **B. Initial Meetings (Complaint Form, Notice, and Pre-Finding Resolution)**

1. Initial Meeting with Complainant and Complaint Form – To begin the formal process, the Coordinator or designee will meet the Complainant to discuss the facts surrounding the complaint. Relevant information includes but is not limited to: Identification of the Respondent and relationship to the university; description of the incident(s), including dates, locations, and the presence (and identity) of any witnesses or others who might have been subject to the same or similar harassment; a list of any other information that Complainant believes to be relevant including supporting documents or evidence including text messages or voicemails; and a description of the impact of Respondent's actions on Complainant. The Coordinator or designee will also ask Complainant to complete a general Complaint Form containing basic information about the complaint made against the Respondent, such as time, date, location, the policy allegedly violated and a summary of the allegations underlying the alleged violation.



2. Initial Meeting with Respondent and Notice of Investigation – The Coordinator or designee will provide the Complaint Form to Respondent via email or in person as written notice of the complaint and investigation and schedule an appointment to discuss the complaint with sufficient time provided for the Respondent to prepare for meaningful participation. If she/he has not already done so, the Coordinator or designee will also provide Respondent with a general understanding of their rights and responsibilities, explain this process including confidentiality and prohibitions against retaliation, explain any interim measures in place, and consider Respondent's request for additional interim measures. The Respondent will be provided with a copy of the relevant policies or provided with links to the same in a follow-up email. The Respondent will also be informed regarding relevant resources, which include the assignment of a Title IX Liaison and counseling services.
  - a. *Pre-Findings Resolution of Complaint* - After reviewing the complaint form and the meeting, the Respondent has the right to end the investigation by accepting responsibility for the conduct alleged in the Complaint Form. In order to inform his/her decision in this regard, the Respondent can ask the Coordinator or designee to outline potential sanctions and/or propose reasonable sanctions and remedies. If the Respondent accepts responsibility, the complaint will be officially referred to the appropriate Decision Maker to decide the sanctions against Respondent.
  - b. *Respondent's Refusal or Failure to Participate* - Refusal or failure by the Respondent to meet, cooperate regarding the formal complaint and notices provided, or participate in the process will result in the adjudication of the complaint without input from the Respondent. If a Respondent withdraws or graduates after the Complainant has filed a complaint alleging that the Respondent committing sexual harassment, sexual assault, dating violence, or stalking, the university will not issue a transcript to the student until the university makes a final determination of responsibility.

**C. Fact-Finding Investigation** - Although each investigation will vary based on allegations, scope, and other factors, the Complainant and Respondent in each case will be permitted to describe their allegations in support of or in response to the complaint, suggest witnesses and present evidence. The statements of the parties and witnesses, including any documentation that is relevant to the investigation, will be considered by the investigator. During the course of the investigation, the investigator may utilize some or all of the following methods, in whatever order the investigator deems most appropriate: interviewing the parties and key witnesses in order to gather relevant information; document or evidence-gathering or review; and consulting expert witnesses including local law enforcement or forensic experts (as necessary and available). It is the responsibility of the investigator, not the parties, to gather the evidence relevant to the complaint from the parties and witnesses, to the extent reasonably possible. Throughout the process, the investigator will maintain appropriate documentation and provide status updates to the parties.

1. Document Review: The investigator will attempt to obtain any documents or other materials deemed relevant to the investigation.
2. Party Interviews: The investigator will interview the Complainant and the Respondent separately. This meeting is an opportunity for the participant to discuss his/her recollection of the event in question, voice any concerns and to work with the investigator to

determine what information may be helpful in the investigation of the allegations, including the impact that this experience has had on them. The investigator may interview the parties more than once, as necessary. The Complainant's or Respondent's Advisor may accompany him/her to all the meetings but may not participate in the conversation.

3. Witness Interviews: The investigator will attempt to contact and interview any witnesses identified by the parties that the investigator deems to be relevant to the resolution of the disciplinary complaint. The investigator may also interview any other persons which he/she finds to be potentially relevant to this matter. Witnesses may not bring support persons to their interviews. The investigator will employ best efforts to interview relevant witnesses who are no longer on campus, attempting to contact them by telephone or email.
4. Expert Witnesses: The investigator reserves the right to consult with any experts deemed necessary to the determination of the facts of this case. An expert witness could be consulted to review or provide a professional opinion regarding evidence discovered in the investigation.
5. Sexual History: In a case of Sexual Misconduct, the past sexual history of the Complainant and Respondent or either party's sexual history with others will NOT be used in determining whether the Sexual Misconduct occurred. Consensual activity between the two parties prior to the complaint will not be determinative of the issue of consent in the pending disciplinary complaint. Consent to one sexual interaction does not constitute consent for another sexual interaction.

**D. Findings and Report** - Once the investigation has been completed, the investigator will evaluate the information obtained during this process and prepare a preliminary report summarizing the relevant facts received through the investigation, noting and disclosing any evidence relevant and probative to whether the alleged conduct occurred (including both inculpatory and exculpatory evidence). The investigator will share the preliminary report with the parties and give them an opportunity to provide written comments or feedback on the facts as gathered or to submit additional evidence. The investigator will then revise the report as the investigator deems necessary and prepare a final report. The final report will include written findings of facts and the investigator's assessment as to whether a violation occurred, based on a preponderance of the evidence (whether a policy violation is more likely than not). The investigator may also draw conclusions regarding the credibility of witnesses and reliability and relevance of documentation. The investigator will then submit the final report to the Coordinator.

**E. Decision by Decision Maker** - Upon determination by the Coordinator that all of the issues regarding the complaint have been appropriately investigated and addressed, a trained university administrator will be selected by the Coordinator to serve as Decision Maker. The Decision Maker will determine whether it is more likely than not that the accused individual(s) violated the policy. In making this decision, the report will be considered and given deference by the Decision Maker but is not binding on his/her decision. If the Decision Maker concludes that it is more likely than not that the policy was violated, the Decision Maker will also consider sanctions for

violations. If the Decision Maker concludes that the preponderance of the evidence does not support a violation, the parties will be notified as set out below.

**F. Remedies** - Anyone who violates this policy will be subject to appropriate disciplinary action. Disciplinary measures available to remedy violations include, but are not limited to, the following: verbal warning/reprimand; written warning/reprimand placed in employee or student files; requirement of verbal and/or written apology to victim; mandatory education and training on harassment; referral for psychological assessment or treatment; alternate placement, suspension, probation, termination, or expulsion; or other action the university deems appropriate under the circumstances. Additionally, interim remedial measures may become permanent. In determining what disciplinary or corrective action is appropriate, the university will consider the totality of the circumstances, including but not limited to: number of victims and harassers involved; employment/student positions or status of the victims and harassers; relevant portions of prior disciplinary record of the harasser; threatened or actual harm caused by the harassment; and frequency and/or severity of the harassment.

If a student or student groups are found to be in violation of this policy, any of the sanctions set forth in the ACU Student Code of Conduct may also apply.

Texas law requires Texas higher education institutions to include a notation on the transcript of any student “ineligible to re-enroll in the institution for a reason other than an academic or financial reason.” The law also requires that institutions proceed with investigations of serious student disciplinary matters even if the accused student withdraws from the institution. Individuals may request that the university consider removal of a transcript notation for good cause by contacting the Title IX Coordinator.

If a faculty member is found to have violated this policy and if the discipline is determined to include termination, this process will substitute for any other including Special Termination in the Faculty Handbook.

**G. Notifications** - When a determination is reached regarding findings and/or sanctions, the Coordinator will concurrently provide both parties with written notice of the same within seven days of the decision through email. The notice will inform both parties regarding the outcomes (whether or not the university found the alleged violation occurred) and any sanctions that impact both parties (e.g., no contact orders, suspension). The Complainant should also be informed of any other remedies offered to him or her individually or actions taken by the university to prevent a recurrence. Finally, the notice will also include information regarding the parties’ right to appeal. Sanctions, especially those requiring separation from campus, may be implemented immediately if deemed appropriate. The Coordinator has the discretion to allow a student Respondent to complete any pending coursework remotely if deemed appropriate by the relevant faculty member.

## **X. APPEAL**

Either party may appeal the findings or sanctions imposed to a Hearing Panel by filing a written appeal with the Office of General Counsel (via email to [ogc@acu.edu](mailto:ogc@acu.edu)) within five business days of the above notification. The grounds for appeals are as follows:

- A. The investigatory process, as outlined in the policy was not followed, and the failure to do so significantly and adversely impacted the outcome of the investigation;
- B. To consider new evidence unavailable during the investigation that could substantially impact the original finding or sanction. A summary of the new evidence must be included along with a valid reason it was not available earlier and how it would have impacted the outcome.
- C. The sanctions imposed are not appropriate for the violation committed
- D. The findings are not supported by the evidence or are otherwise arbitrary.

After receiving an appeal, the Office of General Counsel will notify the opposing party of the appeal and allow him or her the opportunity to file a response. The opposing party will have five business days to do so. No additional submissions, beyond the appeal and the response, will be considered.

The appeal will be considered by a Hearing Panel of up to three trained administrators selected by the Office of General Counsel. The Hearing Panel will conduct a hearing during which it will interview and question the parties and witnesses whose testimony the Hearing Panel deems relevant. The hearing will begin with a statement from the Title IX Coordinator (or other Decision Maker, as applicable) regarding the decision, rationale for the decision, and explanation of sanctions, if any. Procedures for the hearing will be provided in advance to all parties by the Office of General Counsel.

Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this policy. If the Hearing Panel determines that it is more likely than not the Respondent committed a violation of this policy, the Hearing Panel will assign sanctions. The decision of the Hearing Panel is final.

## Appendix A

### Clery Act/Selected Federal Crime Definitions

- Sex Offenses, Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
  - Sex Assault: An offense that meets the definition of rape, fondling, incest or statutory rape as stated in the FBI's Uniform Crime Reporting program.
  - 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 body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Sex Offenses, Non-forcible: Unlawful, non-forcible sexual intercourse.
  - 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.

**Domestic Violence:** (i) A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**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. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. (ii) For 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.

**Stalking:** (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. (ii) For the purposes of this definition—(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any

action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (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.

### Selected State of Texas Definitions

**Sexual Assault:** (a) A person commits an offense if the person: (1) intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code. **Tex. Penal Code § 22.011.**

**Assault:** (a) A person commits an offense if the person: (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. **Tex. Penal Code § 22.01.**

**Dating Violence:** (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b). **Tex. Fam. Code § 71.0021.**

**Family Violence:** "Family violence" means: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. **Tex. Fam. Code § 71.004.**

- Household: "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. Tex. Fam. Code § 71.005.
- Member of a Household: "Member of a household" includes a person who previously lived in a household. Tex. Fam. Code § 71.006.

**Stalking:** (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) 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 (C) 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 in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. **Tex. Penal Code § 42.072.**

[1] The conduct discussed in this policy may also constitute violations of the law, to which other laws and regulations may apply beyond the scope of this policy. Criminal definitions under state and federal law for some of the conduct described under this policy can be found in

Appendix A to this policy. The university will respect a complainant's decision either to pursue law enforcement remedy or to decline to pursue that avenue of remedy.

## **PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

Abilene Christian University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking as described in the 2013 Reauthorization of the Violence against Women Act (VAWA) that;

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

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent for sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.



## The ACU Student Life Division Offered the Following Primary Prevention and Awareness Programs for Students in 2018

### 2018 SEXUAL ASSAULT PREVENTION, TITLE IX, AND SUPPORT SERVICES TRAINING

Program Title	Description / Audience	Timing	# Students/ Others Reached	Topics Covered	Facilitators
Sexual Assault Reporting / Consent	Residence Directors	01/11/2018	8	Sexual Assault – Reporting/Consent	Sherita Nickerson
Advisor Training	Wildcat Central Advisors	01/12/2018	4	Canvas / Title IX	Sherita Nickerson
Title IX Dr. Fry	Seminary Bible	01/12/2018	20	Title IX	Sherita Nickerson
Title IX Refresher	ACU Football (refresher & transfer students)	01/29/2018	60	Sexual Assault – Reporting/Consent	Ryan Bowman
Sexual Assault Reporting / Consent	ACU Football Team	02/28/2018	20	Sexual Assault – Reporting/Consent	Chief Ellison / Sherita Nickerson
Sexual Assault Awareness Month (S.A.A.M.)	All Students - Chapel Moody Coliseum	03/01/2018	1200	Sexual Assault – Reporting/Consent Title IX Resources	Hannah Harrell
S.A.A.M.	Students	03/02/2018	30	How Sexual Assault affects students	Chief Ellison / Sherita Nickerson/Susie Stringler/ Dr. J. Reese
S.A.A.M.	Students	03/08/2018	1200	Sexual Assault – Reporting/Consent	Dr. J. Reese
S.A.A.M.	Students	03/11/2018	20	Sexual Assault Awareness	Ammie Brooks
S.A.A.M.	Students	03/15/2018	1200	Sexual Assault / S.A.N.E.	Susie Stringler / Ann Willoughby
R.A.D. Self Defense S.A.A.M.	Female Students	03/18/2018	20	R.A.D. Self Defense Class	Lt. Motz / Sgt. Barton
S.A.A.M.	Student Body -	03/19/2018	Campus Wide	Stop Sexual Assault Awareness – T-Shirts designed and displayed	Campus Wide
S.A.A.M.	Students	03/22/2018	1200	Red Thread Movement –Human Trafficking	Alissa Jordheim
S.A.A.M.	Students	03/24/2018	25	Luncheon	Ammie Brooks/Shannon K./ Deiaaron M.
S.A.A.M.	Students	03/26/2018	Student Body	Sexual Assault Awareness – Title IX	Sherita Nickerson
N.S.O. Resource Fair	Incoming Freshman	06/05/2018	100	Title IX	Ryan Bowman

N.S.O. Resource Fair	Incoming Freshman	06/08/2018	100	Title IX	Ryan Bowman
Sexual Assault Awareness	Masters Level Students	07/19/2018	30	Sexual Assault Awareness – Title IX	Sherita Nickerson
Clery / Title IX	Faculty / Staff – Dallas Campus	07/31/2018	75	Clery / Title IX	Sgt. Delony /Sgt. Barton / Sherita Nickerson
Sexual Assault Reporting / Consent	Football Players	08/13/2018	110	Sexual Assault Awareness Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Res-Life Workers	08/15/22018	70	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Team 55 – Staff & Students	08/16/2018	30	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Social Work – Grad Students	08/17/2018	75	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Social Club Officers	08/20/2018	30	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	GST-Faculty / Staff	08/21/2018	17	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Alpha Scholars	08/22/2018	12	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sex Drugs Rock-n-Roll	Freshman - female	08/23/2018	500	Sexual Assault Awareness, Title IX	Mark Lewis
Sex Drugs Rock-n-Roll	Freshman – male	08/24/2018	300	Sexual Assault Awareness, Title IX	Mark Lewis
Sexual Assault Reporting / Consent	Study Abroad Students	08/27/2018	30	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Faculty Orientation	09/05/2018	60	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Social Club Officers	09/24/2018	100	Sexual Assault Awareness, Clery	Sgt. Barton
Sexual Assault Reporting / Consent	Social Club Officers	09/25/2018	100	Sexual Assault Awareness, Title IX	Ryan Bowman

## HUMAN RESOURCES DIVISION OFFERED THE FOLLOWING MANDATORY PROGRAMS FOR NEW AND CURRENT EMPLOYEES, I.E., STAFF AND FACULTY 2018:

DoV= Domestic Violence, DaV=Dating Violence, SA= Sexual Assault, S=Stalking

Name of Program	Date	Location Held	Prohibited Behavior Covered
New Employee Orientation	01/18/2018	Library Bamboo Room	DoV, DaV, SA & S
New Employee Orientation	03/23/2018	Library	DoV, DaV, SA & S
New Employee Orientation	10/19/2017	Adams Center	DoV, DaV, SA & S
New Employee Orientation	07/19/2018	Library	Ryan Bowman

### RISK REDUCTION CONSIDERATIONS

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [rainn](#))

- Stay alert. When you're moving around on campus or in the surrounding neighborhood be aware of your surroundings. Consider inviting a friend to join you.
- If you're alone, only use headphones in one ear to stay aware of your surroundings.
- Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location.
- Adjust your privacy settings on social media sites to your comfort level, and select options that limit who can view your information.
- Have a back-up plan for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your residential hall or off-campus housing memorized?
- Make sure you have gas in your vehicle before you go out. Don't wait till the end of the night to refuel.
- If you're going to a social gathering, go with people *you* trust.
- Watch out for your friends, and vice versa.
- If you're going out in a group, plan to arrive together and leave together. If you leave early let your friends know.
- If you're at a party and something doesn't look right speak up.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

- If you want to exit a situation immediately and are concerned about frightening or upsetting someone, *it's okay to lie*. Make-up an excuse you could say “need to go take care of a friend or family member”, “an urgent phone call”, “not feeling well”, etc.
- You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened.
- Trust your instincts. If you notice something that doesn't feel right, it probably isn't.
- If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.)
- If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 91-1 in most areas of the U.S.) Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- Be true to yourself. Don't feel obligated to do anything you don't want to do.
- “I don't want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you?
- Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

## HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual, gender-based and intimate partner violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have choose to intervene, speak up, or do something about it. ACU wants to promote a culture of community accountability, a caring community where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, immediately dial 911. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found through [rainn](#) (Rape, Abuse, & Incest National Network) or [Step Up](#) (Step UP).

- Create a distraction this may give the person at risk a chance to get to a safe place.
- Talk to the person who may be in trouble.
- Watch out for your friends and fellow students/employees.
- Confront individuals or call the authorities when you observe them trying to take advantage of an incapacitated individual.
- Speak up when someone discusses plans to take sexual advantage of another person.
- If someone confides in you that they were the victim of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation, encourage them to report the incident ACUPD or local law enforcement.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of all sexual and gender-based harassment, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as taken from the Texas Code of Criminal Procedure.

### Chapter 56. Rights of Crime Victims

Art. 56.01 Definitions. In this chapter:

- (1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (2) "Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- (2-a) "Sexual assault" means an offense under Section 21.02; 21.11(a)(1); 22.011 or 22.021, Penal code.

