Wayland Baptist University Police Department (WBUPD)

Wayland Baptist University (WBU) police officers are certified Texas Peace Officers having arrest powers and the authority to enforce Federal, State and Local laws and campus policies.

The officers technically have statewide jurisdiction to enforce local, state and federal laws in counties where WBU has property. However, WBU generally limits officers to patrolling and responding to calls for service on property that is owned or controlled by WBU, unless there is an emergency that warrants WBU officers to assist or to provide back-up to the local/state law enforcement agencies.

The Wayland Baptist University Police Department (WBUPD) officers are on duty from 7am to 7pm seven days a week. The WBUPD employs local off-duty peace officers to patrol the campus and they generally work in the evening and early morning hours, seven days a week. The WBUPD works in conjunction with the Plainview Police Department (PPD) and is dispatched through the PPD. The WBUPD patrols, responds to calls and handles all investigations of criminal offenses on the WBU campus. The WBUPD does not provide law-enforcement services to off-campus residences or meeting sites of recognized University organizations unless specifically requested.

The WBUPD has excellent relationships and periodically works and trains with other local police agencies and has Mutual Assistance Agreements with the City of Plainview Police Department to facilitate cooperation in the investigation of criminal activity and enforcement of the laws of Texas. The agreement also addresses these agencies assisting WBU by providing additional law enforcement officers and resources to protect the health, life and property of the residents, personnel and visitors of the University, when necessary.

Monitoring Activity at Noncampus Locations

Criminal activities at off-campus and noncampus properties that are owned or controlled by officially recognized student organizations are monitored, recorded and investigated by the police agency with jurisdiction in the location of the facility. WBU does not request that local/state law enforcement agencies monitor activities at these locations, the agencies do this as a normal course of business if a location is in their jurisdiction. If local/state law enforcement agency is called by a citizen to respond to one of these
locations, the agency may notify the WBUPD to respond with them or they may notify the WBUPD after they have responded to inform the WBUPD of the situation. However, local/state agencies do this out of courtesy and are not “required” to notify or involve the WBUPD when they respond to a call involving private property.

**Reporting Procedures**

Members of Wayland Baptist University are encouraged to report crimes or emergencies occurring on campus; in/on property owned and controlled by WBU; and crimes on public property running through or immediately adjacent to the campus to the WBUPD. Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, as the city/county dispatchers will connect you with the appropriate law enforcement agency.

To contact the University police department during normal business hours, dial 3490 as a campus extension or dial 806-291-3490 for the office phone. If that number is not answered, call 806-774-4225 to reach a member of the WBUPD directly. Police Dispatchers are available 24 hours a day to answer your calls by dialing 911 or 806-296-1182.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the WBUPD. Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus and other owned and controlled property, the WBUPD also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the the WBUPD at 806-291-3490.

All Wayland Baptist UniversityCampus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the WBUPD. These crimes as well as any public safety related incidents or emergencies must be promptly reported to the WBUPD for appropriate response, investigation or disposition.

Students and employees can report crimes to any Campus Security Authority on campus, but WBU has identified the following people as Primary Campus Security Authorities (CSA), to provide additional reporting options in the event that the reporting party does not want to report a crime directly to the WBUPD. One of the below listed CSAs can be contacted and the crime can be reported directly to them. All CSAs are required to subsequently notify the WBUPD of any reported crimes, to allow that office to capture the crime for statistical purposes and to assess the crime for a potential Timely Warning notice.

The WBUPD encourages accurate and prompt reporting of all crimes to the WBUPD and appropriate police agencies, when the victim/complainant of a crime elects to, and is able to, make such a report.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE PLAINVIEW CAMPUS**

Wayland Baptist University Interim WBUPD Chief of Police, Mike Allen- 806-774-4225  
Executive Director of Student Services, Brad Miles- 806-291-3751  
Title IX Administrator, Dr. Justin Lawrence- 806-291-1173  
Athletic Director, Rick Cooper- 806-291-3801  
Director of Human Resources, Tanya Circle- 806-291-3451
The Campus Security Authority guidelines, and the CSA crime report form, to report Clery crimes and can be located at:

https://www.wbu.edu/University-police/csacrft.htm

https://www.wbu.edu/University-police/silent-witness-crime-report.htm

https://www.wbu.edu/University-police/clery-act-crime-and-descriptions.htm

https://www.wbu.edu/University-police/documents/CampusSecurityAuthoritiesGuidelinesWBU.pdf

As a student, faculty, staff, or visitor at Wayland, your safety is important to us. The WBUPD is here to ensure that everyone is provided with a safe and secure environment.

Confidential Reporting

The Wayland Baptist University Police Department encourages anyone who is the victim/complainant or witness of any crime to promptly report the incident to the police. The WBUPD does not have a voluntary confidential reporting process because police reports are public records under state law, thus the WBUPD cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim/complainant and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

Confidential Resources

Students who want information about an incident to remain confidential may wish to speak to a Confidential Resource. The following employees are Confidential Resources when they receive information from students in the context of providing professional services:

a) Director of the Counseling Center

b) Director of Health Services

c) Director of Spiritual Life

Confidential Resources will not disclose personally identifying information communicated to them by a student without the student’s permission or except as set forth in the Confidentiality section above. When individuals who otherwise may be Confidential Resources receive information outside of the provision of professional services concerning allegations of policy violations involving any member of the Wayland Baptist University community, the Confidential Resource is required to share that information with the Title IX Administrator. Additionally, a Confidential Resource should (and in some instances, may be required to) report non-personally identifying information about Clery-reportable crimes to the Wayland Baptist University Police Department for purposes of the anonymous statistical reporting under the Clery Act as described below.
Response to a Reported Crime

Police Dispatchers are available 24 hours a day to answer your calls by dialing 911 or 806-296-1182. In response to a call, the WBUPD will take the required action, either dispatching an officer or asking the victim/complainant to report to the WBUPD to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record. All WBUPD incident reports are forwarded to the Executive Director of Student Services for review and potential action, as appropriate. WBUPD officers will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Title IX Policy. If assistance is required from the local Police Department or the local Fire Department, the WBUPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the WBUPD and/or the Title IX Administrator, will inform the victim/complainant of a wide variety of services available (online at: https://www.wbu.edu/about/title-ix/index.htm).

Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the the Executive Director of Student Services to notify CSAs of their responsibility to report crimes to the WBUPD and the Office of the Executive Director of Student Services and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD and the Office of the Executive Director of Student Services.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, in residential facilities, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to the WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
**Campus Access and Security**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. Designated building coordinators establish and maintain access to respective buildings. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the WBUPD reserves the right to bar individuals who are considered a threat to the well-being of the University community.

The on-campus community at WBU is comprised of over 500 students residing in eight residence halls. Key access or electronic card access is required at residence halls that house 70% of our students. All hall sleeping rooms require card or key for entrance. Guests in all halls are to be escorted as per hall rules. Residents have card or key access to their residencial facility only. Residents can contact the WBUPD and Residential Living staff members for assistance.

As stated in the WBUPD section of this report, the WBUPD officers, and sometimes off duty peace officers hired by WBU, proactively patrol the campus property and facilities and respond to calls for service, when dispatched.

**Security Considerations Used in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. The WBUPD works closely with Facilities Management to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the WBUPD or to Facilities Management.

**Timely Warning Notices**

The WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurred on campus, in noncampus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to the WBUPD directly or to the WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by the WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warning are distributed by sending a blast email to the University community, including all students and employees. Typically, the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior Vice President of Operations and Student Life is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning may also be distributed electronically via blast email.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victim/complainants as confidential, and with the goal of aiding in the prevention of similar occurrences.
WBU is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

The department does not issue Timely Warning for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with the WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow the WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Notification

The WBUPD, the Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include, but are not limited to, emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to the WBUPD directly or to the WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

The WBUPD has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community. The WBUPD supervisor on duty is responsible for immediately notifying the WBUPD Chief of Police or designee of any situation that poses an immediate threat to the community. The WBUPD Chief of Police or designee will confirm the significant emergency or dangerous situation (potentially in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service) and notify the WBU Senior Vice President of Operations and Student Life of the need for an emergency notification. The Senior Vice President of Operations and Student Life will notify the President and appropriate senior administrators.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the
community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, including, but not limited to: WBUPD, Plainview Police Department, Plainview Fire Department, Hale County Sheriff’s Department, and the Texas Department of Public Safety, compromise the efforts to assist a victim/complainant or to contain, respond to, or otherwise mitigate the emergency.

WBU and the WBUPD have various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)
8. Carillon Bells System (Bell and Public Address System on Plainview Campus Only)

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<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
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<th>Primary Message Sender/Distributor</th>
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<td>Pioneer Alert</td>
<td>Senior Vice President of</td>
<td>WBUPD Chief of Police or</td>
<td>Senior Vice President of Operations and</td>
<td>Senior Vice President of</td>
<td>Chief Technology Officer/Chief</td>
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<td>System</td>
<td>Senior Vice President of Operations and Student Life</td>
<td>WBUPD Chief of Police</td>
<td>Senior Vice President of Operations and Student Life, when available</td>
<td>Senior Vice President of Operations and Student Life</td>
<td>Executive Director of Facilities</td>
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<td><strong>Carillon Bells System</strong></td>
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<td><strong>Network Emails</strong></td>
<td>Senior Vice President of Operations and Student Life</td>
<td>WBUPD Chief of Police Chief Technology Officer or Chief Technology Officer</td>
<td>Senior Vice President of Operations and Student Life, when available</td>
<td>Senior Vice President of Operations and Student Life</td>
<td>Chief Technology Officer Chief Technology Officer or WBUPD Chief of Police</td>
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<td><strong>News Releases</strong></td>
<td>Executive Director of Marketing and Communications</td>
<td>Director of Public Relations</td>
<td>Vice President for Institutional Advancement, when available</td>
<td>Executive Director of Marketing and Communications</td>
<td>Director of Public Relations</td>
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<tr>
<td><strong>Social Media</strong></td>
<td>Executive Director of Marketing and Communications</td>
<td>Director of Public Relations</td>
<td>Senior Vice President of Operations and Student Life, when available</td>
<td>Director of Marketing and Communications</td>
<td>Director of Public Relations</td>
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<tr>
<td><strong>Website Notifications</strong></td>
<td>Senior Vice President of Operations and Student Life</td>
<td>Chief Technology Officer Chief Technology Officer or WBUPD Chief of Police</td>
<td>Vice President for Institutional Advancement, when available</td>
<td>Senior Vice President of Operations and Student Life</td>
<td>Chief Technology Officer Chief Technology Officer or WBUPD Chief of Police</td>
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The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will use some or all of these systems to distribute follow-up messages to the campus community.

The larger community, including neighbors, parents and other interested parties can obtain information about emergencies on campus from the website or through the local/national news.

**Pioneer Alert**

Students, Faculty and Staff are encouraged to sign up for the campus Pioneer Alert System, which alerts participants by email, pager and/or mobile phone, land line phone, and text of any emergency broadcast.
message. Individuals can sign up for Pioneer Alert on the homepage of the WBU website or at: https://www.wbu.edu/University-police/pioneer-alert.htm.

Emergency Preparedness Plan
Wayland Baptist University officials take the safety of the campus community very seriously and are consistently evaluating the Emergency Preparedness Plan (EPP) to ensure it is timely and effective. The EPP, https://www.wbu.edu/university-police/documents/WBUEmergencyPreparednessPlan2.19.19.pdf addresses both evacuation and shelter-in-place procedures. The University has implemented mass notification systems on campus to ensure campus members are kept informed of any emergencies. The University is involved in emergency management planning on all levels, including city, county and state, to address possible responses to disasters which may occur. Mutual aid agreements and contracts are in place to hasten the University’s recovery from any type of emergency.

University Tests (Drills and Exercises)
Emergency response procedures within the plan are tested annually with regular drills to test the plan’s effectiveness.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as table top exercises, functional or full scale exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Emergency Evacuation Procedures
The emergency evacuation procedures are tested at least once a year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The WBUPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, WBUPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. All WBU evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.
General Evacuation Procedures
At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the WBUPD directly or dial 911.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform [CPSA] or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

How You Will Know to “Shelter-in-Place”
A shelter-in-place notification may come from several sources, the WBUPD, Housing Staff members, other University employees, a local/state police agency, or other authorities utilizing the University’s emergency communications tools.

Basic “Shelter-in-Place” Guidance
If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

How to “Shelter—in-Place”
No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:
1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
   - An interior room;
   - Above ground level; and
   - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to the WBUPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Monitor appropriate media for further information, if applicable.
8. Make yourself comfortable.

SECURITY AWARENESS & CRIME PREVENTION PROGRAMMING

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the WBU to inform students of good crime prevention and security awareness practices.

The institution held a minimum of 27 crime prevention and security awareness programs during the 2019 calendar year.

Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call the WBUPD to report suspicious behavior. For additional questions regarding crime prevention, contact the WBUPD directly at 806-291-3490.

In these programs, students and employees are encouraged to be responsible for their own security and the security of others.

Alcohol and Drug Policies and Procedures

State and federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by the WBUPD and local law enforcement on the WBU campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider, on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances. The WBUPD is responsible for enforcing Federal and State drug laws on University property or property under control of WBU in conjunction with the Plainview Police Department.

High Risk Alcohol Intake
People who consume large amounts of alcohol over a short period of time can reach very high blood alcohol levels before they pass out. This can lead to decreased breathing and death. Vomiting associated with high levels of alcohol may also cause choking and death.

How to Help an Intoxicated Friend:

Do:

- Keep calm and get lots of help. Individuals with high alcohol-blood levels can be unpredictable and violent.
- Speak in a clear, firm, reassuring manner.
- Stay with a person who is vomiting. If the victim/complainant is lying down, turn them on their side, keep the tongue from falling back into the throat and protect them from choking.
- Monitor the person. If they become unconscious (will not wake up or talk to you) or if they appear to have problems breathing, seek medical help immediately. Call 911.

Don’t:

- Don’t try to walk, run or exercise the person. Don’t try to keep them awake.
- Don’t force anything orally—food, liquid (coffee, etc.) or drugs—in an attempt to sober them up.
- Don’t give the person a cold shower; this can be very dangerous.
- Don’t try to restrain the person without lots of sober assistance.
- Don’t permit the person to drive.

Health Risks of Alcohol

Health hazards associated with excessive use of alcohol or alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than for nonusers of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination. Damage to the liver often results in cirrhosis. Other risks include impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles. Damage to nerves and organs is usually irreversible.

Health Risks of Other Drugs

Use of illicit drugs may lead to physiological and mental changes similar to those caused by alcohol, although changes are frequently more severe and more sudden. Death or coma resulting from overdose of drugs is also more frequent. Illicit drugs are commonly classified in seven categories: cocaine, amphetamines, heroin and other opiates, hallucinogens, solvent inhalants, steroids, and marijuana. In addition to adverse effects associated with use of a specific drug, intravenous-drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus and infections in the heart. Brain damage may also result.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp2017.pdf

Crime Report, Arrest and Referral Statistics

Wayland Baptist University’s crime statistics are categorized according to the Federal Bureau of Investigation’s uniform crime reporting definitions and standards. Statistics reflect reports made to campus security authorities as well as University, local and requested police departments and are compiled according to Clery Act guidelines by the Wayland Baptist University Police Department. According to Texas law, a hate crime is any criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias against race, gender, ethnicity, religion, national origin, disability, gender identity or sexual orientation.

- 2017 – no hate crimes reported
- 2018—no hate crimes reported
- 2019 – no hate crimes reported

- 2017 – no unfounded crimes
- 2018— no unfounded crimes
- 2019 – no unfounded crimes


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*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.

### ARRESTS AND DISCIPLINARY REFERRALS

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### Daily Crime and Fire Log

A daily crime and fire log is available for review the WBUPD Office at 801 Smythe St. from 8 a.m.–5 p.m. Monday through Friday, excluding holidays.
Mississippi Baptist University takes student safety seriously and will investigate any report received concerning a missing student who lives on campus. Anyone who believes a student is missing should immediately report their concern to the WBUPD and the Executive Director of Student Services. If the incident is reported to the Executive Director of Student Services, they will immediately notify WBUPD.

Wayland Baptist University has specific procedures regarding missing students. Upon notification from any source that a student may be missing, Wayland personnel will attempt to locate the missing student, and will conduct an investigation, which may include:

- Inspecting the student’s assigned room
- Conducting a search of campus locations to find the student (library, cafeteria, etc.)
- Attempting to contact known friends or faculty members for last sighting or additional contact information
- Reviewing email logs for last login and use of the Wayland email system.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by WBU no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination, specifically the WBUPD or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential missing person contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

WBU will notify any missing student’s confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated, WBU must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, the WBUPD will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

A student is determined to be missing when the WBUPD has verified that reported information is credible, they have conducted an investigation as described above and they believe the person may be missing. If the University determines that a residential student is missing, WBUPD and WBU administration will implement the following procedures within 24 hours of the determination that the student may be missing:

1. contact the student’s parent or legal guardian if the student is a minor (under 18 years of age and not emancipated),
2. contact any person identified in the student’s file as the missing person contact and
3. notify external law enforcement agencies as appropriate.

Some or all of these procedures may be implemented for non-residential students, as determined appropriate by the WBUPD.

Annual Fire Safety Report

Wayland Baptist University is committed to the safety of all residents and is working diligently to maintain a safe environment for our campus. Training on proper use of a fire extinguisher is available for any student or employee by scheduling an appointment with the WBUPD by calling (806) 291-3490. A “fire” is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire safety rules and regulations are in place, including safe electrical use and the prohibition of smoking, open flame, candles, and incense. No items that have open flames, flammable fuels or open coils may be used in a residence hall. This includes, but is not limited to candles, lanterns, heaters, and incense. Violation of this rule may result in immediate relocation and disciplinary action. These items will be confiscated immediately.

The following appliances are permitted: coffee pots, hot pots, microwave/refrigerator, rice cookers, George Forman-type grills, blenders, and crock pots. Coil/gas appliances or open flames of any kind (including candles) are not allowed. The Resident hall staff reserves the right to remove any cooking appliances deemed to be unsafe in order to limit damages to the hall or the hall community. Additionally, hall staff conducts health and safety checks in all residents' rooms throughout the semester. The Housing Office conducts life/safety inspections and Resident Assistant (RA) fire safety training each year.

The University works closely with the Fire Marshal to adopt recommended fire safety measures. To report a fire call 911, or if you have any questions or updates, contact the Housing Office at 806-291-3755 or the WBUPD at 806-774-4225.

**Procedures for Student Housing Evacuation in Case of a Fire**

In the event of an actual fire or drill, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Recommended evacuation routes are posted in each facility. Once safely outside a building, it is appropriate to contact 911 and the WBUPD, if they are not already on scene. Students and/or staff are informed where to relocate by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy states that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous. Each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Fire alarm pull stations and fire extinguishers are installed throughout the halls. Building alarm systems are monitored on a 24-hour basis. When evacuating, the best way out may not be the way in… have an exit strategy ([www.haveanexitstrategy.com](http://www.haveanexitstrategy.com)).

**Fire Drills**

Fire drills are scheduled throughout the year and are an important part of the fire safety program at WBU. The University will hold fire/evacuation drills to acquaint and train the campus on fire/evacuation procedures. All residents and guests should follow directions during the drills. Failure to evacuate the building may result in disciplinary action, a monetary fine, and possible suspension. See chart below for the number of fire drills held in each facility each year.
Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the University’s fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a “buddy” assigned to them.

Faculty and staff are provided education on fire safety and information on how to report a fire, or evidence of a fire, to whom, and procedures to be followed for non-residential buildings on campus when a fire alarm signals. An annual live test prior to the Fall term with Fire Extinguishers for dorm staff is conducted. This training consists of an in class portion lead by the Fire Marshal and a live participation in the extinguishing of a controlled fire under the supervision of the Fire Marshal. The total course is about 3 hours long. A small refresher course prior to the Spring term without the hands on portion is also conducted. A Drill Evaluation Form for each evacuation drill we perform is utilized.

Each WBU building has fire evacuation plans posted in common areas. All employees are encouraged to become familiar with the escape routes for all buildings and floors and the locations of fire extinguishers, hoses and alarms. In the event of a fire or evacuation, every employee should follow the fire safety evacuation route and vacate the premises until the officials in charge declare the premises safe to enter. Exits and areas around fire extinguishers must be kept clear at all times. Periodic fire safety inspections and drills are held to test equipment and procedures.

Procedures Students and Employees Should Follow In Case of a Fire

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room or office, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. Supervisors who are present should facilitate the evacuation of their office areas. When the alarm sounds, shout (Example: “There is an emergency in the building leave by the nearest exit!”) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail,
leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.

- Each resident/employee should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

**Reporting a Fire for Inclusion in the Fire Statistics**

Per federal law WBU is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify the WBUPD at **806-291-3490** to investigate and document the incident for disclosure in the University’s annual fire statistics.

If a member of the WBU community finds evidence of a fire that has been extinguished, and the person is not sure whether the WBUPD has already responded, the community member should immediately notify the WBUPD at **806-291-3490** to investigate and document the incident for disclosure in the University’s annual fire statistics.

**Plans for Improvement to Fire Safety**

The University does not have any planned improvements in fire safety at this time.
Fire Safety Systems

The following is a description of the Fire Safety Systems in each residential facility:

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address of Each Building</th>
<th>Fire Alarm System</th>
<th>Sprinkler System</th>
<th>Smoke Detection</th>
<th>Portable Extinguishers</th>
<th>Evacuation Plans</th>
<th># Fire Dills / year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brotherhood*</td>
<td>2004 W. 6th St.</td>
<td>Yes</td>
<td>None</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Caprock</td>
<td>2100 W. 6th St.</td>
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<td>None</td>
<td>Yes</td>
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<tr>
<td>Jimmy Dean*</td>
<td>1805 W. 9th Street</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Pioneer*</td>
<td>2002 W. 8th St.</td>
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<td>Ferguson*</td>
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<tr>
<td>Fleming-Mays-Tower</td>
<td>2012 W. 8th St.</td>
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<td>Owen</td>
<td>2101 W. 8th St.</td>
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</thead>
<tbody>
<tr>
<td>Davis</td>
<td>807 Smythe St.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Allison-Conkwright</td>
<td>903 Vernon St.</td>
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<td>Yes</td>
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<td>Collier</td>
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<td>Goodpasture</td>
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<td>803 Utica*</td>
<td>803 Utica St.</td>
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<td>512 Travis</td>
<td>512 Travis St.</td>
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<tr>
<td>McCoy Hall</td>
<td>700 Borger St.</td>
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<td>None</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Llano Apartments*</td>
<td>608-612 Oakland St.</td>
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<td>Yes</td>
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<tr>
<td>Nassau House</td>
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<tr>
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<td>612 W. 8th St.</td>
<td>No</td>
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</table>

Fire Alarm Inspection, Testing, and Certification

Annual inspections, functional testing and certification of fire alarm systems in the Residence Halls are performed in accordance with the National Fire Protection Association; NFPA Fire Code 72 by a licensed fire alarm company.

Fire Equipment

Because it is imperative that fire and safety equipment functions properly when it is needed, the following acts are prohibited:
- Tampering, disabling or playing with fire extinguishers, smoke detectors, fire sprinkler heads and exit or emergency lights.
- Tampering with or pulling a fire alarm under false pretense.
- Removing smoke detectors or otherwise rendering a smoke detector inoperable.
- Propping open fire doors.
- Obstructing halls and stairwells with furniture, debris and other materials.
- Hanging objects from smoke detectors or fire sprinkler heads.
- Presence on fire escapes in non-emergency situations.

Residents who jeopardize the security or safety of any person will be subject to severe disciplinary action. Tampering with fire equipment or acts of arson can result in criminal prosecution, disciplinary measures, and/or possible fines. Future improvements to fire protection equipment in facilities are considered when planning for new construction or renovations.
WBU Residence Hall Fire Safety Report Statistics 2019

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<th>Building Name</th>
<th>Brotherhood</th>
<th>Caprock</th>
<th>Jimmy Dean</th>
<th>Pioneer</th>
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<th>Llano Apartments*</th>
<th>Nassau House</th>
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</tr>
</thead>
<tbody>
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<td>Address of Each Building</td>
<td>700 Borger St.</td>
<td>608-612 Oakland St.</td>
<td>900 Nassau St.</td>
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*NOTE:
- Pioneer Hall (2002 W. 8th Street) was not used as a residential facility in the 2019 calendar year and is not planned for student housing in the foreseeable future.
- 803 Utica was not used as a residential facility for 2019.
- Brotherhood Hall was not used as a residential hall for 2019.
- Ferguson Hall was used as a residential hall for Fall 2019.
- Llano Apartments was used as a residential hall for 2019.

Fire-related Injury and Death

Fire-related injury or death is when a person is injured or killed as a result of a fire, including injury or death sustained from a natural or accidental cause while involved in fire control, attempting rescue, or...

escaping from the dangers of a fire. This includes death within 1 year of injuries sustained as a result of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

### WBU Residence Hall Fire Safety Report Statistics 2018

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<tr>
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</tbody>
</table>

*NOTE:
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- 803 Utica was used in Spring 2018 as a residential facility.
- Brotherhood Hall was not used as a residential hall for 2018
- Llano Apartments was not used in 2018 as a residential facility.
## WBU Residence Hall Fire Safety Report Statistics 2017

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<tr>
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*NOTE:*

- *Llano Apartments was not used in 2017 as a residential facility.*
APPENDIX

Crime Definitions

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the “Summary Reporting System (SRS) User Manual” from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI's UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI's UCR Program.

Crime Definitions From the Summary Reporting System (SRS) User Manual From the FBI's UCR Program

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

Criminal Homicide—Manslaughter by Negligence
The killing of another person through gross negligence.

Criminal Homicide—Murder and Non-negligent Manslaughter
The willful (nonnegligent) killing of one human being by another.

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/complainant.

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

Aggravated Assault
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
Motor Vehicle Theft
The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons: Carrying, Possessing, Etc.
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations
The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations
The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses
Any sexual act directed against another person, without the consent of the victim/complainant, including instances where the victim/complainant is incapable of giving consent.

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

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

C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual From the FBI's UCR Program

Larceny-Theft (Except Motor Vehicle Theft)
The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault
An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim/complainant suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
Intimidation
To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim/complainant to actual physical attack.

Destruction/Damage/Vandalism of Property
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Wayland Baptist University (“WBU” or the “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, WBU issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the 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.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  i. A Felony or misdemeanor crime of violence committed—
     A) By a current or former spouse or intimate partner of the victim/complainant;
     B) By a person with whom the victim/complainant shares a child in common;
     C) By a person who is cohabitating with, or has cohabitated with, the victim/complainant as a spouse or intimate partner;
     D) By a person similarly situated to a spouse of the victim/complainant under the domestic or family violence laws of the State of Texas; or
     E) By any other person against an adult or youth victim/complainant who is protected from that person’s acts under the domestic or family violence laws of the State of Texas.
  ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/complainant.
  i. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  ii. For the purposes of this definition—
     A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
     B) Dating violence does not include acts covered under the definition of domestic violence.
  iii. For the purposes of complying with the requirements of this section and §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 (UCR) program. Per the National Incident-Based
Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim/complainant, including instances where the victim/complainant if incapable of giving consent.”

- **Rape** is defined as 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/complainant.

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

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

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

At WBU, and for purposes of our institutional policies and procedures, the above offenses of sexual assault are classified as “nonconsensual sexual penetration” and/or “nonconsensual sexual touching/contact” for purposes of the administrative investigation and adjudication. The offenses of rape, incest and statutory rape would constitute nonconsensual sexual penetration at WBU and fondling would constitute nonconsensual sexual touching/contact.

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

iii. 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.
**Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

- **Domestic Violence:** The state Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; • Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The state of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim/complainant or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim/complainant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim/complainant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
  - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
  - A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- **Sexual Assault:** The state of Texas defines sexual assault as follows:

  **Sec. §22.011. 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.

**Texas Penal Code Sec. 22.021. AGGRAVATED 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
(D.) intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means;
(E.) causes the penetration of the mouth of a child by the sexual organ of the actor;
(F.) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
(G.) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
(H.) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and,
(I.) causes serious bodily injury or attempts to cause the death of the victim/complainant or another person in the course of the same criminal episode; by acts or words places the victim/complainant in fear that any person will become the victim/complainant of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim/complainant threatens to cause any person to become the victim/complainant of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim/complainant and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim/complainant of the offense with the intent of facilitating the commission of the offense; the victim/complainant is younger than 14 years of age; or the victim/complainant is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The state of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

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

- Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  
  a. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

  b. Causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and,

  c. Would cause a reasonable person to: 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.

- **Consent:** The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

  a. The actor compels the other person to submit or participate by the use of physical force or violence;

  b. 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;

  c. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
d. 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;

e. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

f. 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;

g. 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;

h. The actor is a public servant who coerces the other person to submit or participate;

i. 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;

j. 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

k. 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.

• Wayland defines consent as the following for purposes of its’ institutional Title IX Policy and resolution procedures:

Consent is an affirmative, conscious and voluntary agreement to engage in sexual activity. It is an informed decision made freely, actively and voluntarily by all parties. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent cannot be obtained by threat, coercion, or force.

Furthermore, a current or previous dating or sexual relationship between the persons involved should never by itself be assumed to be an indicator of consent. Being intoxicated does not diminish one’s responsibility to obtain consent.

A person cannot give consent if he or she (1) is a minor (under age 18); (2) has a mental disorder or developmental or physical disability that renders him or her incapable of giving consent, and this is known or reasonably should have been known to the Respondent; (3) is unconscious of the nature of the act, and this is known to the Respondent; or (4) is incapacitated from alcohol or other drugs, and this condition is known or reasonably should have been known to the Respondent. Some indicators that an individual is or may be incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.
In the evaluation of any complaints in any University disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent accused believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) the Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent; or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of any complaints in any University disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent accused believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

**How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability 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. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found.

1. **Watch out for your friends and fellow students/employees.** If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. **Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.**
3. **Speak up when someone discusses plans to take sexual advantage of another person.**
4. **Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.**
5. **Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.**

**Reduce the Risk of Committing Sexual Assault**

1. **Listen carefully.** Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a “mixed message” ask for clarification.
2. **Don’t fall for the cliché “if they say no, they really mean yes.”** If your partner says “no” to sexual contact, believe them and stop. If they seem uncomfortable or uncertain, stop and check in. It is never acceptable to force sexual activity, or to pressure, coerce, or manipulate someone into having sex, no matter the circumstances. The campus has employed an affirmative consent policy. Yes means yes.

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² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
3. **Don’t make assumptions about a person’s behavior.** Don’t assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don’t assume that if someone has had sex with you before they are willing to do so again. Also don’t assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities. Obtain clear consent for each sexual activity.

4. **Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape.** If you have sex with someone who is incapacitated due to alcohol or drugs, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of rape.

5. **Remember sexual assault is a crime punishable via campus conduct, criminal, and civil proceedings.**

6. **Be careful in group situations;** resist pressure from friends to participate in violent acts.

7. **Get involved if you believe that someone is at risk.** If you see someone in trouble or someone pressuring another person, don’t be afraid to intervene - or get help to do so

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**Reduce the Risk of being Sexually Assaulted**

Anyone can be sexually assaulted, and there are no sure means to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, you can take steps to lessen the likelihood that you or your friends will be assaulted or will assault someone.

1. **Know where you are going and speak up** if you are uncomfortable with the plans.

2. **Pay attention to behavior that doesn’t seem right.** Power stares, someone who grabs or pushes, someone who doesn’t listen or disregards what you are saying, someone who blocks your way, or someone sitting or standing uncomfortably close are all clues that you should stay alert.

3. **Set sexual limits. You don’t “owe” anyone sex.** Communicate those limits. People can’t read your mind. If you give consent, you have the right to revoke it at any time.

4. **Know your sexual intentions and limits.** You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.

5. **Trust your feelings.** If you feel pressured, you probably are. Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place. If you feel you are being pressured or coerced into sexual activity, you have a right to state your feelings and/or leave the situation. If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help. If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help.

6. **Be assertive.** Get angry and act immediately with a negative response if things seem out of hand. Stand up for yourself. It’s OK to make a scene or be rude if someone is pressuring you.

7. **Communicate with your partner:** NO MEANS NO; CLEAR verbal or non-verbal CONSENT MEANS YES.

8. **Control your environment.** Decide whether you want to be in a particular place or not, and don’t depend on casual acquaintances for money, shelter, transportation, etc.

9. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

10. **Be aware** that some people mistakenly believe drinking, dressing provocatively, or going to your or someone else’s room means you are willing to have sex. Be clear up front about your limits in such situations.

11. **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
12. **Walk with purpose.** Even if you don’t know where you are going, act like you do.

13. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

14. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.

15. **Make sure your cell phone is with you** and charged and that you have cab money.

16. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.

17. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

18. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation. Attend large parties with friends you trust. Agree to “look out” for one another. Leave with the group, not alone. Avoid leaving with people that you don’t know very well.

19. **Trust your instincts.** 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 911 in most areas of the U.S.).

20. **Know that drinking and drug use can impair your judgment.** You might not be able to make the same decision you would make if you were sober.

21. **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.

22. **Don’t accept drinks from people you don’t know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers. Mixed drinks can have more alcohol in them than you might want to drink. Also, drugs (e.g., Rohypnol, GHB) can be dissolved in a drink, causing side effects such as nausea, dizziness, disorientation, &/or loss of consciousness.