## **TEXAS CRIME VICTIMS' RIGHTS**

As defined in Article 56, Texas Code of Criminal Procedure, a victim of a violent crime is someone who:

- (1) Has suffered bodily injury or death as a result of criminally injurious conduct, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery;
- (2) Is the close relative (spouse, parent, brother, sister, or adult child) of a victim; or
- (3) Is the guardian of a victim. As a victim of violent crime, you have the following rights:
  - The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
  - The right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
  - The right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been cancelled or rescheduled prior to the event;
  - The right to be informed, if requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arraignments, restitution, and the appeals and parole process;
  - The right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
  - The right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information related to the costs that may be compensated under the Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under the Act, the payment for medical examination under Article 56.06 for a victim of sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance.
  - The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, or parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to the Act, and to be notified, if requested, of the defendant's release;

- The right to be provided with a waiting area, separate or secure from other witnesses, including the offender, and relatives of the offender, before testifying in any proceeding concerning the offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings:
- The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose.
- The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for a good cause.
- The right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection, and testing for acquired immune deficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection antibodies to HIV, or infection with any other probably causative agent of AIDS, if the offense is an offense under Section 21.11(a)(1) Indecency with a Child, 22.011 Sexual Assault, or 22.021 Aggravated Sexual Assault, Penal Code.
- The right to be present at all public court proceedings, related to the offense, subject to approval of the judge in the case.
- The right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; and
- The right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered;
  - By the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted;
  - And by the Board of Pardons and Paroles before an inmate is released on parole

The office of the attorney representing the state and the sheriff, police, or other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article, and on request, an explanation of those rights.

A judge, attorney for the state, peace officer or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

Further, Abilene Christian University follows Texas law in recognizing protective orders of by enforcing the parameters set forth in the judicial decree governing the order. Any person who obtains an order of protection from Texas or any reciprocal state (list reciprocal states) should provide a copy to the ACU Police Department and the Office of the Title IX Coordinator. A complainant may then meet

with ACUPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming to and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s). ACU community members are required to apply directly for these services with the Taylor County District Attorney's office, 325-674-1296, 300 Oak Street, Abilene Texas 79602. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record keeping for purposes of the Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Further, the institution 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 the institution to provide the accommodations or protective measures.

**The University does not publish the names of crime victims nor publish any identifiable information regarding victims in the Clery required Daily Crime Log maintained at ACUPD. Victims may request their directory information on file be removed from public sources by contacting the Office of the Registrar at 325-674-2300.**

#### **ON-CAMPUS RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING**

*	ACU Police Department	1634 Campus Court, Abilene TX	325-674-2305. 325-674-2911
*	Student Counseling Center	Student Recreation & Wellness Center	325-674-2626
*	Student Medical Center	Student Recreation & Wellness Center	325-674-2625
*	Title IX Co-Coordinator	Hardin Administration Building Rm. 213	325-674-2359
*	Title IX Office	Hardin Administration Building Rm. 213	325-674-6802



### ON-CAMPUS CONFIDENTIAL SUPPORT

**Confidential Reporting/Support Options** – If a person desires to report confidentially on-campus and not have their personally identifiable information reported to the university, they are encouraged to speak with one of the following:

- On Campus mental health professional or health care service providers at the ACU Medical and Counseling Care Center (MACC). The MACC is located at the northwest entrance of the Royce & Pam Money Student Recreation and Wellness Center, next door to the Teague Special Events Center. Medical and counseling services are both available. The MACC can be reached at 325-674-2625.
- On-campus ACU Chaplain staff Cyrus Eaton and Ryan Bowman, both located in the McGlothlin Campus Center, Lower Level, Student Life Offices or by phone at 325-674-2067.

These individuals will maintain the confidentiality of a Complainant's disclosures unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 17; or (iv) as otherwise required or permitted by law or court order. These on-campus individuals are required to report to the Title IX Coordinator only the type of incident reported and may not include any information that would violate an expectation of privacy.

### OFF-CAMPUS AREA RESOURCES FOR VICTIMS

#### OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, & STALKING

Hendrick Medical Center / SANE (Sexual Assault Nurse Examiner) Program – go to the Emergency Room at Hendrick Medical Center (1900 Pine Street, Abilene TX 79601; 325-670-2151) and request to see a SANE nurse.

Regional Victims Crisis Center 325-677-7895 (24 Hour Crisis Hotline) Anonymous reports can be made here.

### OFF CAMPUS CONFIDENTIAL SUPPORT

Regional Victims Crisis Center 24 Hour Crisis Hotline: 325-677-7895, email – [info@regionalcrime.org](mailto:info@regionalcrime.org)

**ADDITIONAL RESOURCES AVAILABLE FOR  
SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING VICTIMS**

Rape, Abuse and Incest National Network: [Rainn](#)

US Department of Justice: <https://www.justice.gov/ovw/sexual-assault>

Department of Education, Office of Civil Rights: [US Department of Education](#)

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

**SEX OFFENDER REGISTRATION INFORMATION**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, ACUPD is providing a link to the Texas Department of Public Safety Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation or is a student. In the State of Texas, convicted sex offenders must also register with the local municipal or county law enforcement agency that holds primary jurisdiction for the area in which the offender lives. Local agencies submit this information to the Texas Department of Public Safety Crime Records Division, Austin, Texas. Details of the Texas Sex Offender Registration Program are detailed in Article 62.163 of the Texas Code of Criminal Procedure: Sex Offender Registry Program, <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.62.htm>

Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited. The Texas Department of Public Safety web link for the Texas Public Sex Offender Registry is <https://records.txdps.state.tx.us/SexOffenderRegistry>

## **ACU IMMEDIATE NOTIFICATION, EMERGENCY RESPONSE, AND EVACUATION PROCEDURES**

### **ACU EMERGENCY MANAGEMENT GUIDE**

Like all organizations, Abilene Christian University (ACU) is potentially subject to man-made or natural incidents that could threaten its community, core academic mission, and physical environment. Although there is no reason to believe that ACU is subject to any specific threat or danger, the university has developed an Emergency Operations Plan (EOP) as a proactive means of emergency preparedness. The reality of events in today's world means that ACU must address safety and security proactively by addressing potential incidents as part of its overall efforts to advance the university's mission.

ACU's EOP establishes the framework necessary to ensure that the University is prepared to deal with critical incidents requiring extraordinary protection of life, property, and/or continuity of operations. The EOP provides an integrated approach to response and recovery from the impacts of such crises on ACU's campus in coordination with local, state, and federal agencies and authorities.

The EOP and Emergency Management Guide provide a comprehensive emergency management concept of operations designed to ensure coordination and cooperation among multiple departments, organizations, and jurisdictions. The Guide addresses the responsibilities of university departments throughout various phases of emergency response, management, recovery, and analysis. The Guide depicts in broad terms how the campus will prepare for and respond to manmade or natural incidents and emergencies.

The Guide covers students, faculty, and staff at ACU's campuses and its affiliate programs abroad. ACU's individual campuses will develop procedures specific to those entities but may utilize the concepts set forth in the Guide. This Guide prioritizes the safety of those who live, work, and study at ACU and provides communication methods for informing internal and external stakeholders of incidents and/or emergency situations. In the event of any campus incident/emergency, the safety and security of ACU's students, faculty, staff, and visitors are the highest priority.

### **EMERGENCY MANAGEMENT ROLES**

#### **LAW ENFORCEMENT**

The ACU Police Department (ACUPD) is on duty 24/7 and should be notified at 325-674-2305 or 325-674-2911 of all accident, incidents, and emergencies. ACUPD is fully staffed with State of Texas certified police officers who are fully trained to respond to emergency

scenarios and who routinely conduct joint training exercises with local and regional first responders to ensure their readiness. ACUPD serves as first responders to all campus emergency incidents and will implement response protocols as the situation warrants.

## **INCIDENT COMMANDER**

The Incident Commander (IC) is the ACUPD Chief of Police or designee and is the individual responsible for coordinating the university's initial response to a campus incident/emergency. Through the authority of the President of the University, the IC will direct and manage emergency responses in conjunction with the Senior Vice President for Operations. The Chief of Police is also the primary liaison between ACU and local, state, and federal emergency management agencies.

## **EMERGENCY OPERATIONS CENTER**

The Emergency Operations Center (EOC) is the central operations [command] center employed during emergency situations. The EOC directly supports the IC and is fully equipped to communicate with the campus and external agencies.

## **EMERGENCY RESPONSE TEAM (ERT) IS COMPRISED OF:**

- Chief of Police
- Senior Vice President for Operations
- Senior Advisor to the President
- Chief Human Resources Officer
- Vice President for Student Life
- Chief Marketing Officer (PR)
- Director of Facilities Management
- Other university personnel summoned as needed per incident specifics

The ERT is on-call 24/7 and is responsible for responding to the EOC and coordinating and/or directing the resources necessary to support the IC during emergency situations. The ERT also assists the President and senior University leaders in developing and implementing strategies, tactics, and the overall plan for managing the institutions response to a campus emergency. The ERT provides general oversight of all emergency response and recovery operations and determines the appropriate courses of action to ensure that emergency management decisions are inclusive of all university operations and lead to timely restoration of the university's mission. ERT members regularly plan, train, and communicate strategies to mitigate campus emergencies.

## NOTIFICATION PROCEDURES & EMERGENCY INFORMATION DISSEMINATION

### INTERNAL NOTIFICATION SYSTEM

Emergency situations can occur at any time. Accordingly, members of the university community have a responsibility to notify university officials of incidents/emergencies as they are observed; ***ACUPD should be notified of all emergencies***. Upon primary observation or notification, ACUPD will respond to the scene and coordinate (as needed) with University officials concerning institutional response and/or community notifications.

### EMERGENCY NOTIFICATION

Should a situation arise either on or near campus that, in the judgment of the ACUPD Chief of Police or his designee, constitutes an ongoing or continuing threat to the campus or campus community, a campus wide “Emergency Notification” alert will be issued through the university’s campus e-mail system and the ACU ALERT text messaging system. These messages will be sent to all students and faculty/staff members. The campus newspaper, The Optimist [online and printed], may also be employed as an additional method of conveying pertinent information. A combination of some or all of these systems may be used, as deemed appropriate.