23. **Watch out for your friends, and vice versa.** 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.

24. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 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).

25. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. **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.
   c. **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.
   d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

26. **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?
27. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

(a.) 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
(b.) 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 that includes:

(a.) A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
(b.) The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
(c.) What behavior and actions constitute consent, in reference to sexual activity, in the State of Texas;
(d.) The institution’s definition of consent AND the purposes for which that definition is used.
(e.) 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;
(f.) Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victim/complainant in order to promote safety and to help individuals and communities address conditions that facilitate violence.
(g.) Information regarding:

(1.) procedures victim/complainant should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victim/Complainant Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
(2.) how the institution will protect the confidentiality of victim/complainant and other necessary parties (as described in “Assistance for Victim/Complainant: Rights and Options” elsewhere in this document);
(3.) existing counseling, health, mental health, victim/complainant advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victim/complainant, both within the institution and in the community (as described in “Assistance for Victim/Complainants: Rights and Options” elsewhere in this document); and
(4.) options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in

(5.) procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Primary Prevention and Awareness Programs

The University engages in intentional programming directed at incoming students and incoming employees via in-person and online training. This training includes information on sexual harassment, sexual assault, dating violence, domestic violence and stalking as well as information about Title IX of the Education Amendments of 1972, including to whom and how to report. The University also engages in ongoing programming throughout the year directed at all students and all employees. Special populations, like athletes and Responsible Employees, receive training targeted specifically at them and may receive more dosage than the general population.

Specifically, the University offered the following primary prevention and awareness programs for all incoming students in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Audience</th>
<th>Which Prohibited Behavior Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-20-2019</td>
<td>All incoming female students-Plainview Campus</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-20-2019</td>
<td>All incoming male students-Plainview Campus</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>Variable-Online throughout 2019</td>
<td>All incoming female students-all WBU campuses except Plainview</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence, Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>Variable-Online throughout 2019</td>
<td>All incoming male students-all WBU campuses except Plainview</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence, Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-12-2019</td>
<td>Student Athletes</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
</tbody>
</table>

“Assistance for Victim/Complainant: Rights and Options” elsewhere in this document;
The University offered the following **primary prevention and awareness programs** for all new employees in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Audience</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-3-2019</td>
<td>All Coaches, Assistant Coaches, Athletic Directors, Assistant Athletic Directors, and Medical Trainers</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence, Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-12-19</td>
<td>All New Employees</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence, Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
<tr>
<td>Primary Prevention/Title IX</td>
<td>8-13-19</td>
<td>All New Faculty</td>
<td>Sexual Assault, Sexual Harassment, Sex Violence, Dating Violence, Domestic Violence, Stalking, and Reporting</td>
</tr>
</tbody>
</table>

**Ongoing Prevention and Awareness Campaigns**

The University offered the following **ongoing awareness and prevention programs** for students in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Audience</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing Programming</td>
<td>8-7-2019</td>
<td>Student Athletes</td>
<td>Alcohol, Drugs, Sexual Assault, Dating Violence</td>
</tr>
</tbody>
</table>
The University offered the following *ongoing awareness and prevention programs* for employees in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Audience</th>
<th>Which Prohibited Behavior Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX/Responsible Employee Training</td>
<td>1-10-2019</td>
<td>All WBU Faculty, Staff, and Administrators</td>
<td>Sexual harassment, sexual assault, dating violence, domestic violence and stalking</td>
</tr>
<tr>
<td>Title IX/Responsible Employee Training</td>
<td>8-3-2019</td>
<td>WBU Athletic Directors, Coaches, &amp; Trainers</td>
<td>Sexual harassment, sexual assault, dating violence, domestic violence and stalking</td>
</tr>
</tbody>
</table>
Procedures Victim/Complainants Should Follow if a Crime of Domestic Violence, Dating
Violence, Sexual Assault and Stalking Occurs

After an incident of sexual assault, dating violence or domestic violence, the victim/complainant should consider seeking medical attention as soon as possible at Covenant Hospital Plainview 2601 Dimmit Road (806) 296-4265. As of January 2009, Texas victim/complainants of sexual assault may have a sexual assault forensic exam without reporting it to law enforcement. ³ State law allows you to have the sexual assault forensic exam (SAFE) up to 120 hours (5 days) after the sexual assault. You can report to law enforcement if you chose to. In Texas, you have ten years (statute of limitations on sexual assault) to make the report. Having a sexual assault forensic exam conducted allows you to preserve evidence that will be lost over time while you have time to decide how to proceed.

WBUPD and Plainview PD encourage victim/complainants to report the sexual assault even if it is past the statute of limitations. Your case cannot go forward with prosecution, but it is important to document the assault and the perpetrators who commit them (in addition to allowing Wayland to prevent recurrence of similar crimes, if applicable.)

It is important that a victim/complainant 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 120 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 victim/complainants 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 infections.

Victim/complainants of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim/complainant chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with a police officer in the WBU Police Department or other law enforcement agency to preserve evidence in the event that the victim/complainant decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim/complainant’s choice whether or not to make such a report. Furthermore, victim/complainants have the right to decline to notify law enforcement. However, the University’s Title IX Administrator, a member of Human Resources (HR), or the Executive Director of Student Services are available and will assist any victim/complainant with notifying law enforcement if the victim/complainant so desires. The Plainview PD may also be reached directly by calling 9-1-1, (806) 296-1111 or (806) 296-1180, or you may visit in person at 108 W 9th St, Plainview, TX 79072. Additional information about the Plainview Police department may be found online at https://plainviewtx.org/171/Police-Department.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim/complainant of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Administrator, Justin Lawrence, (806) 291-1173, room GH 311. Reports can also be made online at: http://www2.wbu.edu/reportcrime/defaultIX.aspx?_ga=2.29785980.2110842333.1606232128-598757506.1605306084

A person may report domestic violence, dating violence sexual assault, or stalking that occurs on campus to WBUPD (806) 774-4225 and may report domestic violence, dating violence sexual assault, or stalking that occurs off campus to local police.

Reports of all domestic violence, dating violence, sexual assault and stalking made to WBUPD will automatically be referred to the Title IX Administrator for investigation regardless of if the complainant chooses to pursue criminal charges.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The University has procedures in place that serve to be sensitive to victim/complainants 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/complainant advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim/complainant requests them and if they are reasonable available, regardless of whether the victim/complainant chooses to report the crime to the WBU Police Department or local law enforcement. Students and employees should contact Brad Miles, Executive Director of Student Services, (806) 291-3751, Plainview campus CMB 1221.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:
<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Quick Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Assault</strong></td>
<td>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care.</td>
</tr>
<tr>
<td></td>
<td>2. Institution will assess immediate safety needs of complainant.</td>
</tr>
<tr>
<td></td>
<td>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</td>
</tr>
<tr>
<td></td>
<td>4. Institution will provide complainant with referrals to on and off campus mental health providers.</td>
</tr>
<tr>
<td></td>
<td>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</td>
</tr>
<tr>
<td></td>
<td>6. Institution will provide the victim/complainant with a written explanation of the victim/complainant’s rights and options, confidentiality, and amnesty.</td>
</tr>
<tr>
<td></td>
<td>7. Institution will provide a “No Contact Order” (campus ban) directive to accused party if deemed appropriate.</td>
</tr>
<tr>
<td></td>
<td>8. Institution will provide written instructions, accomodations, and protective measures.</td>
</tr>
<tr>
<td></td>
<td>9. Institution will provide policy information regarding Sexual Assault to the complainant and respondent and inform the parties regarding timeframes and process for inquiry, investigation and resolution.</td>
</tr>
<tr>
<td></td>
<td>10. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged, whether or not sanctions will be issued, what the outcome is, rights of complainant and respondent on appeal, and appellate procedures.</td>
</tr>
<tr>
<td></td>
<td>11. Institution will enforce anti-retaliation measures and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</td>
</tr>
<tr>
<td><strong>Stalking</strong></td>
<td>1. Institution will assess immediate safety needs of complainant.</td>
</tr>
<tr>
<td></td>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</td>
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<tr>
<td></td>
<td>7. Institution will provide written instructions, accomodations, and protective measures.</td>
</tr>
<tr>
<td></td>
<td>8. Institution will provide policy information regarding Stalking to the complainant and respondent and inform the parties regarding timeframes and process for inquiry, investigation and resolution.</td>
</tr>
</tbody>
</table>
|                         | 9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively
1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Institution will provide complainant with referrals to on and off campus mental health providers.
4. Institution will assess need to implement interim or long-term protective measures, if appropriate.
5. Institution will provide the victim/complainant with a written explanation of the victim/complainant’s rights and options, confidentiality, and amnesty.
6. Institution will provide a “No Contact Order” (campus ban) directive to accused party if deemed appropriate.
7. Institution will provide written instructions, accommodations, and protective measures.
8. Institution will provide policy information regarding Dating Violence to the complainant and respondent and inform the parties regarding timeframes and process for inquiry, investigation and resolution.
9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged, whether or not sanctions will be issued, what the outcome is, rights of complainant and respondent on appeal, and appellate procedures.
10. Institution will enforce anti-retaliation measures and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

**Domestic Violence**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Institution will provide complainant with referrals to on and off campus mental health providers.
4. Institution will assess need to implement interim or long-term protective measures, if appropriate.
5. Institution will provide the victim/complainant with a written explanation of the victim/complainant’s rights and options, confidentiality, and amnesty.
6. Institution will provide a “No Contact Order” (campus ban) directive to accused party if deemed appropriate.
7. Institution will provide written instructions, accommodations, and protective measures.
8. Institution will provide policy information regarding Domestic Violence to the complainant and respondent and inform the parties regarding timeframes and process for inquiry, investigation and resolution.
9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged, whether or not sanctions will be issued, what the outcome is, rights of complainant and respondent on appeal, and appellate procedures.
10. Institution will enforce anti-retaliation measures and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
Assistance for Victim/Complainant: Rights & Options

Regardless of whether a victim/complainant elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victim/complainant of sexual assault, domestic violence, dating violence, and stalking and will provide each victim/complainant with a written explanation of their rights and options. Such written information will include:

- the procedures victim/complainant should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victim/complainant and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim/complainant services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Rights of Victim/Complainant and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

The University has means to prohibited contact between the victim/complainant, accuser and the accused parties and may issue an institutional no contact order if deemed appropriate or at the request of the victim/complainant or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

The State of Texas also has legal orders of protections, which may be issued for when certain types of crimes are reported to have occurred. The legal orders are enforced by law enforcement and the courts. The below information is being provided so that victim/complainants understand how to apply for legal court enforced orders of protection in the State of Texas.

The following information is available through the Office of the Attorney General, State of Texas. See the off-campus resource section for contact information.

What is a Protective Order?

In Texas, a protective order is a civil court order issued to prevent continuing acts of family violence, sexual assault, human trafficking or stalking.
Family violence (sometimes called Domestic Violence) is basically defined as (1) any act by one member of a family or household intended to physically harm another member, (2) a serious threat of physical harm, or (3) the abuse of a child.

Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not, which would include cohabitating dating partners.)

**How Can a Protective Order Help?**

A protective order may prohibit the offender from:

- committing further acts of family violence, sexual assault, human trafficking or stalking
- harassing or threatening the victim/complainant, either directly or indirectly by communicating the threat through another person
- going to or near a school or day-care center of a child protected under the order attends

In some situations, a protective order may also include orders to: prohibit transfer or disposal of property, establish possession and visitation of a child, pay child or spousal support for a period not to exceed one year, attend mandatory counseling, vacate the residence or other specified property, if certain conditions are met. These additional provisions are not criminally enforceable. A person who violates them is not immediately arrested, but may be taken to civil court, found in contempt, fined and jailed.

**Who is Eligible for a Protective Order?**

If the court finds that family violence, sexual assault, human trafficking or stalking has occurred and is likely to occur again, a court may render a protective order. Ultimately, a court must determine on a case-by-case basis whether a protective order is warranted.

**How Can I Get a Protective Order?**

You can apply for a protective order through the district or county attorney, a private attorney, or through a legal aid service program. The application must be filed in the county in which you or the offender lives. There are no minimum time limits to establish residency, and protective orders are available in every county in Texas.

**Who May File for a Protective Order?**

1. An adult member of a family or household; or
2. any adult for the protection of a child; or
3. a prosecuting attorney; or
4. The Department of Human and Regulatory Services.

The person who is the alleged victim/complainant of family violence, sexual assault, human trafficking or stalking is considered to be the "applicant."

**What Information Do I Need to Provide?**

When you apply for a protective order, you must supply the following information:

1. The name of each applicant (victim/complainant) and the county where each applicant (victim/complainant) resides;
2. the name, address, and county of residence of each individual who has committed family violence the offense against which protection is sought;
3. the relationship between the victim/complainant(s) and the offender;
   a request for one or more protective orders.

The victim/complainant should file for the order as soon after the incident has occurred as possible. Additionally, if other incidents of family violence, sexual assault, human trafficking or stalking have occurred, the victim/complainant needs to provide this information to the attorney who files the protective order application.

**What Does it Cost?**

The applicant (victim/complainant) or an attorney representing the applicant may not be assessed a fee, cost, charge, or expense by a district or county clerk or by a sheriff, constable or other public official or employee in connection with the filing, serving, entering or for any other service including any fees for dismissing, modifying, or withdrawing a protective order, certifying copies, comparing copies to originals, court reporter fees, judicial fund fees, transferring a protective order or for any other service related to a protective order.

The court may require the offender to pay the fees incurred in connection with the protective order unless the offender shows good cause or is indigent.

**How Long Does it Take to Receive and How Long Does it Remain in Effect?**

Unless a later date is requested by the applicant, the court shall set a hearing date no later than 14 days after the application is filed. If, however, the court finds from the information contained in the application that there is a clear and present danger of family violence, the court may immediately issue a temporary ex parte order. The temporary order is valid for up to 20 days. Final protective orders are effective for 2 years, unless another length of time is specified.

**What Happens if the Protective Order is Violated?**

Call the police immediately (9-1-1)! Remember, protective orders do not offer complete protection. No piece of paper can protect you from all instances of violence.

Law enforcement agencies are notified of all protective orders issued in their area and they are required to maintain a list of those orders. If an offender violates the order, and law enforcement is notified, officials will act to arrest the offender and seek to have charges filed. If a person violates the protective order in the presence of law enforcement, the offender must be arrested immediately. In cases involving the violation of a protective order, including an ex parte order, the offender may be punished for contempt of court by a fine of as much as $500 or up to six months in jail or both. In cases of violation, excluding ex parte orders, the offender may be punished by a fine of as much as $4,000 or jail for up to one year or both.

**How can WBU assist me?**

The Title IX Administrator and/or members of the WBU Police Department are available to assist individuals seeking a protective order and will coordinate safety plans in collaboration with Student Services or Human Resources, when appropriate. The University complies with Texas law in recognizing orders of protection and encourages any person who obtains an order of protection from Texas or any other state to provide a copy to WBUPD and the Title IX Administrator. A complainant may then meet with WBUPD, HR, or the Title IX Administrator to develop a Safety Action Plan, which is a plan for the University and the victim/complainant to reduce risk of harm while on campus or coming and going from
campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

What is a No Contact Order from the University?

No Contact Order directives from the University can serve as an interim measure from the University’s Title IX Administrator or designee. This prohibition of contact is between a respondent and a complainant including, but not limited to, in person and/or via third party, phone, text, or any form of social media. Violation of a University “No Contact” directive can result in a finding of a violation of University policy.

Regardless of whether a complainant elects to pursue a criminal report, the University will assist a victim/complainant and will provide each student or employee victim/complainant with a written explanation of his/her rights. If a No Contact Order is placed, the Title IX Administrator will also assess any other interim measures with both parties that may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

Accommodations and Protective Measures Available for Victim/Complainants

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, WBU will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim/complainant’s request, and to the extent of the victim/complainant’s cooperation and consent, University offices will work cooperatively to assist the victim/complainant in obtaining accommodations. If reasonably available, a victim/complainant may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim/complainant chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim/complainant should contact. If the victim/complainant wishes to receive assistance in requesting these accommodations, she or he should contact Brad Miles, Executive Director of Student Services, (806) 291-3751, Plainview campus, CMB 1221.