In addition to the methods described above, when the circumstances stand to pose a more immediate threat to members of the campus community, the warning/emergency notifications may also be posted via the ACU computer system “MyACU,” as well as local TV/Radio media and the City of Abilene CodeRed alert systems. When possible, Emergency Notifications and Timely Warnings (discussed below) will also be distributed and displayed in prominent locations on campus including entrances to Residence Halls, Academic buildings and the ACU McGlothlin Campus Center. Appropriate follow-up including information about the situation’s further evolution or resolution will also be disseminated as soon as possible using some or all of the communication systems described above.

ACU will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus.

It is the responsibility of the ACUPD Chief of Police or his designee to confirm, with the assistance of other university administrators, local first responders and/or the National Weather Service, whether a legitimate emergency exists and has been determined to pose a danger or imminent threat to the campus community and public. When determination is made, appropriate emergency information will be disseminated to the ACU community and the public without delay. The ACUPD Chief of Police or designee, or other authorized university official (Vice President for Student Life, Senior Advisor to the President, Director of Risk Management) will

assess the content of the emergency message and initiate the notification system as soon as possible unless the notification will, in the judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In many instances this information may be provided by external emergency responders in lieu of or in addition to the University itself. The means of dissemination may vary on a case-by-case basis depending on the nature of the incident/emergency and the communication process.

The Chief of Police, or his designee, in coordination with University leaders and ERT personnel, will determine the significance of the emergency to include which members of the ACU community to notify, what information to include in the notification, and which university personnel will be responsible for initiating the notification system(s). Emergency information dissemination may at times be coordinated by the Chief of Police through the:

- Office of Vice President for Student Life
- Office of the President
- Office of Risk Management, or
- ERT

In most instances, the ACUPD Chief of Police or designee authors the messages distributed as Emergency Notifications. The Chief of Police or designee is authorized to initiate emergency notification systems as needed without prior consultation with University leaders in the event of an emergency.

The primary means of emergency information distribution are: “ACU ALERT,” ACU Emergency blog, university-wide broadcast email, telephone, and news media. ACU ALERT is an opt-in text messaging system and is the primary method used to rapidly communicate an emergency by way of email and text message to the ACU community. All faculty, staff, and students are encouraged to enroll at [acu.edu/acualert](http://acu.edu/acualert) to receive this free service. Another University communication venue is the emergency blog at [emergency.acu.edu](http://emergency.acu.edu) which will be used to provide information and guidance to our campus as the emergency situation develops.

If the emergency is of a nature that poses an immediate threat to individuals and/or organizations outside the campus community, the ACUPD Chief of Police, or his designee, in conjunction with ACU university marketing officials, will disseminate an emergency message by means of radio and/or TV alerts and City of Abilene residential alerts to the neighboring communities.

## TIMELY WARNINGS

In an effort to provide timely notice to the ACU campus community in the event of a Clery Act category crime that occurs on any of the ACU campuses or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties (or other near-campus areas not listed above) and which may pose a serious or continuing threat to members of the community, the ACU Police Department (ACUPD) issues “Timely Warnings.” ACUPD will generally issue Timely Warnings for the following types of crimes only, and only if there is a continuing or serious threat the ACU community:

- Arson
- Aggravated assault
- Burglary
- Criminal homicide
- Hate Crimes
- Motor Vehicle Thefts
- Robbery
- Sexual assaults
- Stalking
- Dating Violence
- Family Violence

Examples of certain criminal incidents that may not necessarily present a serious or continuing threat and therefore might not merit a Timely Warning, include the following:

- An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- In the case of a delayed report. Some reports of crime are received well after they occurred creating situations where the information is no longer “timely.” These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.
- Crimes in which the perpetrator(s) have been apprehended, thereby eliminating the threat.
- Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others, such as domestic violence.
- Also, the university is not required to provide a Timely Warning Notice related to crimes which were reported to ACU personnel in the course of their assigned employment capacity as a university chaplain or professional counselor.

ACUPD may post these Timely Warning notices through a variety of ways, including but not limited to campus-wide e-mails, ACU ALERT text messages/emails, and other media.

All Timely Warning notices will begin with “ACU POLICE TIMELY WARNING/CRIME ADVISORY” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. The information provided in a Timely Warning Notice may provide vital information on what actions you need to take if you are on campus during such a situation. A Timely Warning may include following information:

- Type of crime
- Date, time and location of the crime
- Brief description of the incident
- Available suspect information
- Safety tips to help with the risk of being involved in a similar incident.
- For purposes of Timely Warning information, the names of victims will be considered as confidential and will always be excluded from Timely Warnings.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. ACUPD will issue Timely Warnings whenever the following criteria are met:

- 4) A Clery Act category crime has been reported and determined to have occurred on an ACU campus or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties
- 5) The perpetrator has not been apprehended; and
- 6) There is a substantial and ongoing risk to the physical safety of other members of the campus community because of this crime.

Such crimes include, but are not limited to Clery Act crimes that are reported to ACUPD or to local police, or to any campus security authority who refers the report to ACUPD.

Additionally, ACUPD may in some circumstances issue Timely Warnings for certain non-Clery category crimes or for crimes occurring at non-ACU locations near ACU campus properties, or when there is a pattern of crimes against persons or property. At Abilene Christian



University, the ACUPD Chief of Police or designee, will generally make the final determination, sometimes in consultation with other senior university officials, if a Timely Warning will be issued.

Anyone with information warranting a timely warning or emergency response notification for any ACU campus may contact ACUPD-Abilene anytime 24hrs per day at 325-674-2911 or [acupolice@acu.edu](mailto:acupolice@acu.edu)

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

## **EMERGENCY RESPONSE PROCEDURES**

When an incident occurs, ACUPD officers are dispatched to the scene and, if warranted, the Chief of Police is notified. ACUPD officers provide direction and assistance in mitigating the incident, including coordination with local law enforcement, fire, or emergency agencies. The Chief of Police notifies senior University leaders and coordinates with other relevant external agencies/authorities.

An incident or series of critical incidents that requires the University to disengage resources from normal operations to provide extraordinary protection of life, property and/or operations will constitute a *campus emergency*. The Chief of Police directs actions to prepare for, or respond to, all incidents or emergencies that may occur, and coordinates the appropriate response depending on the scope and nature of the specific incident or emergency. The first step in mitigating campus emergencies is the development and implementation of an Emergency Action Plan (EAP) for each potential incident. Next, key personnel, e.g., facility Emergency Managers and Residence Life staff members, receive training and participate in drills and exercises to test their procedures. Familiarity with procedures, timely execution, and communication are essential elements of emergency management.

## **FACILITY EMERGENCY MANAGEMENT**

Facility Emergency Managers and Residence Hall Directors and Resident Community Leaders are responsible for implementing plans/procedures and for issuing directions to occupants when a perceived threat has been determined.

*Evacuation, shelter-in-place, and lockdown can involve the entire campus or only a few facilities, depending on the nature of the threat.*

The following are the general procedures for effectively managing emergencies affecting facilities.

## EVACUATION PROCEDURES AND EMERGENCY INFORMATION

### EVACUATION PROCEDURES

**Evacuation will be ordered in the event of a fire, chemical or gas leak, or other potential threat to people *within* a facility.**

- For fires call 911 and activate the nearest fire alarm pull station
- In case of fire, occupants will evacuate via the nearest exit, alert others, and not use elevators
- For other emergencies, contact ACUPD and provide information concerning the incident
- Alert occupants and direct how to (specifically) evacuate the facility and where to assemble
- Report evacuation status and prevent people from reentering the facility

### SHELTER-IN-PLACE PROCEDURES

Shelter-in-Place orders are normally given in the event of severe weather, tornado, or other potential threat emanating from *outside* the facility.

- Contact ACUPD and provide/receive accurate information concerning the emergency
- Alert occupants to the situation and direct them to the shelter and of necessary actions/precautions
- Report shelter status, injuries, and facility damage or other hazards
- Prevent people from exiting the facility until receiving the “all clear”

### LOCK DOWN PROCEDURES

A lockdown is a temporary sheltering technique that may last for several hours and is utilized to limit exposure to an "Active Shooter" or similar threat. When alerted to lockdown, occupants of any facility within the affected area will lock all doors and windows, effectively preventing anyone's entry or exit until an “all clear” declaration is made or until occupants are directed to evacuate. This procedure converts any facility into a large “safe room.”

- Contact ACUPD and provide/receive accurate information concerning the emergency
- Alert occupants to the situation, direct them to lockdown, and lock all exterior facility doors
- Lock doors/windows, close blinds/curtains, and turn off equipment/devices that emit light/sound
- Report lockdown status, headcount, injuries, and control entry/exit to the room
- Prevent people from exiting the facility until receiving the “all clear” or directed to evacuate
- *If you encounter the shooter, you should immediately call 911 to report the incident, seek a secure area, remain calm, reassure others, assist the injured, and wait for law enforcement response.*

## **CAMPUS EMERGENCY MANAGEMENT**

As emphasized throughout this report and throughout daily campus activities, everyone is responsible for assisting in making our campus a safe place by being alert to suspicious situations or activities and promptly reporting them to ACUPD at 325-674-2911. The following are the general procedures for effectively managing general emergencies.