On and Off Campus Services for Victim/Complainants

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Wayland Baptist University will provide written notification to students and employees information about obtaining resources and services including counseling, health, mental health, victim/complainant advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>Individual Counseling, Crisis Counseling, and Counseling Referrals</td>
<td>Office of Counseling/Career Services</td>
<td>806-291-3765</td>
</tr>
<tr>
<td>Health</td>
<td>Treatment/Assessments/Referrals</td>
<td>Health Services</td>
<td>806-291-3765</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Individual Counseling, Crisis Counseling, and Counseling Referrals</td>
<td>Office of Counseling/Career Services</td>
<td>806-291-3765</td>
</tr>
<tr>
<td>Victim/Complainant Advocacy</td>
<td>Advocacy/Investigation/Education/Adjudication Advocacy</td>
<td>Title IX Office/Executive Director of Student Services</td>
<td>806-291-1173, 806-291-3750</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Referral Only</td>
<td>Title IX Office</td>
<td>806-291-1173</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Visa and Immigration Assistance</td>
<td>Director of Admissions</td>
<td>806-291-3504</td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OFF CAMPUS</th>
<th>Type of Services Available</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>Counseling</td>
<td>Regence Health Network</td>
<td>806-293-9772</td>
</tr>
<tr>
<td>Health</td>
<td>Health Services</td>
<td>Covenant Hospital Plainview</td>
<td>806-296-4265</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Mental Health Services</td>
<td>Central Plains Center</td>
<td>806-291-4400</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Victim/Complainant Advocacy</th>
<th>Victim/Complainant Advocacy and Emergency Medical Advocacy</th>
<th>Crisis Center of the Plains</th>
<th>806-293-9772</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Assistance</td>
<td>Legal Advocacy</td>
<td>Crisis Center of the Plains</td>
<td>806-293-9772</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Visa and Immigration Assistance</td>
<td>Catholic Family Service, Inc.</td>
<td>806-741-0409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Catholic Charities Diocese of Lubbock-Immigration Program</td>
<td>806-765-8475</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Other resources available to persons who report being the victim/complainant of sexual assault, domestic violence, dating violence, or stalking, include:

- Crisis Center of the Plains 806-293-9772
- Pregnancy Crisis Hotline 806-296-5000
- Rape Abuse Incest National Network RAINN 1-800-656-HOPE (4673)
  - [http://www.rainn.org](http://www.rainn.org) – Rape, Abuse and Incest National Network
  - [https://www.justice.gov/ovw/sexual-assault](https://www.justice.gov/ovw/sexual-assault) – Department of Justice
  - [http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html) – Department of Education, Office for Civil Rights
  - [https://victimsofcrime.org/](https://victimsofcrime.org/) – National Center for Victim/Complainants of Crime (Stalking Resource Center)
  - The National Domestic Violence Hotline 1-800-799-7233; 1-800-787-3224 (TTY)
  - State of Texas, Office of the Attorney General, Victim/Complainant Services Section 1-800-983-9933

**WBU Title IX Policy**

Wayland Baptist University is committed to providing a safe and non-discriminatory learning, working and living environment that promotes civility and mutual respect. Wayland Baptist University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate The Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime
Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; and other applicable law.

Sexual misconduct is a serious issue that can result in the interference or prevention of victims of such behavior from having an equal opportunity to access education or employment. Sexual misconduct (including domestic violence, dating violence, sexual assault, sexual harassment, and stalking) are serious offences and a Title IX civil rights issue, as well as a potential crime and a violation of Wayland Baptist University policy. Employees and students of Wayland Baptist University have the right to file a complaint with the University and have the right to file a separate criminal complaint with the local Police Department. Students and employees who violate Wayland’s sexual misconduct, Title IX, and discrimination policies are subject to disciplinary actions up to and including expulsion and/or termination of employment status, and may be subject to criminal charges.

**Jurisdiction**

This policy applies to the education program and activities of Wayland Baptist University, to conduct that takes place on the campus or on property owned or controlled by Wayland Baptist University, at Wayland Baptist University-sponsored events, or in buildings owned or controlled by Wayland Baptist University’s recognized student organizations. The Respondent must be a member of Wayland Baptist University’s community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Wayland Baptist University’s educational program Wayland Baptist University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Administrator determines that the conduct affects a substantial Wayland Baptist University interest.

Regardless of where the conduct occurred, Wayland Baptist University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Wayland Baptist University interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d. Any situation that is detrimental to the educational interests or mission of Wayland Baptist University.

If the Respondent is unknown or is not a member of Wayland Baptist University community, the Title IX Administrator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Wayland Baptist University’s community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Administrator.
In addition, Wayland Baptist University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Wayland Baptist University property and/or events. All vendors serving Wayland Baptist University through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures.

When the Respondent is enrolled in or employed by another institution, the Title IX Administrator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution’s policies.

Similarly, the Title IX Administrator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Wayland Baptist University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

**Pregnancy**

1 See U.S. Department of Education Supporting the Academic Success of Pregnant and Parenting Students. Title IX provides for equal educational opportunities for pregnant and parenting students. It prohibits educational institutions from discriminating against students based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. It also prohibits schools
from applying any rule related to a student's parental, family or marital status that treats students differently based on their sex.

Wayland Baptist University is committed to ensuring a pregnant student’s access to educational programs. If you have questions about the University’s obligations, or the way Title IX applies to you, please contact the Title IX Administrator.

Free Expression
This regulation encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

Employee Mandatory Reporting
Under Texas SB 212 all employees of Wayland Baptist University who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and 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 shall promptly report the incident to the institution’s Title IX Administrator.

That report must include all the information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

An employee of Wayland Baptist University who has been designated by the University as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking or who receives information regarding such an incident under the circumstances that renders an employee’s communications confidential or privileged under other law shall, in making a report, state only the type of incident reported and may not include information that would violate a student’s expectation of privacy.

Exceptions to the Employee Reporting Requirement: 1) When the person is a victim of sexual harassment, sexual assault, dating violence, or stalking. (you are not required to report your own experience) 2) When the disclosure was made at a public awareness event on sexual harassment, sexual assault, dating violence, or stalking, and the event was sponsored by Wayland Baptist University, or by a student organization affiliated with Wayland Baptist University.

Failure to Report or False Report: It is a violation of Texas Law & Wayland Baptist University policy for an employee who is required to make a report to not make a report to the Title IX Office. The State of Texas has determined that an employee commits an offense if: 1) they are required to make a report and knowingly fails to make a report; or 2) with the intent to harm or deceive, knowingly makes a report that is false. These offenses are classified as Class B Misdemeanors, which can be upgraded to a Class A Misdemeanor at trial.

As is required by Texas Law, Wayland Baptist University shall terminate the employment of an employee whom the institution determines in accordance with the institution’s disciplinary procedure to have committed the offense of not making a report they knew of or making a false report.
Confidential Resources

Students who want information about an incident to remain confidential may wish to speak to a Confidential Resource. The following employees are Confidential Resources when they receive information from students in the context of providing professional services:

- Director of the Counseling Center
- Director of Health Services
- Director of Spiritual Life

Confidential Resources will not disclose personally identifying information communicated to them by a student without the student’s permission or except as set forth in the Confidentiality section above. When individuals who otherwise may be Confidential Resources receive information outside of the provision of professional services concerning allegations of policy violations involving any member of the Wayland Baptist University community, the Confidential Resource is required to share that information with the Title IX Administrator. Additionally, a Confidential Resource should (and in some instances, may be required to) report non-personally identifying information about Clery-reportable crimes to the Wayland Baptist University Police Department for purposes of the anonymous statistical reporting under the Clery Act as described below.

Because employees do not receive professional services from these Confidential Resources, information shared by an employee to these individuals would likely not be confidential.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Administrator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Administrator has ultimate discretion over whether Wayland Baptist University proceeds when the Complainant does not wish to do so, and the Title IX Administrator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Administrator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Wayland Baptist University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Wayland Baptist University may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Administrator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Wayland Baptist University’s ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Administrator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.
When Wayland Baptist University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that Wayland Baptist University’s ability to remedy and respond to notice may be limited if the Complainant does not want Wayland Baptist University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Wayland Baptist University’s obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Wayland Baptist University to honor that request, Wayland Baptist University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Wayland Baptist University and to have the incidents investigated and properly resolved through these procedures.

False Allegations and Evidence
Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Wayland Baptist University policy.

Clery Act Reporting
Pursuant to the Clery Act, Wayland Baptist University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires Wayland Baptist University to issue Timely Warnings to the Wayland Baptist University community when certain crimes have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, Wayland Baptist University withholds the names and other personally identifying information of complainants when issuing Timely Warnings to the Wayland Baptist University community.

Federal Timely Warning Obligations
Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Wayland Baptist University must issue Timely Warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
Wayland Baptist University will ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

**Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA2-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

2 VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

All personally identifiable information is kept private, but statistical information must be passed along to the Wayland Baptist University Police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities: [https://www.wbu.edu/university-police/campus-security-authorities.htm](https://www.wbu.edu/university-police/campus-security-authorities.htm)

**Time Limit on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Administrator. However, if the Respondent is no longer subject to Wayland Baptist University’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Administrator who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Wayland Baptist University will apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

**Reporting**

Filing a report will not obligate prosecution, but it will help the University take steps to provide a safer campus for everyone. With a filed report, the University can keep a more accurate record of the number of incidents; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; alert the campus community to potential danger; and better provide training and preventive education programs.
Students and employees are expected to comply with Wayland’s policies that prohibit unlawful discrimination, sexual harassment, sexual misconduct, sexual assault, domestic/dating violence and stalking both on-campus and off-campus. Any student who witnesses or experiences such conduct on-campus or off-campus by someone who is a member of the Wayland Baptist University community is encouraged to report the matter to the Title IX Administrator or a WBU representative listed on the University website at https://www.wbu.edu/about/title-ix/index.htm. Students reporting potential violations have the option of remaining anonymous.

All individuals participating in the University investigation, including but not limited to making an initial report, are expected to tell the truth. Federal and state laws prohibit the taking of retaliatory measures against any individual who files a complaint in good faith.

The Title IX Administrator can be contacted by telephone, email, or in person during regular office hours:

Justin Lawrence, J.D./M.B.A./M.Div. Title IX Administrator
Gates Hall 303, Plainview, Texas 79072
Phone: 806-291-1173
E-mail: lawrencej@wbu.edu

Report Online
http://www2.wbu.edu/reportcrime/defaultIX.aspx (Allows anonymous reporting).

Formal Complaint
A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Administrator alleging a policy violation by a Respondent and requesting that Wayland Baptist University investigate the allegation(s). A complaint may be filed with the Title IX Administrator in person, online, by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wayland Baptist University that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Administrator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures
Wayland Baptist University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Wayland Baptist University’s education program or activity, including measures designed to protect the safety of all parties or the Wayland Baptist University’s educational environment, and/or deter harassment, discrimination, and/or retaliation.
The Title IX Administrator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Wayland Baptist University will inform the Complainant, in writing, that they may file a formal complaint with Wayland Baptist University either at that time or in the future, if they have not done so already. The Title IX Administrator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Wayland Baptist University will maintain the privacy of the supportive measures, provided that privacy does not impair Wayland Baptist University’s ability to provide the supportive measures. Wayland Baptist University will act to ensure as minimal an academic impact on the parties as possible. Wayland Baptist University will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Criminal Trespass
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Administrator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

**Confidentiality Statement**

Wayland Baptist University understands that many victims have a strong desire for their report of sexual misconduct to be treated confidentially. If a person requests that his/her name not be disclosed to the accused person or that the University not investigate or take disciplinary action against the accused person, University officials will carefully consider the request and honor it if possible.

If the University determines that it can keep the report confidential, all reasonable steps will still be taken to respond to the complaint consistent with the request. For example, it may be helpful to make changes to housing situation, class schedule, etc. Any request for confidentiality can be withdrawn at any time, and the University will proceed to investigate the report fully and take appropriate action.

However, honoring a request not to reveal a victim’s name to the accused person, not to conduct an investigation, or not to punish the accused person will limit the University’s ability to respond fully to the assault and take any appropriate disciplinary action. There are situations in which the University must override a request for confidentiality in order to meet its obligations under federal law to provide an educational environment which is safe and free from sexual violence. If the person accused has been accused before of committing similar acts or if the circumstances indicate that the accused person is likely
to harm others, the University may have to investigate the report and take appropriate action to make the campus safe. If an investigation must take place, the information reported will be shared only on a need-to-know basis.

If the victim/complainant wants to be assured that the report will be kept confidential, he/she can report the assault to a therapist, doctor, or attorney who is legally obligated to maintain patient or client confidentiality. If this option is chosen, the victim/complainant should consider asking a doctor, therapist, or attorney to make a confidential report of the assault without including facts that would reveal the person’s identity. While the University will probably not be able to take any disciplinary action against the person who assaulted the victim/complainant, University officials will have a better picture of crime on the campus and may be able to warn the campus community about methods or patterns of attacks.

**Privacy**

Every effort is made by Wayland Baptist University to preserve the privacy of reports. Wayland Baptist University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Wayland Baptist University reserves the right to designate which Wayland Baptist University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

**Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Administrator and will be promptly investigated. Wayland Baptist University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Wayland Baptist University or any member of Wayland Baptist University’s community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.
Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Amnesty for Complainants and Witnesses
Wayland Baptist University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Wayland Baptist University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Wayland Baptist University community that Complainants choose to report misconduct to Wayland Baptist University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Wayland Baptist University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Statements of Rights for the Parties
• The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Wayland Baptist University officials.

• The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

• The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

• The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
• The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

• The right to be treated with respect by Wayland Baptist University officials.

• The right to have Wayland Baptist University policies and procedures followed without material deviation.

• The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

• The right not to be discouraged by Wayland Baptist University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

• The right to be informed by Wayland Baptist University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Wayland Baptist University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

• The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Wayland Baptist University law enforcement and/or other Wayland Baptist University officials.

• The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

• The right to a Wayland Baptist University implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.

• The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  o Relocating an on-campus student’s housing to a different on-campus location
  o Assistance from Wayland Baptist University staff in completing the relocation
  o Changing an employee’s work environment (e.g., reporting structure, office/workspace relocation)
  o Transportation accommodations
  o Visa/immigration assistance
  o Arranging to dissolve a housing contract and a pro-rated refund
  o Exam, paper, and/or assignment rescheduling or adjustment
  o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
  o Transferring class sections
  o Temporary withdrawal/leave of absence (may be retroactive)
  o Campus safety escorts
Alternative course completion options.

- The right to have Wayland Baptist University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Wayland Baptist University’s ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Administrator and Decision-maker(s) who have received annual training.

- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.

- The right to preservation of privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.

- The right to petition that any Wayland Baptist University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
• The right to have Wayland Baptist University compel the participation of faculty and staff witnesses.

• The right to the use of the appropriate standard of evidence, preponderance of the evidence; to make a finding after an objective evaluation of all relevant evidence.

• The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

• The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

• The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

• The right to be informed in writing of when a decision by Wayland Baptist University is considered final and any changes to the sanction(s) that occur before the decision is finalized.

• The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Wayland Baptist University

• The right to a fundamentally fair resolution as defined in these procedures.

Emergency Removal
Wayland Baptist University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Administrator in conjunction with the Senior Vice President of Operations and Student Life (for students) or the Executive Director of Human Resources (for employees).

Promptness
All allegations are acted upon promptly by Wayland Baptist University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Wayland Baptist University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Wayland Baptist University procedures will be delayed, Wayland Baptist University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Evidence
The investigation is intended to determine if this policy has been violated, without the formalities associated with rules and procedures specifically designed by lawmakers to manage courtroom litigation.
Students and employees can address issues and present documents to the investigator(s) without concerns about admissibility. The investigator(s) determines what issues raised and documents presented are relevant and probative of whether the alleged conduct occurred. Then, in the interest of fairness, that information will be disclosed to the other participant in the resolution process. Additional information about specific types of evidence is included below.

**Medical and Counseling Documents:**

The use of medical or counseling documents in the resolution process is not required. Medical and counseling documents are privileged and confidential documents that students or employees will never be required to disclose in this process. “Privileged” means that these documents cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Participants should be aware that there are legal implications to agreeing to produce privileged documents. Participants are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this information. All information submitted to the investigator(s) will be included in the report and made available to the other participant. Investigator(s) will attempt to remove unnecessary identifying information, such as social security numbers, prior to inclusion in the report. A participant who, after due consideration, believes that their own medical or counseling documents would be helpful in determining whether sexual misconduct occurred, has several options for voluntarily presenting this information as described below.

a) Participants can voluntarily decide to present their own medical or counseling documents to the investigator(s) as part of the documents which they would like to have the investigator(s) consider in conducting the investigation. If a participant decides to produce such documents, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

b) On occasion, the investigator(s) may ask a participant to voluntarily provide these documents for consideration while conducting the investigation. The participant is under no obligation to provide this information and may simply say “no” to this request. Such refusal is completely acceptable. Prior to responding to such a request, a participant is encouraged to consult with appropriate authorities about the implications of agreeing to or denying the request. If a participant does decide to produce such documents, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

c) The investigator(s) may ask a participant to voluntarily provide a verification of therapeutic or medical services to confirm that such treatment occurred, without providing any details regarding that treatment. On rare occasions, a person may be in possession of the medical or counseling documents of another participant or witness. Such documents can only be presented to the investigator(s) under the following circumstances: (i) the person can show that the documents are relevant to the pending formal complaint, (ii) the person can document or otherwise prove that the documents were legally obtained, and (iii) the documents can be authenticated. Failure to meet any of these conditions means the documents will not be considered in the determination regarding the alleged misconduct.
Prior or Subsequent Conduct of the Respondent
Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct that violates this policy by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar conduct. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Parental Notification
Since Wayland Baptist University views students as adults, parents and guardians will not be notified when a formal complaint is filed under this policy. Parents of minors who are not students at Wayland Baptist University may be notified as determined by the Title IX Administrator. Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a disciplinary action and should refer them to the Title IX Administrator for questions.