### **SUSPICIOUS DEVICE**

An explosive device may be placed on the campus with or without warning. If a suspicious object or what appears to be an explosive device is discovered the person should NOT touch it, rather should immediately clear the area and call ACUPD.

In the event of the discovery of a suspicious device or the receipt of a bomb threat, the campus community members involved should:

- immediately call ACUPD
- quickly and quickly clear the area
- not open drawers and cabinets
- *not* turn lights on or off
- *not* use cell phones in the immediate vicinity of the device or announced bomb site

### **BOMB THREAT**

A bomb threat is usually made by phone; call recipients should attempt to have the person relay the threat by answering the following questions and then promptly notifying ACUPD:

*Ask the caller:*

- When is the bomb going to explode?
- Where is the bomb located?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

*Keep talking to the caller as long as possible and make written note of the following*

- Time of call
- Age and sex of caller
- Speech pattern, accent, or possible nationality
- Emotional state of the caller □ Background noise

ACUPD officers will respond to the scene and implement procedures to mitigate the situation. If occupants are directed to evacuate the facility/area, they will be directed to move a minimum of 300 feet from the suspected bomb or suspicious device.

## **DISRUPTIVE INDIVIDUAL**

A disruptive individual is someone who:

- Makes threats of physical harm to others or themselves
- Behaves in a bizarre manner or is out of touch with reality
- Appears to be intoxicated or under the influence of drugs

Steps to take when dealing with a disruptive individual:

- Contact ACUPD and give your name, location, and a brief description of the incident
- If possible, provide a name and/or complete description of the individual
- Maintain a safe distance and do not confront or attempt to restrain the person
- Try to keep the person calm and within sight until assistance arrives

## **VIOLENT OR CRIMINAL BEHAVIOR**

If you are a victim or witness to a crime, you should promptly notify ACUPD as soon as possible and report the incident, including the following:

- Brief description of the incident to include the time and location
- Complete description of person(s) and/or property involved
- If you observe a criminal act being committed or a suspicious person on campus, immediately notify ACUPD and report the incident.
- Assist the officer(s) when they arrive by supplying them with all additional information and encouraging others to cooperate.

## PLANNING AND TRAINING

### EMERGENCY PLANNING

The Emergency Planning Committee oversees the development and implementation of the university's EOP. The committee also ensures that key personnel are trained, and core processes regularly tested to evaluate the University's response capabilities and procedures. University faculty, staff, and students also participate in ongoing training and testing opportunities. Members of the committee include: Vice President for Student Life; Director of Risk Management, Safety Manager; Chief of Police; Director of the Medical Clinic; Provost or designee; Director of Residence Life Education & Housing; Director of Facilities Management; Executive Director of Information Technology; Director of Public Relations; and Director of Human Resources.

### ORIENTATION AND RECURRING TRAINING

Members of the ACU community are introduced to safety and security issues and emergency procedures as part of their introduction to campus life and at regular intervals during their work and life on campus.

### FACULTY AND STAFF

Basic safety and emergency response information is provided during the University's new employee orientation training. Information is presented concerning basic response protocols and contact information based on the most likely emergencies/incidents to occur on campus. Regular updates may be provided to faculty and staff via distribution of newsletters or brochures, the Emergency Management web page, or university- wide broadcast email.

### STUDENTS

Safety and security information is provided to all students on an annual basis. New students and their parents obtain information during orientation sessions and provide students with emergency response procedures, safety tips, and campus contact information. Students living in on-campus residence halls and apartments participate in mandatory annual meetings with their resident assistant or hall director at the beginning of each academic year. Students living off campus receive this information as part of a required off campus student orientation session each fall. Regular updates may be provided to students via meetings, brochures, the Emergency Management web page, or university wide broadcast email.

In addition, faculty, staff, and students planning to study abroad are required to participate in an orientation session that addresses safety and security issues unique to their location before beginning their respective programs.

## RESIDENTIAL FACILITY PREPAREDNESS

Residence Life staff members are provided education, resources, and receive special safety and emergency preparedness training. They are required to sign [attest to] training documentation prior to assuming their roles within campus residence facilities. These individuals receive annual training covering facility Emergency Action Plans, applicable fire protection systems, and general safety procedures. All on-campus residential facilities conduct mandatory fire evacuation drills during the fall and spring semesters. In addition, utilities and communications systems are tested regularly to ensure reliability.

## EMERGENCY PREPAREDNESS

Drills, tests, and exercises are conducted annually to evaluate the University's ability to respond to a variety of potential emergency scenarios, help assess the adequacy of the EOP and to reinforce participants' knowledge of emergency plans/procedures. Comprehensive planning is essential to ensuring the event is conducted safely and poses minimal disruption to curriculum or other campus events.

- A *drill* is an announced event. Details may be kept confidential to increase realism, but participants will be informed of the date, time, location and basic overview of what will occur.
- A *test* is an unannounced event. No details will be released to the general populace of the campus. The intent is to assess execution of plans/procedures under simulated realistic conditions.
- An *exercise* may be announced, or unannounced event designed to evaluate campus-wide procedures to mitigate an emergency. Exercises may also include a “table-top” venue conducted by the ERT and senior ACU leadership simulating a crisis event.



# **2019 Abilene Christian University**

## **HEOA Fire Safety Report** (2019 report w/2018 Data)

### **Abilene Christian University**

Office of Institutional Compliance & Risk Management

Hardin Administration Building, Room 111

ACU Box 29120

Abilene, TX 79699

Office: 325-674-6142

Fax: 325-674-2396

[risk@acu.edu](mailto:risk@acu.edu)

[ACU Risk Management](#)

**ACU Residence Life works closely with ACU Police, Office of Risk Management, and Facilities Management to identify, mitigate and respond to all emergencies involving residence halls.**



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## FIRE SAFETY SYSTEM INFORMATION FOR ON-CAMPUS RESIDENTIAL FACILITIES

FACILITY	FIRE ALARM SYSTEM	SMOKE DETECTORS	HEAT DETECTORS	PULL STATIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONITORED	FIRE EXTINGUISHER DEVICES	FIRE SUPPRESSION SYSTEM	BUILDING CONSTRUCTION	FIRE ALARM DRILLS PER YEAR
A.B. BARRET HALL 1818 Campus Court	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
A.B. MORRIS HALL 2070 ACU Drive North	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
DILLARD HALL 633 EN 19th Street	YES	YES	YES	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
EDWARDS HALL 1995 Campus Court	YES	YES	YES	YES	YES	YES	YES	YES	STANDPIPE	FIRE RESISTIVE	2
GARDNER HALL 930 EN 16th Street	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
MABEE HALL 1885 Campus Court	YES	YES	NO	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
MCDONALD HALL 790 EN 16th Street	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
MCKINZIE HALL 1750 Campus Center Road	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
NELSON HALL 860 EN 16th Street	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
SIKES HALL 990 EN 16th Street	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
SMITH ADAMS HALL 1402 Cedar Crest Drive	YES	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE	2
McDonald Hall closed after Spring semester 2018											
Combined Adams & Smith Hall. They are under the same roof and have the same system											

RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
A.B. Barret Hall 1818 Campus Court	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
A.B. Morris Hall 2070 ACU Dr N	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Dillard Hall 633 EN 19th St	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Edwards Hall 1905 Campus Court	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Gardner Hall 930 EN 16th St	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Mabee Hall 1885 Campus Court	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	1	1	Overhead light fixture had shorted out causing a fire	0	0	\$140.00
McDonald Hall 790 EN 16th St	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
McKinzie Hall 1750 Campus Center Rd	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Nelson Hall 860 EN 16th St	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Sikes Hall 990 EN 16th St	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A
Smith Adams Hall 1402 Cedar Crest	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	NA	N/A	N/A

SUPPLEMENTAL INFORMATION ( non-Clery fire incidents on residential housing grounds, not buildings).

Smith-Adams Hall 10/22/2016 Parking Lot: accidental dumpster fire

Combined Adams Hall with Smith Hall. They are under the same roof and have the same system

## FIRE SAFETY SYSTEM INFORMATION FOR ON-CAMPUS RESIDENTIAL FACILITY

UNIVERSITY PARK APARTMENTS – 2150 N JUDGE ELY BLVD., ABILENE TX

RESIDENTIAL FACILITIES	FIRE ALARM SYSTEM	SMOKE DETECTORS	HEAT DETECTORS	PULL STATIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONITORED	FIRE EXTINGUISHER DEVICES	FIRE SUPPRESSION SYSTEM	BUILDING CONSTRUCTION	FIRE ALARM DRILLS PER YEAR
Building 2	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 3	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 4	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 5	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 6	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 7	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 8	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 9	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2
Building 10	YES	YES	NO	YES	YES	YES	YES	YES	SPRINKLER	ORDINARY	2

Note: Building 1 is a leasing office – non residential

## STATISTICS AND RELATED INFORMATION REGARDING FIRES IN ON-CAMPUS RESIDENTIAL FACILITIES

UNIVERSITY PARK APARTMENTS – 2150 N JUDGE ELY BLVD., ABILENE TX

RESIDENTIAL FACILITIES	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
Building 2	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 3	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	1	1	Heating element in oven caught fire	0	0	\$350.00
Building 4	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 5	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 6	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 7	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 8	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 9	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A
Building 10	2016	0	0	N/A	N/A	N/A	N/A
	2017	0	0	N/A	N/A	N/A	N/A
	2018	0	0	N/A	N/A	N/A	N/A

Note: Building 1 is a leasing office – non residential

SUPPLEMENTAL INFORMATION (non-Clery fire incident on residential housing grounds, not buildings).

03/13/2016 Courtyard: stand-alone BBQ grill brick console; propane tank fire due to a leak in the supply line.

## **FIRE SAFETY SYSTEM INFORMATION FOR ON CAMPUS RESIDENTIAL HOUSES**

ACU began a program of acquiring off-campus private residential properties within the neighborhood immediately adjacent to the main ACU-Abilene campus and within the same reasonably contiguous geographic area that makes up the campus, with these individual houses and duplex units being used primarily as Student Housing rentals.

The Clery Act definition for On-Campus Student Housing Facility is *any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area (within 1 mile of the campus border) that makes up the campus is considered an on-campus student housing facility*. This definition also includes single family houses that are used for student housing. In accordance with this definition, each residential house is listed on the "Statistics and Related Information Regarding Fires in On-Campus Residential Housing".

Fire Safety System Report for ACU Residential Housing:

- Each residence is equipped with a smoke alarm.
- Each residence has a fire extinguisher in compliance with the safety requirements of the Texas Property Code.

There are no fire drills (supervised practice of a mandatory evacuation of a building for a fire) conducted at the residential houses.

## STATISTICS AND RELATED INFORMATION REGARDING FIRES IN ON-CAMPUS RESIDENTIAL HOUSING

ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
2118 Campus Court	2018	0	N/A	N/A	N/A	N/A	N/A
2226 Campus Court	2018	0	N/A	N/A	N/A	N/A	N/A
2310 Campus Court	2018	0	N/A	N/A	N/A	N/A	N/A
2318 Campus Court	2018	0	N/A	N/A	N/A	N/A	N/A
2326 Campus Court	2018	0	N/A	N/A	N/A	N/A	N/A
1602 Cedar Crest	2018	0	N/A	N/A	N/A	N/A	N/A
2033 Cedar Crest	2018	0	N/A	N/A	N/A	N/A	N/A
420 College Dr	2018	0	N/A	N/A	N/A	N/A	N/A
684 College Dr	2018	0	N/A	N/A	N/A	N/A	N/A
689 College Dr	2018	0	N/A	N/A	N/A	N/A	N/A
691 College Dr	2018	0	N/A	N/A	N/A	N/A	N/A
695 College Dr	2018	0	N/A	N/A	N/A	N/A	N/A
798 EN 10th St	2018	0	N/A	N/A	N/A	N/A	N/A
733 EN 11th St	2018	0	N/A	N/A	N/A	N/A	N/A
834 EN 13th St	2018	0	N/A	N/A	N/A	N/A	N/A
849 EN 13th St	2018	0	N/A	N/A	N/A	N/A	N/A
834 EN 15th St	2018	0	N/A	N/A	N/A	N/A	N/A
848 EN 15th St	2018	0	N/A	N/A	N/A	N/A	N/A
858 EN 15th St	2018	0	N/A	N/A	N/A	N/A	N/A
502 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
642 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
674 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
674 1/2 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
690 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
696 EN 16th St #A - F	2018	0	N/A	N/A	N/A	N/A	N/A
696 EN 16th St #G & H	2018	0	N/A	N/A	N/A	N/A	N/A
841 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
843 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
845 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
847 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A



ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
849 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
851 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
857 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
859 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
861 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
863 EN 16th St	2018	0	N/A	N/A	N/A	N/A	N/A
610 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
625 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
625 EN 18th St #A & B	2018	0	N/A	N/A	N/A	N/A	N/A
625 EN 18th St #E	2018	0	N/A	N/A	N/A	N/A	N/A
650 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
655 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
674 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
682 EN 18th St	2018	0	N/A	N/A	N/A	N/A	N/A
682 EN 18th St #B	2018	0	N/A	N/A	N/A	N/A	N/A
610 EN 19th St	2018	0	N/A	N/A	N/A	N/A	N/A
642 EN 19th St	2018	0	N/A	N/A	N/A	N/A	N/A
650 EN 19th St	2018	0	N/A	N/A	N/A	N/A	N/A
525 EN 20th St	2018	0	N/A	N/A	N/A	N/A	N/A
541 EN 20th St	2018	0	N/A	N/A	N/A	N/A	N/A
650 EN 20th St	2018	0	N/A	N/A	N/A	N/A	N/A
657 EN 20th St	2018	0	N/A	N/A	N/A	N/A	N/A
665 EN 20th St	2018	0	N/A	N/A	N/A	N/A	N/A
573 EN 21st St	2018	0	N/A	N/A	N/A	N/A	N/A
666 EN 21st St	2018	0	N/A	N/A	N/A	N/A	N/A
886 N Judge Ely Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
888 N Judge Ely Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1001 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1002 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1102 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1501 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A

ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
1517 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1517 1/2 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1525 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A
1527 Washington Blvd	2018	0	N/A	N/A	N/A	N/A	N/A

**FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITY**  
**KATHE-KOLLWITZ-STRASSE 52, 04109 LEIPZIG, GERMANY**

RESIDENTIAL FACILITY	FIRE ALARM SYSTEM	SMOKE DETECTORS	HEAT DETECTORS	PULL STATIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONITORED	FIRE EXTINGUISHER DEVICES	FIRE SUPPRESSION SYSTEM	BUILDING CONSTRUCTION	FIRE ALARM DRILLS PER YEAR
Leipzig, Germany	NO	YES	NO	NO	NO	NO	NO	YES	NO	ORDINARY	0

**STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITY**  
**KATHE-KOLLWITZ-STRASSE 52, 04109 LEIPZIG, GERMANY**

ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
Leipzig, Germany	2018	0	0	N/A	N/A	N/A	N/A

**FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITY**  
**1137 OBLIGADO, MONTEVIDEO, URUGUAY 11300**

RESIDENTIAL FACILITY	FIRE ALARM SYSTEM	SMOKE DETECTORS	HEAT DETECTORS	PULL STATIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONITORED	FIRE EXTINGUISHER DEVICES	FIRE SUPPRESSION SYSTEM	BUILDING CONSTRUCTION	FIRE ALARM DRILLS PER YEAR
Montevideo, Uruguay	NO	YES	NO	NO	NO	NO	NO	YES	NO	ORDINARY	0

**STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITY**  
**1137 OBLIGADO, MONTEVIDEO, URUGUAY 11300**

ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
Montevideo, Uruguay	2018	0	0	N/A	N/A	N/A	N/A

## FIRE SAFETY SYSTEM INFORMATION FOR RESIDENTIAL FACILITY – OXFORD, ENGLAND

**9 & 10 CANTERBURY ROAD, OXFORD, OX2 6LU, UNITED KINGDOM**

RESIDENTIAL FACILITY	FIRE ALARM SYSTEM	SMOKE DETECTORS	HEAT DETECTORS	PULL STATIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONITORED	FIRE EXTINGUISHER DEVICES	FIRE SUPPRESSION SYSTEM	BUILDING CONSTRUCTION	FIRE ALARM DRILLS PER YEAR
9 Canterbury Rd	YES	YES	YES	NO	YES	YES	YES	YES	NO	ORDINARY	2
10 Canterbury Rd	YES	YES	YES	NO	YES	YES	YES	YES	NO	ORDINARY	2

## STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITY

**9 & 10 CANTERBURY ROAD, OXFORD, OX2 6LU, UNITED KINGDOM**

ACU RESIDENTIAL HOUSING	YEAR	TOTAL FIRES IN EACH BUILDING	FIRE NUMBER	CAUSE OF FIRE	NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO A FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
9 Canterbury Rd	2018	0	0	N/A	N/A	N/A	N/A
10 Canterbury Rd	2018	0	0	N/A	N/A	N/A	N/A

### 3. DEFINITIONS

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act.

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

### 4. FIRE SAFETY POLICIES: ACU RESIDENCE HALLS

Any individual who sets a fire (commits arson) on or near a university building will be subject to immediate disciplinary sanctions, including, but not limited to suspension, and a minimum \$250 fine, and may be charged for repairing any damage caused by the fire. Additionally, individuals may be subject to prosecution in criminal court. (Excerpt from ACU Student Handbook) ACU Facilities Management personnel conduct annual walk-through inspections with Abilene Fire Department personnel in order to identify fire safety hazards.

The following items and actions are prohibited in ACU residence halls, rooms, and common spaces.

- Arson or attempted arson.
- Blocking and/or propping open entrance, exit, or fire doors, including stairwells
- Causing or reporting a false warning of a campus emergency.
- Ceiling or wall alterations such as ceiling fans, mounting light fixtures, decorations, lamps, flat screen TVs, shelving, removal of ceiling tiles, etc.
- Cooking appliances designed for frying or with open heating elements
- George Foreman grills, griddles, or other open element cooking utensils
- Fabric or flammable material attached to the ceiling
- Attached construction of any kind.
- Fireworks, including smoke bombs and firecrackers, and ammunition.
- Mopeds, motorcycles, flammable fuel, and gas engines.
- Multi-plugs or power-strips, except for computers
- Open flames such as candles, incense, matches, lighters, etc.,
- Other items at Resident Directors discretion.
- Possession or use of fireworks or chemicals that are of an explosive or corrosive nature.
- Misuse of fire or safety equipment.
- Smoking
- Space heaters
- Toaster oven

#### 4A. FIRE SAFETY POLICIES: ACU RESIDENTIAL HOUSES

- Ensure that deadbolts and other locks work quickly and easily.
- Ensure that windows open and close easily.
- Inspect electrical equipment.
  - Does it work properly?
  - Are cords frayed or cracked?
  - Are cords placed where they will be stepped on or chafed?
- Is there more than one extension cord per outlet?
- Avoid overloading electrical outlets. Use only UL approved grounded multiple outlet boxes.
- If you run an extension cord, be careful not to pinch the cord under furniture.
- When arranging your furniture do not have items that block your access to a door or window.
- Candles are permitted just use caution.
- Be alert when cooking. There is more to cooking than simply following a recipe.
  - Remain in the kitchen while your food is simmering, baking, or roasting.
  - Keep a lid close while you are making a meal can help with smothering a small grease fire. Simply, slide the lid over the pan and remember to turn off the cooktop and wait for the covered pan to cool.
  - Don't forget to move anything that may catch fire (oven mitts) away from the cooktop.
  - Remember to turn your pot handles toward the back of the stove so they can't be bumped or pulled over.
- No "Open Burning" (bonfire, rubbish fire or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit) without a Fire Code Permit.
- Always use caution when using a barbecue grill. Never put hot coals, wood, etc on the ground due to the dry area.
- You cannot store any item of a dangerous, inflammable or explosive character at the residence.
- There is no policy against portable electrical appliance – use caution and unplug if not using.
- Smoking is not permitted in the houses.