Definitions
The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Texas regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Wayland Baptist University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:
Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo:
   a. an employee of Wayland Baptist University,
   b. conditions the provision of an aid, benefit, or service of Wayland Baptist University,
   c. on an individual’s participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:
   a. unwelcome conduct,
   b. determined by a reasonable person,
   c. to be so severe, and
   d. pervasive, and,
   e. objectively offensive,
   f. that it effectively denies a person equal access to Wayland Baptist University’s education program or activity.
3) Sexual assault, defined as:

a) **Sex Offenses, Forcible:**
   i) Any sexual act directed against another person,
   ii) without the consent of the Complainant,
   iii) including instances in which the Complainant is incapable of giving consent.

b) **Forcible Rape:**
   i) Penetration,
   ii) no matter how slight,
   iii) of the vagina or anus with any body part or object, or
   iv) oral penetration by a sex organ of another person,
   v) without the consent of the Complainant.

c) **Forcible Sodomy:**
   i) Oral or anal sexual intercourse with another person,
   ii) forcibly,
   iii) and/or against that person’s will (non-consensually), or
   iv) not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

d) **Sexual Assault with an Object:**
   i) The use of an object or instrument to penetrate,
   ii) however slightly,
   iii) the genital or anal opening of the body of another person,
   iv) forcibly,
   v) and/or against that person’s will (non-consensually),
   vi) or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e) **Forcible Fondling:**
   i) The touching of the private body parts of another person (buttocks, groin, breasts),
   ii) for the purpose of sexual gratification,
   iii) forcibly,
   iv) and/or against that person’s will (non-consensually),
   v) or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

f) **Sex Offenses, Non-forcible:**
   i) Incest: 1) Non-forcible sexual intercourse,
   2) between persons who are related to each other,
   3) within the degrees wherein marriage is prohibited by Texas state law.

   ii) **Statutory Rape:**
       1) Non-forcible sexual intercourse,
       2) with a person who is under the statutory age of consent of 17.

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3 Per state law.
4) **Dating Violence, defined as:**
a. violence,  
b. on the basis of sex,  
c. committed by a person,  
d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.  
   i. The existence of such a relationship shall be determined based on the Complainant’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—  
   ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.  
   iii. Dating violence does not include acts covered under the definition of domestic violence.  

5) **Domestic Violence, defined as:**
a. violence,  
b. on the basis of sex,  
c. committed by a current or former spouse or intimate partner of the Complainant,  
d. by a person with whom the Complainant shares a child in common, or  
e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or  
f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Texas, or  
g. by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Texas or a state in which Wayland operates.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.*

6) **Stalking, defined as:**
a. engaging in a course of conduct,  
b. on the basis of sex,  
c. directed at a specific person, that i. would cause a reasonable person to fear for the person’s safety, or  
   ii. the safety of others; or  
   iii. Suffer substantial emotional distress.

For the purposes of this definition—
(i) Course of conduct means two or more acts, including, but not limited to,

acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:
**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent** Consent to sexual activity is defined as knowing, active, and voluntary permission between the participants, clearly expressed by words or by actions, to engage in mutually agreed upon sexual activity. Consent cannot be compelled by force, threat of force, coercion, or intimidation. Consent cannot be gained by taking advantage of another person’s incapacitation, as defined herein. Consent given under such circumstances does not constitute willing and voluntary agreement. When assessing whether a criminal offense of sexual assault has been committed, see Texas Penal Code §22.011 for information on consent.

a) Consent to one sexual act does not constitute consent to others.
b) Prior consent to a given act does not constitute present or future consent.
c) The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
d) Consent must be ongoing throughout a sexual encounter and can be revoked, modified, or withdrawn at any time. Sexual contact must cease immediately once consent is withdrawn.
e) Consent to an act with one person does not constitute consent to an act with any other person.
f) Consent cannot be inferred from silence, passivity, or lack of resistance and relying on nonverbal communication alone may result in a violation of this policy.
g) Consent cannot be given if it is coerced by supervisory or disciplinary authority.
h) Consent cannot be given if there is a perceived power differential. Examples include but are not limited to: faculty-student, staff-student, supervisor-subordinate employee, and coach-athlete.
i) Under Texas law, consent cannot be given by a person younger than 17 years of age to sexual penetration or contact by an adult (18 years of age or older) who is three or more years older.

**Incapacitation** The inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. A person is mentally incapacitated when that person lacks the ability to make informed decisions about whether or not to engage in sexual activity. A person may be incapacitated as a result of the consumption of alcohol and/or other drugs, or due to a temporary or permanent physical or mental health condition.

When alcohol or other drug use is involved, incapacitation is a state beyond intoxication, impairment, or being under the influence. Alcohol and other drugs impact each individual differently, and determining...
whether an individual is incapacitated requires an individualized determination. Wayland Baptist University does not expect community members to be medical experts in assessing incapacitation. A person’s level of intoxication is not always demonstrated by objective signs, but individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest the impacts of alcohol or other drugs differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.

An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity be aware of their own level of intoxication and capacity to consent as well as the other person’s level of intoxication and capacity to consent. The use of alcohol or other drugs can lower inhibitions, impair perceptions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

When evaluating consent in cases of reported incapacitation, the following will be considered: (1) Did the respondent know that the complainant was incapacitated? And if not, (2) Should a sober, reasonable person in a similar set of circumstances as the respondent have known that the complainant was incapacitated? If the answer to either of these questions is “yes,” there was no consent; and the conduct is likely a violation of this policy.

A respondent’s voluntary intoxication is never an excuse for or a defense to Prohibited Conduct, and it does not diminish the responsibility to determine that the other person has given consent.

**Title IX Proceedings**
The WBU Sexual Misconduct, Title IX & Discrimination Policy governs students and employees and additional information regarding the investigation and adjudication process may be accessed online at https://www.wbu.edu/about/title-ix/rights-and-confidentiality.htm. Of note, the intake and investigation of complaints involving students and employee as the respondent are the same. The process bifurcates when it comes to how the case is resolved. The procedures for the major timeframes of the process are explained below.

1. **Notice/Complaint**
Upon receipt of a complaint or notice to the Title IX Administrator of an alleged violation of the Policy, Wayland Baptist University initiates a prompt initial assessment to determine the next steps Wayland Baptist University needs to take.
Wayland Baptist University will initiate at least one of three responses:
   1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
   2) An informal resolution; and/or
   3) A Formal Grievance Process including an investigation and a hearing.
The investigation and grievance process will determine whether or not the Policy has been violated. If so, Wayland Baptist University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.
In order to start the Formal Grievance Process, a Formal Compliant must be filed. A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Administrator alleging a policy violation by a Respondent and requesting that Wayland Baptist University investigate the allegation(s). A complaint may be filed with the Title IX Administrator in person, online, by electronic mail, by using the contact information in the section immediately above, or as described in this section.
As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wayland Baptist University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Administrator will contact the Complainant to ensure that it is filed correctly.

2. Initial Assessment
Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Administrator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

• If notice is given, the Title IX Administrator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
• If they do not wish to do so, the Title IX Administrator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety. • If a formal complaint is received, the Title IX Administrator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
• The Title IX Administrator reaches out to the Complainant to offer supportive measures.
• The Title IX Administrator works with the Complainant to ensure they are aware of the right to have an Advisor.
• The Title IX Administrator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process. • If a supportive and remedial response is preferred, the Title IX Administrator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
• If an informal resolution option is preferred, the Title IX Administrator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
• If a Formal Grievance Process is preferred, the Title IX Administrator determines if the misconduct alleged falls within the scope of Title IX: o If it does, the Title IX Administrator will initiate the formal investigation and grievance process, directing the investigation to address:
  • an incident, and/or
  • a pattern of alleged misconduct, and/or
  • a culture/climate issue, based on the nature of the complaint.

  o If it does not, the Title IX Administrator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter.
a. Dismissal (Mandatory and Discretionary)

Wayland Baptist University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
2) The conduct did not occur in an educational program or activity controlled by Wayland Baptist University (including buildings or property controlled by recognized student organizations), and/or Wayland Baptist University does not have control of the Respondent; and/or
3) The conduct did not occur against a person in the United States; and/or
4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the Wayland Baptist University.

Wayland Baptist University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1) A Complainant notifies the Title IX Administrator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2) The Respondent is no longer enrolled in or employed by Wayland Baptist University; or
3) Specific circumstances prevent Wayland Baptist University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Wayland Baptist University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

3. Counterclaims

Wayland Baptist University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Wayland Baptist University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.
Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Administrator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

4. Right to an Advisor
The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

a. Who Can Serve as an Advisor
The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Wayland Baptist University community.

The Title IX Administrator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Wayland Baptist University, the Advisor will be trained by Wayland Baptist University and be familiar with Wayland Baptist University’s resolution process.

If the parties choose an Advisor from outside the pool of those identified by Wayland Baptist University, the Advisor may not have been trained by Wayland Baptist University and may not be familiar with Wayland Baptist University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor Expectations
Wayland Baptist University generally expects an Advisor to adjust their schedule to allow them to attend Wayland Baptist University meetings when planned, but may change scheduled meetings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay.

Wayland Baptist University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

c. Advisor Violation of Wayland Baptist University Policy
All Advisors are subject to the same Wayland Baptist University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Wayland Baptist University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

5. Resolution Process
Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Wayland Baptist University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Wayland Baptist University encourages parties to discuss this with their Advisors before doing so.
a. Informal Resolution
Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Administrator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Administrator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Wayland Baptist University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Wayland Baptist University.

Wayland Baptist University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution
Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The Title IX Administrator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties’ amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties’ motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)
The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Administrator. The Title IX Administrator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations
The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Administrator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Administrator will determine whether all parties and Wayland Baptist University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Administrator implements the accepted finding that the Respondent is in violation of Wayland Baptist University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution
The Title IX Administrator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Wayland Baptist University. Negotiated Resolutions are not appealable.

6. Grievance Process Pool
The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

a. Pool Members
Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Administrator:
  ● To investigate complaints
  ● To serve as a hearing facilitator (process administrator, no decision-making role)
  ● To serve as a Decision-maker regarding the complaint
  ● To serve as an Appeal Panel and Appeal Decision-maker

b. Pool Member Appointment
The Title IX Administrator in consultation with the President appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Wayland Baptist University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role
assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training
The Pool members receive annual training jointly OR based on their respective roles. This training includes, but is not limited to:

- The scope of Wayland Baptist University’s Title IX Policy
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Wayland Baptist University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the Wayland Baptist University Title IX Website.

7. Formal Grievance Process: Notice of Investigation and Allegations
The Title IX Administrator will provide written Notice of The Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
• The precise misconduct being alleged,
• The date and location of the alleged incident(s) (if known),
• The specific policies implicated,
• A description of the applicable procedures,
• A statement of the potential sanctions/responsive actions that could result,
• A statement that Wayland Baptist University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
• A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
• A statement about the Wayland Baptist University policy on retaliation,
• Information about the privacy of the process,
• Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
• A statement informing the parties that Wayland Baptist University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
• Detail on how the party may request disability accommodations during the interview process,
• The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Administrator any conflict of interest that the Investigator(s) may have, and
• An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Wayland Baptist University records, or emailed to the parties’ Wayland Baptist University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

8. Resolution Timeline
Wayland Baptist University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Administrator who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

9. Appointment of Investigators
Once the decision to commence a formal investigation is made, the Title IX Administrator appoints Pool members to conduct the investigation using a team of two Investigators, usually within two (2) business days of determining that an investigation should proceed.

10. Ensuring Impartiality
Any individual materially involved in the administration of the resolution process including the Title Administrator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.
The Title IX Administrator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Administrator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness.

Wayland Baptist University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

11. Investigation Timeline
Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.
Wayland Baptist University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

12. Delays in the Investigation Process and Interactions with Law Enforcement
Wayland Baptist University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Wayland Baptist University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Wayland Baptist University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Wayland Baptist University will implement supportive measures as deemed appropriate.

Wayland Baptist University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

13. Steps in the Investigation Process
All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.
The Title IX Administrator typically take(s) the following steps, (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Conduct a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations. Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Meet with the Complainant to finalize their interview/statement, if necessary
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Wayland Baptist University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the
materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor). • The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses
• The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
• The Investigator(s) shares the report with the Title IX Administrator and/or legal counsel for their review and feedback
• The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

14. Role and Participation of Witnesses in the Investigation
Witnesses (as distinguished from the parties) who are employees of Wayland Baptist University are expected to cooperate with and participate in the Wayland Baptist University’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances may require individuals to be interviewed remotely. Zoom or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Wayland Baptist University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

15. Recording of Interviews
No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

16. Evidentiary Considerations in the Investigation
The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
17. Referral for Hearing
Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Administrator will refer the matter for a hearing.
The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker– unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Administrator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

18. Hearing Decision-maker Composition
Wayland Baptist University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Administrator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Administrator. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Administrator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Administrator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

19. Evidentiary Considerations in the Hearing
Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.
After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing
No less than ten (10) business days prior to the hearing, the Title IX Administrator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Administrator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Administrator at least two (2) business days prior to the hearing.

- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party’s or witness’s testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Administrator if they do not have an Advisor, and Wayland Baptist University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.5
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Administrator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

5 The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the

resolution timeline followed by Wayland Baptist University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

21. Alternative Hearing Participation Options
If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Administrator or the Chair at least five (5) business days prior to the hearing.

The Title IX Administrator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Administrator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

22. Pre-Hearing Preparation
The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Administrator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness’s participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Administrator as soon as possible and no later than three days prior to the hearing. Decision-makers will only be removed if the Title IX Administrator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Administrator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Administrator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.
23. Pre-Hearing Meetings
The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Administrator or ask either or both to attend pre-hearing meetings. The pre-hearing meeting(s) will not be recorded.

24. Hearing Procedures
At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Administrator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

25. Joint Hearings
In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Administrator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate
determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

26. The Order of the Hearing – Introductions and Explanation of Procedure
The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Administrator will review and decide the challenge.

The Chair AND/OR hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Administrator or by a non-voting hearing facilitator appointed by the Title IX Administrator. The Title IX Administrator or hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Investigator Presents the Final Investigation Report
The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

28. Testimony and Questioning
Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance,
subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Administrator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

29. Refusal to Submit to Cross-Examination and Inferences
If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the Wayland Baptist University’s established rules of decorum for the hearing, Wayland Baptist University may require the party to use a different Advisor. If a Wayland Baptist University-provided Advisor refuses to comply with the rules of decorum, Wayland Baptist University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

30. Recording Hearings
Hearings (but not deliberations) are recorded by Wayland Baptist University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Wayland Baptist University will be permitted to listen to the recording in a controlled environment determined by the Title IX Administrator No person will be given or be allowed to make a copy of the recording without permission of the Title IX Administrator.
31. Deliberation, Decision-making, and Standard of Proof
The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Administrator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or recommendations.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Administrator within two (2) business days of the end of deliberations, unless the Title IX Administrator grants an extension. If an extension is granted, the Title IX Administrator will notify the parties.

32. Notice of Outcome
Using the deliberation statement, the Title IX Administrator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Administrator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)’ deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Wayland Baptist University records, or emailed to the parties’ Wayland Baptist University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Wayland Baptist University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Wayland Baptist University is permitted to share such information under state or federal law; any sanctions issued which Wayland Baptist University is permitted to share according to state or federal law; and any remedies
provided to the Complainant designed to ensure access to Wayland Baptist University’s educational or employment program or activity, to the extent Wayland Baptist University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Wayland Baptist University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Sanctions

Loss of Privileges
Entails any or all of the following sanctions:
   i. Removal from preferred University housing.
   ii. Restriction from attending designated University events.
   iii. Restriction from the lobbies of residence halls and/or other public gathering places on campus such as Pete’s Place or the Laney Center.
   iv. Loss of dorm visitation privileges.
   v. Restriction from eating meals in the cafeteria.

Eviction
Eviction entails the following: immediate removal from University housing. Removal from housing due to disciplinary sanction will not remove in any way the student’s responsibility to pay housing charges for the semester in which this sanction is administered.