**4B. FIRE SAFETY POLICIES: UNIVERSITY PARK APARTMENTS** CENTURY CAMPUS HOUSING MANAGEMENT (CCHM) MANAGED PROPERTIES [MANAGING DIRECTOR OF **UNIVERSITY PARK APARTMENTS** CONDUCTS WALK-THROUGH INSPECTIONS WITH ABILENE FIRE DEPARTMENT PERSONNEL IN ORDER TO IDENTIFY FIRE SAFETY HAZARDS.]

- Ensure that deadbolts and other locks work quickly and easily.
  - Ensure that windows open and close easily.
  - Inspect electrical equipment.
  - Does it work properly?
  - Are cords frayed or cracked?
  - Are cords placed where they will be stepped on or chafed?
  - Is there more than one extension cord per outlet?
  - Avoid overloading electrical outlets. Use only UL approved grounded multiple outlet boxes.
  - If you run an extension cord, be careful not to pinch the cord under furniture.
  - Smoking of any kind is prohibited on University Park property.
  - The use of candles is prohibited on University Park property.
  - Fire extinguishers are inspected once a month by University Park maintenance staff and once a year by the State Fire Marshal Office.
  - Fire alarms are routinely tested and inspected, according to local fire codes.
  - Fire suppression systems are routinely tested and inspected, according to local fire codes.
1. Barbecue grills – The fire code prohibits the storage or use of barbecue grills on the sidewalks in front of each building and on the unit patios and balconies. Flammable liquids may not be stored in your apartment.
  2. Smoke Detectors – At the beginning of your lease we test the smoke detector(s) in your apartment for proper operation and working batteries. Thereafter, it is your responsibility to replace the batteries. Do not render the smoke detector(s) inoperable or fail to keep working batteries installed. Report any malfunctioning or inoperable smoke detector(s) to us immediately.
  3. Smoking Prohibited – Smoking is prohibited within the confines of the apartment complex.



#### 4C. FIRE SAFETY POLICIES: LEIPZIG, GERMANY

Any individual who sets a fire (commits arson) on or near a university building will be subject to immediate disciplinary sanctions, including, but not limited to suspension, and a minimum \$250 fine, and may be charged for repairing any damage caused by the fire. Additionally, individuals may be subject to prosecution in criminal court.

The following items and actions are prohibited in ACU villa in Leipzig:

- Arson or attempted arson.
- Blocking entrance, exit, including stairwells.
- Causing or reporting a false warning of a campus emergency.
- Ceiling or wall alterations such as ceiling fans, mounting light fixtures, decorations, lamps, flat screen TV's, shelving, etc.
- Fireworks, including smoke bombs and firecrackers, and ammunition.
- Other items at Resident Directors discretion
- Possession or use of fireworks or chemicals that are of an explosive or corrosive nature.
- Misuse of fire or safety equipment.
- Smoking

#### 4D. FIRE SAFETY POLICIES: MONTEVIDEO, URUGUAY

Any individual who sets a fire (commits arson) on or near a university building will be subject to immediate disciplinary sanctions, including, but not limited to suspension, and a minimum \$250 fine, and may be charged for repairing any damage caused by the fire. Additionally, individuals may be subject to prosecution in criminal court.

The following items and actions are prohibited in ACU Montevideo housing.

- Arson or attempted arson.
- Blocking and/or propping open entrance, exit, or fire doors, including stairwells
- Causing or reporting a false warning of a campus emergency. Ceiling or wall alterations such as ceiling fans, mounting light fixtures, decorations, lamps, flat screen TVs, shelving, removal of ceiling tiles, etc.
- Cooking appliances designed for frying or with open heating elements
- George Foreman grills, griddles, or other open element cooking utensils

- Fabric or flammable material attached to the ceiling
- Attached construction of any kind.
- Fireworks, including smoke bombs and firecrackers, and ammunition.
- Mopeds, motorcycles, flammable fuel, and gas engines.
- Open flames such as candles, incense, matches, lighters, etc.,
- Other items at Resident Directors discretion.
- Possession or use of fireworks or chemicals that are of an explosive or corrosive nature.
- Misuse of fire or safety equipment.
- Smoking
- Toaster oven

#### 4E. FIRE SAFETY POLICIES: OXFORD, ENGLAND

Any individual who sets a fire (commits arson) on or near a university building will be subject to immediate disciplinary sanctions, including, but not limited to suspension, and a minimum \$250 fine, and may be charged for repairing any damage caused by the fire. Additionally, individuals may be subject to prosecution in criminal court.

- *Keep your kitchen doors closed at all times.* This will prevent cooking smoke from agitating the more sensitive hallway alarms.
- When cooking, open your windows and make sure the ventilation fan is running.
- Do not tamper with any ventilation fans in kitchens or bathrooms. They run on motion sensors so will activate when you walk in to the room.
- *Electric radiators **MUST NOT** be plugged in to extension cords and must be turned off and unplugged when the room is unoccupied.*
- DO NOT use any appliance that is damaged or that has a damaged electrical cord.
- The following items are forbidden in all rooms and common spaces:
  - Blocking and /or propping open entrance, exit, or fire doors, including stairwells unless using the approved “Fire Door Stops” which are attached to doors. I.e: no door stops or other manual props.
  - Cooking appliances are not to be used outside of kitchens
  - Open flames such as candles, incense, matches, lighters, etc.,
  - Other items at Directors’ discretion.

The following items and actions are prohibited in ACU Oxford housing.

- Arson or attempted arson.
- Blocking and/or propping open entrance, exit, or fire doors, including stairwells
- Causing or reporting a false warning of a campus emergency.
- Ceiling or wall alterations such as ceiling fans, mounting light fixtures, decorations, lamps, flat screen TVs, shelving, removal of ceiling tiles, etc.
- Cooking appliances designed for frying or with open heating elements
- George Foreman grills, griddles, or other open element cooking utensils
- Fabric or flammable material attached to the ceiling
- Attached construction of any kind.
- Fireworks, including smoke bombs and firecrackers, and ammunition.
- Mopeds, motorcycles, flammable fuel, and gas engines.
- Open flames such as candles, incense, matches, lighters, etc.,
- Other items at Resident Directors discretion.
- Possession or use of fireworks or chemicals that are of an explosive or corrosive nature.
- Misuse of fire or safety equipment.
- Smoking
- Toaster oven

Items used at Oxford-

- Multi-plugs or power-strips – are used liberally throughout the houses. The multi-plugs as well as all electronic items in the house are inspected by St. Hugh's once a year.
- Space heaters are used when the radiators are non-functioning. Students are advised only use when they are in the room and must be turned off and unplugged when not in use and no clothing is to be dried near the space heaters. The amp usage is monitored.

ACU leases the 9 and 10 Canterbury Road houses from St Hugh's College. St. Hugh's owns all properties on Canterbury Road. St. Hugh's has a fire chief who regularly conducts safety reviews of the ACU houses. Each house is part of a state-of-the-art fire alarm system which is shared by all the St. Hugh's buildings on the road; St. Hugh's personnel conduct fire alarm system tests every Tuesday morning. As a matter of procedure, if an alarm is activated anywhere within the neighborhood system, the fire alarm company immediately notifies the St. Hugh's Lodge. The Lodge is continuously manned with St. Hugh's staff, CCTV monitors, and the fire alarm notification center. If a fire

alarm notice is received, St. Hugh's personnel respond promptly to the alarm site and either notify the alarm company of the fault and reset the system or they call the local fire department. *Note. UK has a national emergency hotline number, 999, which people can call when in need of emergency services.*

Each ACU house is stocked with multiple 9-liter water and 2kg CO<sub>2</sub> fire extinguishers on every floor and each kitchen has a fire blanket prominently displayed in a wall holder. Interior doors are considered fire doors and are labelled to be kept closed while exit doors are prominently marked, the front doors serve as the preferred exit point.

## **5. FIRE EVACUATION PLANS ACU RESIDENCE HALLS**

Plans and maps are posted in all Residence Hall on all floors.

Reasons for a fire evacuation may include visible flames, visible smoke or strong odors of burning. The appropriate action is to immediately notify the Fire Department and evacuate the facility.