Community Service
Community Service may be required of a student as a sanction for violating the student conduct policy. Community Service would entail participation in for the designated number of hours for a designated community service organization in Plainview or the surrounding area, or for the University on a designated Wayland campus.

Restitution
Restitution entails reimbursement for the University or other affected parties for damages to property, or for the replacement of lost or stolen articles.

Formal Reprimand
Formal Reprimand entails the following sanctions: a stern warning that any further violation of University rules and regulations during the probationary period could result in disciplinary probation, suspension or expulsion.

Disciplinary Probation
Disciplinary Probation may entail any or all the following sanctions:
   1. Restriction from representing the University in any fashion. This sanction includes all public performances or appearances under the auspices of the University.
   2. Restriction from any University-sponsored travel.
   3. Restriction from holding offices in any University organizations.
   4. Restriction from receipt of any University scholarship assistance and/or institutional aid (federal financial aid, state aid, or gifts directly to students from outside entities are not affected by this sanction).
**Disciplinary Suspension**
Disciplinary Suspension entails the following sanctions:

1. The student will be restricted from enrollment during the period of suspension.
2. Re-enrollment after disciplinary suspension will be contingent upon the approval of the Executive Director of Student Services or the Senior Vice President of Operations and Student Life and acceptance through the Admissions Committee process.

**Disciplinary Expulsion**
Disciplinary Expulsion permanently restricts the student from enrollment in the University.

**Range of Protective Measures Available to a Victim/complainant Alleging Misconduct**
There are a range of protective measures that a victim/complainant can request of WBU upon alleging sexual misconduct. This includes no contact directives between the parties, changes in work locations, housing, academic course sections or location, changes to where a person parks, or social restrictions.

**University-Initiated Protective Measures**
In addition to those protective measures previously described, the Title IX Administrator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to:

- a University no contact order,
- residence hall relocation,
- adjustment of course schedules,
- a leave of absence,
- or reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Administrator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Wayland Baptist University.

**Transcript Notation / Student Withdrawal or Graduation Pending Disciplinary Charges**
If a student is ineligible to reenroll at Wayland Baptist University for a reason other than an academic or financial reason, Wayland Baptist University will include on that student’s transcript a notation stating that the student is ineligible to reenroll for a reason other than an academic or financial reason.

If a student withdrawals or graduates from Wayland Baptist University pending disciplinary charges that may result in the student becoming ineligible to reenroll in Wayland Baptist University, Wayland Baptist University will not end the disciplinary process until there is a final determination of responsibility. If, as a result of the process, the student is ineligible to reenroll at Wayland Baptist University for a not academic or financial reason, a notation stating such will be placed on that student’s transcript.

The Transcript may be removed if: 1) the student is eligible to reenroll in Wayland Baptist University or 2) Wayland Baptist University determines that good cause exists to remove the notation.
SEX OFFENDER REGISTRATION
The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Wayland Baptist University issues this statement to the campus community on an annual basis in the Annual Security Report. https://www.wbu.edu/university-police/campus-safety-reports.htm.

It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer’s services or is a student.

34. TITLE IX RIGHTS OF APPEAL
Both parties, the victim/complainant and the respondent, have equal rights to an impartial appeal. The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Title IX Administrator within five (5) business days following the date on the Title IX Incident/Case Notification of Findings. If either party files an appeal, the Title IX Administrator will notify the other party in writing. The Title IX Administrator will coordinate the appeal and will have primary responsibility for interactions with the parties, gathering information needed for the appeal, and notifying both parties in writing of the outcome of the appeal. The Appeal review should be completed within 20 business days.

All appeals will be referred from the Title IX Administrator to the University President or designee. The University President, or designee, may decide the appeal themselves or may convene a panel to decide the appeal. If an appeal panel is convened, the panel will consist of three members of the Title IX investigation team who were not involved in the case being appealed. Any individual hearing an appeal will be impartial and unbiased. The decision rendered by the President/designee/committee is considered final and will complete the appeal process.

A victim/complainant or respondent may file a written appeal on the grounds that the appealing party believes:
1. there is substantial, relevant information that was not presented, and reasonably could not have been presented during the investigation, which may change or affect the outcome of the decision;
2. that the severity of the sanction in relation to the details of the case is substantially disproportionate; or
3. there was a procedural error(s) during the disciplinary process.

The adjudicating officer/committee’s findings of fact, findings of responsibility, the rationale, and any sanctions will only be reviewed under one of the three grounds listed above. The President/Designee/committee hearing the appeal may decide:
1. to uphold the original decision of the adjudicating officer/committee,
2. to alter the imposed sanction, or
3. to remand the case to the adjudicating officer/committee for additional proceedings or other action.
35. TITLE IX APPEAL OF SANCTIONS
Sanctions imposed by the Title IX Office or the Office of the President can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the University President for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students or employees may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student or employee to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the Title IX Office may be appealed by petitioning a Title IX Administrator. Accused students or victim/complainant’s must petition within 5 business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Title IX Office. The Title IX Office will share the appeal with the other party (e.g., if the accused appeals, the appeal is shared with the victim/complainant, who may also wish to file a response), and then the Title IX Office will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original investigative body to reconsider in light of the new evidence, only. The reconsideration of the investigative body is not appealable.

If the appeals officer or committee determines that a material procedural [or substantive] error occurred, it may return the complaint to the original investigative body with instructions to reconvene to cure the error. In rare cases, where the procedural [or substantive] error cannot be cured by the original investigative officers (as in cases of bias), the appeals officers or committee may order a new investigation on the complaint with a new body of investigative officers. The results of a reopened investigation cannot be appealed. The results of a new investigation can be appealed once, on the three applicable grounds for appeals.

If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the Title IX Office, which may then increase, decrease or otherwise modify the sanctions. This decision is final.
The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original investigation, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- Sanctions imposed are implemented immediately unless the University President stays their implementation in extraordinary circumstances, pending the outcome of the appeal;
- The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days from hearing of the appeal. The committee’s decision to deny appeal requests is final.

36. RECORD KEEPING
Wayland Baptist University will maintain for a period of at least seven (7) years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Wayland Baptist University’s education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Administrator, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Wayland Baptist University will make these training materials publicly available on Wayland Baptist University’s website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
   a. The basis for all conclusions that the response was not deliberately indifferent;
   b. Any measures designed to restore or preserve equal access to Wayland Baptist University’s education program or activity; and
   c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Wayland Baptist University will also maintain any and all records in accordance with state and federal laws.

Contact for Interpretation: University President

This policy statement supersedes all previous policy statements on this subject.
Appendix A: Policies Applicable to the Albuquerque Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

**Enforcement Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Arrest Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Jurisdiction of Campus Security Personnel**
This location has no police or security personnel on site.

**Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies**
This location has no police or security personnel on site.

**Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses**
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Local Police Department 505-242-2677)

**Reporting Criminal Actions or Other Emergencies**
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University (WBU) Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE ALBUQUERQUE CAMPUS**

Executive Director and Campus Dean
Dr. Tom Fisher, 505-323-9282

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting

section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

Emergency Notifications
The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.
Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the WBU campus and at off-campus WBU sponsored events. In addition to these statutes, WBU adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on university owned or controlled property or in conjunction with any university activity. The university may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of WBU or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook, the Residential Living Handbook, and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
The San Pedro Campus is in the jurisdiction of the Albuquerque Police Department. The entrances to the suite are clearly posted with notices that the Wayland premises is under twenty-four-hour video
surveillance. In addition, the office exterior of the office park is also under twenty-four-hour video surveillance. Online training is also available for students and employees.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of New Mexico can be found at: http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmawWNhdGlvb5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA

VAWA Education Policies and Programs and resources

Rape Crisis Center of Central New Mexico
505-266-7711
https://rapecrisiscnm.org

Domestic Violence Resource Center
505-843-9123
http://www.dvrc-or.org

NM Coalition Against Domestic Violence Hotline
Albuquerque 505-247-4219
https://www.nmadv.org

NM Coalition of Sexual Assault Programs
Albuquerque 505-883-8020
https://nmcsap.org

Rape, Abuse & Incest National Network (RAINN)
800-656-4673
https://www.rainn.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of New Mexico defines domestic violence as follows:
  - Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)
The following crimes are domestic violence offenses, listed roughly in order of severity.

A. **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.

B. **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.

C. **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury inflicted is not likely to cause death or great bodily injury but causes painful temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

D. **Aggravated assault against a household member.** A person commits this crime by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony. (N.M. Stat. §§ 30-3-12, 30-3-13, 30-3-14)

### Dating Violence:
The State of New Mexico defines dating violence as follows:

- Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)
- The following crimes are domestic violence offenses, listed roughly in order of severity.

A. **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.

B. **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.

C. **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury...
inflicted is not likely to cause death or great bodily injury but causes painful temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

D. **Aggravated assault against a household member.** A person commits this crime of by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony. (N.M. Stat. §§ 30-3-12, 30-3-13, 30-3-14)

- **Sexual Assault:** The State of New Mexico defines sexual assault as follows:
  

  A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

  B. Criminal sexual penetration does not include medically indicated procedures.

  C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

  D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:

  (1) on a child under thirteen years of age; or

  (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

  Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

  E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:

  (1) by the use of force or coercion on a child thirteen to eighteen years of age;
Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978].

F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.

G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

1. not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or

2. perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

- Stalking: The State of New Mexico defines stalking as follows: Chapter 30, Article 3A NMSA 1978 may be cited as the “Harassment and Stalking Act”.

New Mexico Statutes 30-3A-2. Harassment; penalties
• Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

• Whoever commits harassment is guilty of a misdemeanor.

New Mexico Statutes 30-3A-3. Stalking; penalties

• Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

A. As used in this section:
   (1) “lawful authority” means within the scope of lawful employment or constitutionally protected activity; and
   (2) “pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

B. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.

C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person’s own expense or a domestic violence offender treatment or intervention program.

New Mexico Statutes 30-3A-3.1. Aggravated stalking; penalties

A. Aggravated stalking consists of stalking perpetrated by a person:
   (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
   (2) in violation of a court order setting conditions of release and bond;
   (3) when the person is in possession of a deadly weapon; or
   (4) when the victim is less than sixteen years of age.

B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.

C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.

New Mexico Statutes 30-3A-4. Exceptions
The provisions of the [Harassment and] Stalking Act [30-3A-1 NMSA 1978] do not apply to:
A. picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute; or

B. a peace officer in the performance of his duties.

Jurisdictional Definition of Consent
New Mexico does not specifically define “consent.” However, New Mexico defines “force or coercion” as:

A. the use of physical force or physical violence;

B. the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats;

C. the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats;

D. the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or

E. the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy.

Physical or verbal resistance of the victim is not an element of force or coercion. New Mexico Statutes §30-9-10.

New Mexico Age of Consent Law:
Section 30-9-11: Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

A. not defined in Subsections C through E of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or:

B. perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.
Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the Chief of Police or a designee to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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Burglary

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Arson

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Arrests and Referrals for Disciplinary Action

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.
Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix B: Policies Applicable to the Amarillo Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Local Police Department 806-378-3038).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or Campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE AMARILLO CAMPUS

Executive Director/Campus Dean       Dr. J.B. Boren       806-352-5207
Asst. Dean                           James Tudman        806-352-5207

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrft.htm.

Confidential Reporting
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

Response to Reports of Criminal Actions or Other Emergencies
Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the Chief of Police, or a designee, to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that
withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar
occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the
   WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in
   a manner that would allow the department to post a Timely Warning for the community. A
general guideline will include a report that is filed more than fourteen days after the date of the
   alleged incident may not allow WBUPD to post a Timely Warning to the community. This type
   of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

**A. The Plan**

The plan of evacuation will be used when there is advanced warning of a tornado or other impending
disaster, and the Crisis Management Team advises to evacuate the building. It may also be used after a
natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply
capabilities of the Campus. Suggested information that may be given by the Crisis Management Team
includes:

1. A brief statement concerning the nature of the impending or already-occurred disaster.
2. Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel.
3. Their direction of area of least danger.
4. The direction of area of most danger.
5. Any specific information concerning roads which are known to be out of service.
6. Instructions to all persons in the building to implement appropriate actions for safety of
   personnel and property

**B. Evacuation Procedures**

In the event of an emergency requiring the evacuation of the Amarillo Campus, all personnel will be
directed to the front lobby, and to the three exits identified in the building floor plan in Appendix 1. Once
the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on
emergency reports from the news media and other sources, a member of the Crisis Management Team
will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or
appropriate shelter at their business, church, or city. Members of the Crisis Management Team will see that the building is cleared.

A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any persons who are not accounted for at this time. Any emergency situation will be reported to the office of the Senior Vice President of Operations and Student Life at the Plainview Campus.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or the WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)

5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention...
programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook, the Student Handbook, and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Crime Prevention and Security Awareness Programs**

Online training is available online.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety. You can link to this information, which appears on their website, by accessing: https://records.txdps.state.tx.us/SexOffenderRegistry

**VAWA Education Policies and Programs**

Family Support Services of Amarillo
(806-374-5433) or (1-800-799-7233)
https://fss-ama.org/crisis-services/

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence:** The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; orDating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
1. Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

- For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

**Sec. §22.011. SEXUAL ASSAULT.**

O 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.

O 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

- A person commits an offense if the person:
  - Intentionally or knowingly:
    1. 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
2. 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

3. 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 act; 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; causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
 o A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
   1. the actor's ancestor or descendant by blood or adoption;

   2. the actor's current or former stepchild or stepparent;

   3. the actor's parent's brother or sister of the whole or half-blood;

   4. the actor's brother or sister of the whole or half blood or by adoption;

   5. the children of the actor's brother or sister of the whole or half blood or by adoption; or

   6. the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
For purposes of this section:
1. "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

2. "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

3. An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

**Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.
STALKING.

- A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

  2. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

  3. 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,

  4. 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.

**Jurisdictional Definition of Consent**
- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

1. The actor compels the other person to submit or participate by the use of physical force or violence;
   m. 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;
n. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
o. 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;
p. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
q. 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;
r. 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;
s. The actor is a public servant who coerces the other person to submit or participate;
t. 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;
u. 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's professional character as spiritual adviser; or
v. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  a) Consent to one act does not constitute consent to another act.

  b) Consent on a previous occasion does not constitute consent on a later occasion.

  c) Consent to an act with one person does not constitute consent to an act with any other person.

  d) The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.

  e) Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.

  f) Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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Stalking

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Arrests and Referrals for Disciplinary Action

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Liquor Law Violation Arrests

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Liquor Law Violation Referrals

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Drug Law Violation Arrests

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Drug Law Violation Referrals

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Weapon Law Violation Arrests

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Weapon Law Violation Referrals

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.
The total number of unfounded crimes for the 2019 calendar year at this campus is 0. The total number of unfounded crimes for the 2018 calendar year at this campus is 0. The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix C: Policies Applicable to the American Samoa Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

**Enforcement Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Arrest Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Jurisdiction of Campus Security Personnel**
This location has no police or security personnel on site.

**Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies**
This location has no police or security personnel on site.

**Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses**
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (American Samoa Department of Public Safety 684-633-1111).

**Reporting Criminal Actions or Other Emergencies**
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by Manumalo Academy, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE MANUMALO BAPTIST ACADEMY CAMPUS**

- **Executive Director/Campus Dean**: Dr. Dan Jacobson, (808) 488-8570
- **Site Coordinator**: Lumanai Snow, (808) 699-2177

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Hawaii Campus Executive Director. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
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**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
• Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A
general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

Emergency number for American Samoa is 911 for Fire, Police, and Hospital. The closest hospital is the LBJ Medical Center, Pago Pago. In cases of evacuation, the assembly point is in the parking in front of the Wayland Advisor Office.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used
to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)
Campus Access and Security of Campus Facilities
Manumalo Academy Teaching Site is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
Manumalo Academy Teaching Site maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Manumalo Academy staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
American Samoa and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to American Samoa and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.
Crime Prevention and Security Awareness Programs
Online training available. Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training. Due to remote location, training occurs during live session video conferencing.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at: https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

VAWA Education Policies and Programs
American Samoa Alliance Against Domestic & Sexual Violence

Phone: 1-684-699-0272
Fax: 1-684-699-0273
Website: www.asalliance.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- Domestic Violence: The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

"Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.
• **Dating Violence:** The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

"Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Sexual Assault:** The State of Hawaii defines sexual assault as follows:

§707-730 Sexual assault in the first degree.

1. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual penetration another person who is mentally defective; or
   e. The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

   Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

2. Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10, §15; am L 2006, c 230, §32; am L 2009, c 11, §72]
§707-731 Sexual assault in the second degree.

1. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawai‘i; or
      5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai‘i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause.