### **1. FOR THE PERSON DISCOVERING THE FIRE:**

- Extinguish only if you can do so safely and quickly.
- After the fire is extinguished, Call ACU Police – dial 325-674-2911.
- If the fire cannot be extinguished:
  1. Confine the fire by closing the doors.
  2. Activate (pull) the nearest fire alarm, if there is one.
  3. Call 9-1-1 to notify the Fire Department.
  4. Alert others.
  5. Meet Fire Department personnel when they arrive to provide information.

### **2. FOR OCCUPANTS OF THE BUILDING:**

- Close the doors to your immediate area.
- EVACUATE via the nearest exit and knock on doors and shout FIRE as you go.
- DO NOT look for other people but assist others with exiting the building.
- DO NOT use elevators.
- Avoid smoke-filled areas.

### 3. FOR PERSONS EVACUATING FROM THE IMMEDIATE FIRE AREA:

- Feel door from top to bottom. If it is hot, DO NOT proceed; go back
- If door is cool, crouch low and open the door slowly. Close door quickly if smoke is present so you do not inhale it.
- If no smoke is present, exit the building via the nearest stairwell or exit.
- If you encounter heavy smoke in a stairwell, go back and try another exit.

### 4. FOR PERSONS THAT ARE TRAPPED/CANNOT EVACUATE.

- If on the first floor, exit a window: if not, take the actions below:
  1. Call 9-1-1; give your name, building, and floor and room number – stay on the line.
  2. Place towels/clothing under the door to block the smoke.
  3. Hang a sheet/towel out the window.
  4. Place a cloth over your mouth, breathe slowly, and stay low near the window.

## 5A. FIRE EVACUATION PLANS ACU RESIDENCE HALLS      FACILITY EMERGENCY MANAGER CHECKLIST

- Extinguish the fire only if you can do so safely and quickly.
- If the fire cannot be extinguished, activate (pull) the nearest fire alarm, if there is one.
- Call 9-1-1 and alert facility occupants to evacuate and where to assemble
- Direct occupants specifically which route/exit(s) to use and where to assemble.
- Assemble at least 300' upwind for incidents involving toxic chemicals or explosives.
- Direct occupants to quickly evacuate, close doors behind them, and assist others.
- Move systematically to your designated exit, closing doors and clearing your area.
- Monitor exits/cordon and ensure people do not reenter the facility/area.
- Report evacuation status of your area to the primary Facility Emergency Manager.
- Primary Facility Emergency Manager should meet and brief Incident Commander.
- Maintain accountability of occupants: present / missing / injured (by name).
- Call 9-1-1 to report injuries/request medical assistance and render first aid.
- Monitor e-mail, radio, or updates.

Everyone will remain at the assembly area until being directed by Residence Life staff, ACU Police or Abilene Fire Department to depart.

## 5B. FIRE EVACUATION PLANS -ACU RESIDENTIAL HOUSES

- Upon discovering a fire or smell of smoke call 9-1-1 before doing anything else.
- Never assume someone else has already called.
- Call ACU Police at 325-674-2911 24 hrs
- Extinguish the fire only if you can do so safely and quickly.
- While escaping from a fire, close as many doors as you can in order to prevent its spread; do not endanger yourself by doing so.
- Crouch and keep low. Smoke rises, and clean air is nearest the floor

## 5C. FIRE EVACUATION PLANS: UNIVERSITY PARK APARTMENTS [CENTURY CAMPUS HOUSING MANAGEMENT (CCHM)]

### 2. IMMEDIATE ACTION:

- Upon discovering a fire, call 9-1-1 before doing anything else. Never assume someone else has already called.
- While escaping from a fire, close as many doors as you can in order to prevent its spread; do not endanger yourself by doing so.
- Crouch and keep low. Smoke rises, and clean air is nearest the floor.

### 3. AS YOU MAKE YOUR WAY OUT OF THE BUILDING:

Maintain contact with a wall.

- Use handrails while descending stairs.
- Take off high-heeled or awkward shoes.
- Test doors by putting the back of your hand to them before opening.
- If hot, find another way out.
- If not, open the door slowly and carefully, and be ready to close the door if heat or smoke pours in.
- Walk calmly; never panic or shove.
- Stop, drop, and roll if your clothing catches fire. Do not panic and run. This will only fan the flames.
- Cover your face with your hands.
- Drop gently to the ground.
- Never beat at flames with your hands. Smother them with your body.

#### 4. IF YOU ARE TRAPPED:

- Try to find a room with an exterior window and stay there until help arrives.
- Use the telephone, if possible, to call the fire department and let them know exactly where you are.
- Open the window slightly to allow fresh air to come in.
- Keep smoke out by stuffing cracks and covering vents with clothing, newspapers, towels, etc.
- If possible, breathe through a wet cloth.
- Wave something lightly or brightly colored out the window to attract attention.
- Keep in mind that most fire department ladders do not reach above six floors and that other means will be used for a rescue on floors above this.
- If you have escaped the building to the street, move away from the building.
- Don't block firefighters and equipment.
- Be careful of falling glass

#### 5D. FIRE EVACUATION PLANS -LEIPZIG, GERMANY

Upon arrival staff will discuss the emergency exit plan and the evacuation plans are also posted on each floor.

There is a special fire exit on the top floor leading to a rescue platform outside of the building.

#### 5E. FIRE EVACUATION PLANS – MONTEVIDEO, URUGUAY

Upon arrival and checking into your rooms staff will meet with you to discuss the emergency exit plans in place.

#### 5F. FIRE EVACUATION PLANS - OXFORD, GERMANY

If the alarm goes off, you MUST VACATE THE HOUSES and gather at our evacuation point across from house 9 at the intersection of Winchester Road and Canterbury Road.

- A college warden will be over within 5 minutes to verify the situation and then will allow you back inside.
- Occasionally, the system gets faults or is tested and might beep. This is not a full alarm and it is no cause for concern.
- Regular testing happens every week on Tuesdays at 11:00 am.
- Director will regularly monitor the use of electric radiators and extension cords in the houses for fire safety and amperage – max 13 amps per electric extension.

## **6. FIRE SAFETY EDUCATION - Main Campus - Abilene**

Residence Life coordinates all training and campus safety education for staff and students living in residence halls. This is an ongoing awareness program with recurring training. Subjects are fire evacuation procedures, fire reporting, hazards of unattended cooking and general housekeeping.

## **7. FIRE NOTIFICATION ACU RESIDENCE HALLS**

Call 9-1-1 first to report a fire or smell of smoke at ACU Residence Halls.

Call ACU Police at 325-674-2911 24 hrs.

Residence Life at 325-674-2066

ACU Office of Risk Management at 325-674-6142

## **7A. FIRE NOTIFICATION ACU RESIDENTIAL HOUSES**

- Call 9-1-1 first to report a fire or smell of smoke at ACU Residence Halls.
- Call ACU Police at 325-674-2911 24 hrs.
- Call Terry Bowman at 325-674-6817 – Director of residential houses

## **7B. FIRE NOTIFICATION: UNIVERSITY PARK APARTMENTS** [CENTURY CAMPUS HOUSING MANAGEMENT (CCHM) MANAGED PROPERTIES]

Call 9-1-1 first to report a fire or smell of smoke at University Park Apartments.

Call ACU Police at 325-674-2911 24 hrs.

University Park Apartment office 325-674-4300



## **8. FIRE SAFETY FUTURE IMPROVEMENTS MAIN CAMPUS**

The goal is to heighten fire safety awareness. The fire plan's approach consists of three major areas: prevention, detection and suppression.

### **1. PREVENTION**

- Teach the need for fire safety to residence halls directors, assistant hall directors, and residence assistants.
- Distribute educational materials from National Fire Protection Association, NFPA.org, and Campusfirewatch.org, such as emails, flyers, posters, etc., to increase public awareness.
- Conduct residence hall meetings to present material about unattended cooking to students living in the halls.
- The Abilene Fire Department Fire Marshal's office will conduct all yearly residence halls fire inspections.

### **2. DETECTION**

- Reduce the number of system malfunctions by tracking all fire alarm activations and analyzing data to determine cause and corrective action.
- Have all fire detection, alarm, and suppression systems 100% in-service.
- Conduct a 100% hands-on testing of all detectors in the fire alarm system; clean and/or replace all defective or troublesome detectors. □ Increase the number of electromagnetic door holds on hallway fire doors and exit stairwells, reducing doors from being chocked open.
- Increase duct detectors usage – smoke detectors in heating ventilation air conditioning system (HVAC) ducting – to shut off ventilation fans.
- Place fire dampers in the heating ventilation air conditioning systems (HVAC) to keep the heat, fire and smoke from moving into the ventilation system and spreading the fire and smoke.
- Install fire alarm audio and visual indicators in bedrooms to increase evacuation rate in residence halls.

### **3. SUPPRESSION**

- Increase the size of fire extinguishers, replacing by attrition 5 lb. ABC fire extinguishers with 10 lb. ABC fire extinguishers with hose, thus doubling the firefighting capability of each fire extinguisher.
- Increase the visibility of fire extinguishers with signage and placement.
- Ensure that fire extinguisher inspections are completed and recorded annually.

- Start a hands-on live fire extinguisher training program using a propane fire extinguisher trainer.
- Incorporate residential vent hoods with self-contained fire suppression systems to all common-use kitchens, reducing the size and damage from unattended cooking fires in residence halls

## **9. ACU HEOA FIRE SAFETY REPORT LOCATION**

ABILENE CHRISTIAN UNIVERSITY

Office of Institutional Compliance and Risk Management

Hardin Administration Building, Room 111

ACU Box 29120

Abilene, Texas 79699

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