2. Sexual assault in the second degree is a class B felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

1. A person commits the offense of sexual assault in the third degree if:
   a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
   b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
   c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
   e. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;

4. By a private correctional facility operating in the State of Hawaii; or

5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or

   f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

2. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

1. A person commits the offense of sexual assault in the fourth degree if:
   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person’s genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

2. Sexual assault in the fourth degree is a misdemeanor.

3. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]

4. **Stalking:** The State of Hawaii defines stalking as follows:

   §711-1106.5 Harassment by stalking.

   (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.
   (2) A person convicted under this section may be required to undergo a counseling program as ordered by the court.
   (3) For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and


contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

(4) Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

**Jurisdictional Definition of Consent**

Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or
2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

“Compulsion” means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.

“Mentally defective” means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person’s conduct. HRS §§ 707-700.

“Mentally incapacitated” means a person rendered temporarily incapable of appraising or controlling the person’s conduct as a result of the influence of a substance administered to the person without the person’s consent. HRS §§ 707-700.

“Physically helpless” means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

**Hawaii Age of Consent**

The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.

Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)
Policies for Preparing the Annual Disclosure of Crime Statistics

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<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>VAWA Offenses</td>
<td>Year</td>
<td>On Campus</td>
<td>Non-campus</td>
<td>Public Property</td>
<td>Total</td>
<td>Residential Facilities</td>
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### Arrests and Referrals for Disciplinary Action

<table>
<thead>
<tr>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tbody>
<tr>
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#### Liquor Law Violation

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<th>Year</th>
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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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#### Drug Law Violation

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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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#### Weapon Law Violation

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<th>Year</th>
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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

### Unfounded Crimes

Unfounded Crimes

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.

The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.

The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix D: Policies Applicable to the Anchorage Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Anchorage Police Department 907-786-8900).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or Campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE ANCHORAGE CAMPUS**

<table>
<thead>
<tr>
<th>Executive Director/Campus Dean</th>
<th>Dr. Eric Ash</th>
<th>907-830-6168 or 907-375-4515</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Dean</td>
<td>Mike Zimmerman</td>
<td>907-375-4503 or 907-333-2277</td>
</tr>
</tbody>
</table>

Responsible Employees:
- Chris Wisdom
- Connie Luque
- Linda Hoffman
- Tricia Zuyus
- Cynthia Michlig
- Jeff Anderson
- Don Ashley
- Maggie Viertel
- Carol Lee Clayton
- Craig Clayton
- Matt Parsons
- Loretta Caldwell

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacr.htm](https://www.wbu.edu/university-police/csacr.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report
to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm and including:

https://dps.alaska.gov/cdysa/services/victimservices
Abused Women’s Aide in Crisis 907-272-0100
Standing Together Against Rape 907-276-7273
Victims for Justice 907-278-0977
Palmer Alaska Family Service 907-746-4080

- http://www.aknwrc.org/
- https://www.andysa.org/
- http://doa.alaska.gov/ccsb/
- https://ovr.akleg.gov/about.php
- http://doa.alaska.gov/opa/

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:
   1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
   2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
   3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
(ANCHORAGE - SPECIFIC INFORMATION)

Emergency Preparedness Plan
Anchorage Campus
Revised 1-12-2020

The purpose of this notice is to establish a reasonable and effective method of dealing with emergency situations at the WBU-Anchorage Campus. All administrative staff and full-time/adjunct faculty members must be familiar with and adhere to the following procedures:
The procedures below apply to the Parkside Center, located at 7801 E. 32nd Ave., Anchorage.

EMERGENCY EXITS
In the event of a major earthquake, fire, or other emergency, exits are located on each floor. Maps of these exits are located in every classroom. These exits provide the fastest and most direct access to the parking lot outside. All exits are furnished with emergency lighting in the event of a loss of electricity. In case evacuation is necessary, faculty and staff members should direct students to leave the building in an orderly manner through one of the above exits.

EVACUATION
There is no single solution for all evacuation scenarios. In case of fire, evacuate the building at the nearest exit away from the fire. Follow published routes displayed throughout the facility. In case of active shooter, evacuate away from the danger, or hold in place with classroom doors locked, and then evacuate when told to do so by authorities. For earthquake, evacuate if possible through the nearest exit—but if not possible, then hold in place by taking shelter under tables or other cover. For all emergency evacuation procedures, become very familiar with the location of exits from all floors of the facility. There are a total of 8 emergency exits. Do not use elevators or stair lifts. If safe, following evacuation assemble in the east parking lot to assess and count people.

POINTS OF CONTACT
For major emergencies, call 911 for Anchorage Police, Fire, or Ambulance. The Executive Director/Campus Dean, Dr. Eric Ash, can be reached at 907-830-6168 (cell) or 907-375-4515 (office) or 907-770-4543 (home). The Assistant Dean, Mike Zimmerman, can be reached at 276-0091 (cell). Mr. Matt Parsons is the Facility Manager and can be reached at 830-0510 or 444-0639 (cell).

CLASS CANCELLATIONS
In the event that classes are cancelled because of emergencies such as earthquakes, snowfall, fire, etc., Wayland will notify instructors and students via the following methods:

Instructors by phone from Anchorage Campus staff, if possible.

Instructors and students by the following:
  - Messages posted on Blackboard.
  - Notices on local radio station (AM 750)
  - University telephone emergency voice message system
  - University e-mail and text messaging
  - Personal phone calls if time and circumstances permit.

CRISIS RESPONSE TEAM
The Anchorage Crisis Response Team is an officially designated group of Wayland Baptist University – Anchorage employees who will serve as a decision-making and directive-issuing body in emergency
situations. The Executive Director/Dean of the Anchorage campus will act with authority to implement a plan for coping with imminent danger, such as an earthquake. In the absence of the Executive Director/Dean, the Assistant Dean will act in authority to implement a plan. In the absence of both the Executive Director/Dean and the Assistant Dean, the Facility Manager will act in their capacity. In addition to these three, other designated individuals will act as Campus Security Authorities (CSA): the Parkside site coordinator (Loretta), and two faculty representatives most likely to be involved with students on Wayland trips or programs: Dr. Anderson, and Dr. Ashley. All CSAs are supposed to receive annual training, coordinated by Plainview’s chief of campus security. Regardless of when that may happen, CSAs as well as all other Wayland staff and faculty must review this emergency plan annually and report to the campus executive director that they have done so.

GENERAL PROCEDURES

If at all possible, campus crises should be avoided by following proactive procedures such as fire and earthquake drills and maintaining campus properties for maximum safety. In case of unavoidable emergencies, these same procedures can help prevent or lessen damage from such crises.

The University’s first concern is for the safety of its students, faculty, and staff. Any other issues (administrative or otherwise) will be resolved in order of importance. Once students, faculty, and staff are secured, property can be secured and damages assessed before cleanup begins.

1. In an emergency situation, all personnel will be notified appropriately via computer, telephone, and/or voice of what actions to take (evacuate the building, remain in offices, seek shelter in the basement, etc).

2. If instructed to remain in the building, all personnel will be notified to close windows and window shades if appropriate.

3. If instructed to evacuate the building, all personnel will immediately proceed out the closest exit and assemble in the southeast corner of the parking lot (toward intersection of Totem Theater).

4. Anyone discovering a suspicious package in the facility, or a suspicious package/letter in the mail, will stay away from the package and bring the issue to the attention of the crisis response team or facility director, assistant campus dean, or campus dean in that order.

5. In the event of a suspicious package/letter, or threatening telephone call/e-mail that identifies WBU-Anchorage as a target of attack, WBU personnel will immediately call 911 to notify the appropriate Anchorage authorities.

6. Front office personnel seeing a suspicious-looking person approaching the building will lock the front doors only if they have time to do so. Otherwise, they will immediately lower the metal security screen and proceed down the inside hallway to the assistant dean’s office, where they will call for assistance.
Upon receiving news of an impending emergency or an already-occurred emergency, all members of the Crisis Response Team shall report immediately to the Parkside Center. Those who arrive first must immediately notify other Crisis Response Team members who may yet be uniformed of the disaster. The first order of business is to assemble the Crisis Management Team, which should:

1. Use all available methods to gather available pertinent information as to the nature of the disaster or impending disaster.

2. Evaluate all pertinent information.

3. Make a decision as to whether or not a disaster plan should be initiated.

4. Choose the appropriate disaster plan.

5. Initiate the plan.

6. Determine the message to be used by the automated telephone operator in answer to questions. At this point, the Crisis Response Team will assume the responsibility of communicating the plan of action to the Campus.

In the event that there are members of the Crisis Response Team not present, those who are present shall have the authority to implement the necessary plans.

In the case of an earthquake or volcanic eruption, the Dean shall consult with the City of Anchorage Police Department (APD) and render a take-shelter decision as soon as possible.

In the case of a terrorist threat (bomb threat, active shooter, etc.), the Executive Director/Dean or Crisis Response Team shall make contact with law enforcement immediately and may take other legally-allowable actions necessary to safeguard students, faculty, and staff. Since the student body is made up of a large number of local police officers, and the state of Alaska has a ‘legal duty to act’ clause for its police officers, these persons will likely be the first consulted in such a situation.

In the case of a major civil emergency (911-type situation), all WBU faculty, staff, and students will follow established emergency plans initiated by local or federal civil authorities.

COMMUNICATIONS

Decisions made by the Crisis Response Team will be effectively communicated to appropriate internal and external audiences in the most expeditious manner possible. Once immediate communication needs are met, the Office of Communications/Public Relations (806-291-3585) in Plainview, Texas, will be the
primary source for information and communications related to a crisis, with help from key personnel from the Anchorage Campus who will ensure a smooth crisis response.

Both the public’s legitimate right to know the essential facts and privacy concerns (especially those related to individual rights, personal security and legal liability) must be determined and considered before any public statements are made.

An appropriate spokesperson for the University will be identified and counseled by the Office of Communications. In the absence of that person, the Executive Director/Dean will be the spokesperson. The University may choose not to participate in a discussion it deems non-newsworthy or inappropriate. Efforts will be made to explain the University’s position and to be as forthcoming as possible with the facts of the situation, but at no time will a University representative reply, “No comment.” All faculty and staff should be deliberate not to speculate or offer personal opinions about a crisis situation. All inquiries should be referred to the Executive Director/Dean or to the Office of Communications / Public Relations representative in Plainview, Texas.

OFFICIAL STATEMENT

If necessary, an official statement will be prepared by the Crisis Response Team and Office of Communications/Public Relations, or in consultation with the Office of the President or Vice President of Academic Affairs, Plainview Campus. They will compose the official statement which sets forth the basic facts of the disaster, an expression of concern for the persons involved, and what actions have been taken to deal with the disaster.

UNIVERSITY SPOKESPERSON

In the absence of the Director of Communications, only the Dean of the Anchorage Campus, or his/her designee, will serve as the University spokesperson and communicate with the media. All media requests for information should be directed to the Dean of the Anchorage Campus. Only facts gathered by the Crisis Response Team will be released. No speculation is to be offered. Internal audiences will be informed first of the crisis situation. These audiences may include staff, faculty, administration, and current students, and friends of Wayland. The following methods will be considered for communicating with internal audiences:

- Telephones to offices or homes.
- Posting of press release outside the office of the Dean.
- Dissemination of information through local radio, television, the campus web page, and newspaper.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- Press releases and notification of appropriate media.
- Called meeting at the Campus to clarify facts and answer questions.

IDENTIFICATION OF EXTERNAL AUDIENCES

The University will take a proactive approach in dealing with external audiences. These audiences may include friends of the University, area and state Baptist officials, prospective students, community leaders, and the general public. Because care must be taken to distribute consistent information to external audiences, only the University spokesperson will coordinate these communication efforts, and only the
information gathered by The Crisis Response Team will be disseminated. The following methods may be considered for communicating with external audiences:

- Telephone/facsimile/computer communication to primary media sources.
- Posting of press releases outside Anchorage Campus office.
- Telephone or personal visit to key community leaders.
- Telephone/facsimile/computer communication to key area and state Baptist leaders.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- A press conference, if warranted, at the Anchorage Campus.

COMMUNICATION LOGS

All members of the Anchorage CRT should keep an accurate log of all calls received and other contacts made during the crisis. In addition, notes, memos, and news releases, which would be useful in evaluating performance and response, will be maintained. These items may also be used in the event of lawsuits.

EVACUATION PROCEDURES

The plan of evacuation will be used when there is advanced warning of a volcanic eruption or other impending disaster, and the Crisis Response Team advises to evacuate the building. It may also be used after a natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply capabilities of the Campus. Suggested information that may be given by the Crisis Response Team includes:

- A brief statement concerning the nature of the impending or already-occurred disaster.
- Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel.
- The direction of area of least danger.
- The direction of area of most danger.
- Any specific information concerning roads which are known to be out of service.
- Instructions to all persons in the building to implement appropriate actions for safety of personnel and property.

In the event of an emergency requiring the evacuation of the Anchorage Campus, all personnel will be directed to the exits identified in the building floor plan. Once the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on emergency reports from the news media and other sources, a member of the Anchorage Campus will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or appropriate shelter at church, or in the city. Members of the Crisis Response Team will see that the building is cleared.

A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any persons who are not accounted for at this time. Any emergency situation will be reported to the office of the Senior Vice President of Operations and Student Life and the Vice President of External Campuses.
**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)

7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the
Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Crime prevention and security awareness procedures at the Anchorage Campus are briefed quarterly at staff and faculty meetings. The Anchorage program includes the following:

- Exterior Doors locked at 8 pm each weekday night and at 6 pm each weekend day night
- Exterior windows closed and latched
- Building walkthrough at 10 pm each weekday night and at 6 pm each weekend day to confirm lights off, all external doors shut and locked, all bathrooms secured, and building armed with electronic security (Guardian Security).
- Building re-inspected and re-armed by Guardian Security between 10:30 and 11:00 pm each night
- Surveillance cameras viewing and recording all internal (every classroom and every hallway) and external (parking lot and adjacent park behind facility) perspectives of the campus

Online training is also available.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: https://dps.alaska.gov/SORWeb/.

VAWA Education Policies and Programs
Alaska Department of Public Safety: Council on Domestic Violence and Sexual Assault
907-465-4356
https://dps.alaska.gov/cdvsa/services/victimservices

Abused Women’s Aide in Crisis
907-272-0100
http://www.awaic.org

Standing Together Against Rape
907-276-7279
https://www.staralaska.com
Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

Domestic Violence:

Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

Dating Violence:

Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

Sexual Assault:

Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
• Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;

• Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;

• Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

Stalking:

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

• following or appearing within the sight of that person;
• approaching or confronting that person in a public place or on private property;
• appearing at the workplace or residence of that person;
• entering onto or remaining on property owned, leased, or occupied by that person;
• contacting that person by telephone;
• sending mail or electronic communications to that person;
• placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
• following or monitoring that person with a global positioning device or similar technological means; or
• using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

Jurisdictional Definition of Consent

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

• Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;
- Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

- Without Consent: that a person • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 – 445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<th>Primary Crimes</th>
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<th>Non-campus</th>
<th>Public Property</th>
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<th>VAWA Offenses</th>
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<th>Arrests and Referrals for Disciplinary Action</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**UNFOUNDED CRIMES**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix E: Policies Applicable to the Call Field Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

**Enforcement Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Arrest Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Jurisdiction of Campus Security Personnel**
This location has no police or security personnel on site.

**Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies**
This location has no police or security personnel on site.

**Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses**
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Wichita Falls Police Department 940-720-5000).

**Reporting Criminal Actions or Other Emergencies**
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous repot of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE CALL FIELD CAMPUS

Office Manager/Academic Advisor Pam Landis, 940-696-0404
Associate Professor of Mathematics Dr. Tim Fosnaugh, 940-696-0404

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

Confidential Reporting

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

Response to Reports of Criminal Actions or Other Emergencies

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
In case of an evacuation from 4110 Call Field Road where Wayland Baptist University-Wichita Falls Call Field campus is housed, personnel will exit classrooms and offices and head South toward the front door of the building and proceed to the South parking lot. The Person in Charge will then conduct a head count to ensure all personnel have safely evacuated and report all unaccounted personnel to the closest emergency responder.

Emergency Notifications
The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community,
determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The
University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

**Crime Prevention and Security Awareness Programs**
Security and safety information and tips are provided in detail in the Student Handbook. Online training available.

**Sex Offender Information**
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing
https://records.txdps.state.tx.us/SexOffenderRegistry.

**VAWA Education Policies and Programs**

**First Step, Inc**
624 Indiana Avenue #304
(940) 723-7799
(800) 658-2683 Hotline Number
https://www.firststep.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or
  - Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault.
  - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
  - A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

  **Sec. §22.011. SEXUAL ASSAULT.**
  - A person commits an offense if the person:
A. intentionally or knowingly:
   1. causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

   2. causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

   3. 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

B. intentionally or knowingly:
   1. causes the penetration of the anus or sexual organ of a child by any means;

   2. causes the penetration of the mouth of a child by the sexual organ of the actor;

   3. causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

   4. causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

   5. causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

   ○ A sexual assault under Subsection (a)(1) is without the consent of the other person if:

   A. the actor compels the other person to submit or participate by the use of physical force or violence;

   B. 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;

   C. the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

   D. 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;

   E. the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

   F. 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;
G. 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;

H. the actor is a public servant who coerces the other person to submit or participate;

I. 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;

J. 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

K. the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

- A person commits an offense if the person:
  - Intentionally or knowingly:
    - A. 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
    - B. 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
    - C. 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 act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct
The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.

- A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
  A. the actor's ancestor or descendant by blood or adoption;
  B. the actor's current or former stepchild or stepparent;
  C. the actor's parent's brother or sister of the whole or half-blood;
  D. the actor's brother or sister of the whole or half blood or by adoption;
  E. the children of the actor's brother or sister of the whole or half blood or by adoption; or
  F. the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

- For purposes of this section:
  A. "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
  B. "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

- An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

**Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

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

Jurisdictional Definition of Consent

- The state of Texas does not define what consent is but does define what consent is not.

Texas law states that sexual penetration is WITHOUT CONSENT if:

w. The actor compels the other person to submit or participate by the use of physical force or violence;

x. 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;

y. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

z. 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;

aa. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

bb. 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;

c. 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;

d. The actor is a public servant who coerces the other person to submit or participate;

e. 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;

ff. 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

gg. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.
• Consent to one act does not constitute consent to another act.
• Consent on a previous occasion does not constitute consent on a later occasion.
• Consent to an act with one person does not constitute consent to an act with any other person.
• The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
• Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
• Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on non-verbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th></th>
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### VAWA Offenses

<table>
<thead>
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<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tbody>
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<tr>
<td>Dating Violence</td>
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### Arrests and Referrals for Disciplinary Action

<table>
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<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
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Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix F: Policies Applicable to the Callaghan Towers Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department.

San Antonio PD
https://www.sanantonio.gov/SAPD
Emergency 911
Non-Emergency 210-207-7273

Bexar County Sheriff's Department
https://www.bexar.org/600/Sheriffs-Office
Emergency 911
Non-Emergency 210-335-6010

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director at 210-590-5630 or the Site Coordinator at (210) 826-5689. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.
Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the Callaghan Tower**

<table>
<thead>
<tr>
<th>Role</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen, (210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd, (210) 279-5341 or (210) 210-590-5628</td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Mary Reyes, (210) 590-5689</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action.
under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
• Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)

• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.
Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:

- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:

- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other
emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)
**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook.
The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing: https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
The San Antonio Rape Crisis Center
24 Hour Hotline: 210-349-7273
Online Hotline: click here
http://www.rapecrisis.com/

Mujeres Unidas/Women Together
24 Hour Crisis Hotline: 800-580-4879
http://mujeresunidas.org/

Family Violence Prevention Services
210-733-8810
https://fvps.org/

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- Domestic Violence: The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
• **Abuse,** as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or **Dating violence,** as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. **FAMILY.** “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

• **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault.
  - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
  - A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

• **The State of Texas defines sexual assault as follows:**

  **Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.
A person commits an offense if the person:
• Intentionally or knowingly:
  • causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  • causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
• Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
   (1) the actor's ancestor or descendant by blood or adoption;
   (2) the actor's current or former stepchild or stepparent;
   (3) the actor's parent's brother or sister of the whole or half-blood;
   (4) the actor's brother or sister of the whole or half blood or by adoption;
   (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
   (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:
   (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
   (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

• Stalking: The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.
STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in
conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

a. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

b. Causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and,

c. Would cause a reasonable person to: 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.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

  hh. The actor compels the other person to submit or participate by the use of physical force or violence;
  ii. 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;
  jj. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  kk. 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;
  ll. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  mm. 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;
  nn. 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;
  oo. The actor is a public servant who coerces the other person to submit or participate;
  pp. 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;
qq. 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

rr. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  • Consent to one act does not constitute consent to another act.

  • Consent on a previous occasion does not constitute consent on a later occasion.

  • Consent to an act with one person does not constitute consent to an act with any other person.

  • The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.

  • Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.

  • Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
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### VAWA Offenses

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<th>VAWA Offenses</th>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<td>Drug Law Violation Arrests</td>
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</table>
**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.  
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.  
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix G: Policies Applicable to the Clovis Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Clovis Police Department 575-769-1921 / New Mexico State Police 575-762-1305).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE CLOVIS CAMPUS**

Executive Director/Campus Dean  
Dr. Gary Mitchell, (575) 763-0535  
Assistant Dean  
Jesse Cantu, Jr., (575) 763-0535  
Site Coordinator  
James Floyd, (575) 784-9750

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at:  
[https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section

above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

Please see Appendix A

Emergency Notifications
The Wayland Baptist University WBU Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police
Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on university owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.
**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: [https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf](https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf).

**Crime Prevention and Security Awareness Programs**
Online training available.

**Sex Offender Information**
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of New Mexico can be found at: [http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA](http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA)

**VAWA Education Policies and Programs**
Arise
575-226-7263 24/7 Crisis Hotline

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence**: The State of New Mexico defines domestic violence as follows:
Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)

The following crimes are domestic violence offenses, listed roughly in order of severity.

A. **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.

B. **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.

C. **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury inflicted is not likely to cause death or great bodily injury but causes painful temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

D. **Aggravated assault against a household member.** A person commits this crime by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony. (N.M. Stat. § § 30-3-12, 30-3-13, 30-3-14)

**Dating Violence:** The State of New Mexico defines dating violence as follows:

- Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)
- The following crimes are domestic violence offenses, listed roughly in order of severity.
  
  A. **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.

  B. **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.

  C. **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury...
inflicted is not likely to cause death or great bodily injury but causes painful temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

D. **Aggravated assault against a household member.** A person commits this crime of by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony. (N.M. Stat. § § 30-3-12, 30-3-13, 30-3-14)

- **Sexual Assault:** The State of New Mexico defines sexual assault as follows:


    A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

    B. Criminal sexual penetration does not include medically indicated procedures.

    C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

    D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:

      (1) on a child under thirteen years of age; or

      (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

    Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

    E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:

      (1) by the use of force or coercion on a child thirteen to eighteen years of age;

      (2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;
(3) by the use of force or coercion that results in personal injury to the victim;

(4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;

(5) in the commission of any other felony; or

(6) when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978].

F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.

Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.

G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:
   - not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or
   - perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

- **Stalking:** The State of New Mexico defines stalking as follows: Chapter 30, Article 3A NMSA 1978 may be cited as the “Harassment and Stalking Act”.

**New Mexico Statutes 30-3A-2. Harassment; penalties**
A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

B. Whoever commits harassment is guilty of a misdemeanor.

**New Mexico Statutes 30-3A-3. Stalking; penalties**

A. Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

B. As used in this section:
   1. “lawful authority” means within the scope of lawful employment or constitutionally protected activity; and
   2. “pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

C. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.

D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person’s own expense or a domestic violence offender treatment or intervention program.

**New Mexico Statutes 30-3A-3.1. Aggravated stalking; penalties**

A. Aggravated stalking consists of stalking perpetrated by a person:
   1. who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
   2. in violation of a court order setting conditions of release and bond;
   3. when the person is in possession of a deadly weapon; or
   4. when the victim is less than sixteen years of age.

B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.

C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.
New Mexico Statutes 30-3A-4. Exceptions

The provisions of the [Harassment and] Stalking Act [30-3A-1 NMSA 1978] do not apply to:

A. picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute; or

B. a peace officer in the performance of his duties.

Jurisdictional Definition of Consent

Section 30-9-11: Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

(1) not defined in Subsections C through E of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or:

(2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<th>Primary Crimes</th>
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<th>Non-campus</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
APPENDIX A

WAYLAND BAPTIST UNIVERSITY-CLOVIS CAMPUS

EMERGENCY PREPAREDNESS PLAN

EMERGENCY PREPAREDNESS PLAN

PLAN OF ACTION FOR EMERGENCIES

Though Wayland Baptist University – Clovis strives to educate students in a Christian atmosphere, we are aware that sometimes emergencies occur that are beyond our control or which create controversy on our campus. The purpose of a crisis management plan is to make sure all university personnel are equipped to deal with such emergencies in a professional, responsible and thorough manner in which as little damage as possible results.

A crisis is defined as any emergency or controversy that may harm or potentially may harm the staff, faculty, students and/or the general public or negatively affect the public perception or reputation of Wayland Baptist University.

Emergencies include fires, accidents, explosions, acts of terrorism, tornadoes, hurricanes, or other weather-related incidents and natural disasters. Controversies include non-violent crimes against students, faculty or staff, suicides, student demonstrations, or inappropriate conduct by faculty, staff, or students. Non-emergency issues such as academic freedom issues, fiscal irregularities, and personnel issues may also be included.

It is assumed that at some future point in time an emergency or a significant disaster may strike on or near the Wayland Baptist University-Clovis Campus facilities, 810 E. 21st Street, Suite A-6, Clovis, NM. The purpose of this manual is to establish a reasonable and effective method for dealing with disasters and emergencies.

I. THE CRISIS RESPONSE TEAMS (Clovis and Plainview)

A. Purpose

The Clovis Crisis Response Team (Clovis-CRT) is an officially designated group of Wayland Baptist University – Clovis (WBU-Clovis) employees who will serve as a decision-making and directive-issuing body in emergency situations. The Dean of the Clovis campus will act with authority to implement a plan for coping with imminent danger, such as a tornado. In the absence of the Dean, the Assistant Dean will act in authority to implement a plan. In the absence of both the Dean and the Assistant Dean, the Site Coordinator of Clovis/CAFB office will act in their capacity.
As soon as is feasible, the Clovis-CRT will hand over its duties to the main campus crisis response team (PV-CRT), including media contact and related communications. The Clovis-CRT will answer directly to the Executive Vice President (or Vice President for External Campuses), who is a member of the PV-CRT.

B. Function

The primary functions of the Clovis-CRT are to:

1. Determine the nature and seriousness of the emergency.
2. Determine a course of action for the campus.
3. Issue appropriate instructions for the implementation of the plan of action.

C. Membership

Membership of the Clovis-CRT is as follows:

1. Leader—Executive Director/Dean of the Clovis Campus
2. 1st Alternate—Assistant Dean of Clovis Campus
3. 2nd Alternate—Site Coordinator of Cannon Air Force Base (CAFB) office
4. 3rd Alternate—Chief Student Advisor

D. Headquarters

The Crisis Management Team Headquarters is located in the Clovis Campus office at 810 E. 21st Street, Suite A-6, Clovis, NM. Phone: (575) 763-0535.

E. Procedures

Before the crisis: If at all possible, campus crises should be avoided by following proactive procedures such as fire, hurricane, and tornado drills and maintaining campus properties for maximum safety. In case of unavoidable emergencies, these same procedures can help prevent or lessen damage from such crises.

**The University’s first concern is for its students, faculty, and staff.** Therefore, those safety issues or emergencies that affect them will be addressed first. Any other issues will be resolved in order of importance. Once students, faculty, and staff are secured, property can be made secure and damages assessed before cleanup begins.

News of an impending emergency or an already-occurred emergency may be received in any number of ways. Upon receipt of such information, all members of the Clovis-CRT shall report immediately to the headquarters location. Those who arrive first must immediately notify other Clovis-CRT members who may yet be uniformed of the disaster. The first order of business is to assemble the Crisis Management Team. Once assembled, the Clovis-CRT should:

1. Use all available methods to gather available pertinent information as to the nature of the disaster or impending disaster.
2. Evaluate all pertinent information.
3. Make a decision as to whether or not a disaster plan should be initiated.
4. Choose the appropriate disaster plan.
5. Initiate the plan.
6. Determine message to be used by telephone operator in answer to questions. At this point, the Crisis Management Team will assume the responsibility of communicating the plan of action to the Campus.
7. In the event that there are members of the Crisis Management Team not present, those who are present shall have the authority to implement the necessary plans.
8. In the case of a tornado threat, the Director of the Emergency Preparedness shall consult with the City of Clovis Emergency Preparedness Office (phone 763-9485 or 769-7960) and render a take-shelter decision as soon as possible.
9. In the case of a terrorist threat (bomb threat, active shooter, etc.), the Dean shall make contact with law enforcement immediately and may take other legally-allowable actions necessary to safeguard the students, faculty, and staff. Since the student body is made up of a number of local police officers, and the state of New Mexico has a ‘legal duty to act’ clause for its police officers, these persons will likely be the first consulted in such a situation.
10. In the case of a major civil emergency (9-11 type situation), all WBU faculty, staff, and students will follow established emergency plans initiated by local or federal civil authorities.

II. COMMUNICATIONS

A. Purpose

Decisions made by the Clovis-CRT will be effectively communicated to appropriate internal and external audiences in the expeditious manner possible. Once immediate communication needs are met, the Office of Communications/Public Relations (806-291-3586) in Plainview, Texas, will be the primary source for information and communications related to a crisis, with help from key personnel from the Clovis campus who will ensure a smooth crisis response.

Both the public’s legitimate right to know the essential facts and privacy concerns especially those related to individual rights, personal security and legal liability—must be determined and considered before any public statements are made.

An appropriate spokesperson for the university will be identified and counseled by the Office of Communications. In the absence of that person, the Dean will be the spokesperson. The university may choose not to participate in a discussion it deems non-newsworthy or inappropriate. Efforts will be made
to explain the university’s position and to be as forthcoming as possible with the facts of the situation, but at no time will a university representative reply, “No comment.” All faculty and staff should be deliberate to not speculate or offer personal opinions about a crisis situation. All inquiries should be referred to the Dean or to the Office of Communications/Public Relations representative in Plainview, Texas.

B.  Night and Weekend Procedures

In any emergency should occur during evening hours or weekends, decision and campus notification will occur as follows:

1. Personnel on the premises will notify the Clovis-CRT in the order listed above (Dean, Assistant Dean, Site Coordinator at CAFB office, Chief Advisor).
2. The notified personnel will then notify others on the Clovis-CRT of the disaster or impending danger.
3. If the emergency is serious enough, the ranking person may take immediate action to alleviate the danger. In most cases, if time allows, the ranking person should contact the Executive Vice President (or Vice President of External Campuses) in Plainview (806-291-3410) for a plan of action.
4. The ranking person will notify the Clovis-CRT as to the plan to be initiated and any other special instructions.

C.  Information Center

Immediately upon receiving news of an impending disaster or one which has already occurred, members of the Team will report to the Clovis Campus downtown office at 810 E. 21st Street, Suite A-6, in Clovis.

All requests for information from media and other entities must be directed to this area. In the event that the building is not inhabitable, the south parking lot may be used for an information site. If necessary, another area may be designated at that time.

D.  Communications Procedures

Telephone, facsimile and computer equipment will be the primary lines of communication between the University and internal and external constituencies. In the event of telephone equipment failure, cellular phones or security radios may be used. The Clovis-CRT may also be required to give personal, face-to-face notification of the plan of action to assigned persons.
Members of the Clovis-CRT will notify persons in the building of the emergency or impending danger. Each person may be required to give face-to-face notification of the plan of action. In cases of impending danger, the group members will give specific safety information, such as how to take shelter and evacuate. Refer to Appendix 1 for procedures to take in case of a tornado. An “all-clear” notification will be made by the Dean, in consultation with the CPD officials.

E. Official Statement

If possible, an official statement will be prepared by the PV-CRT and Office of Communications/Public Relations. If these persons are not available, members of the Clovis-CRT, in consultation with the Office of the Executive Vice President (or Vice President for External Campuses) of the Plainview Campus, will compose the official statement which sets forth the basic facts of the disaster, an expression of concern for the persons involved, and what actions have been taken to deal with the disaster.

F. University Spokesperson

In the absence of the PV-CRT or Director of Communications, only the Executive Director/Dean of the Clovis Campus, or his/her designee, will serve as the University spokesperson and communicate with the media. All media requests for information should be directed to the Dean of the Clovis Campus. Only facts gathered by the Clovis-CRT will be released. No speculation is to be offered. Internal audiences will be informed first of the crisis situation. These audiences may include staff, faculty, administration, and current students, and friends of Wayland. The following methods will be considered for communicating with internal audiences:

1. Telephones to offices or homes.
2. Posting of press release outside the office of the Dean.
3. Dissemination of information through local radio, television, and newspaper.
4. Establishment of a hotline with up-to-date recorded information in the Clovis Campus office.
5. Press releases and notification of appropriate media.
6. Called meeting at the Campus to clarify facts and answer questions.

G. Identification of External Audiences

The University will take a proactive approach in dealing with external audiences. These audiences may include friends of the University, area and state Baptist officials, prospective students, community leaders, and the general public. Because care must be taken to distribute consistent information to external audiences, only the University spokesperson will coordinate these communication efforts, and only the information gathered by the Clovis-CRT or the PV-CRT will be disseminated. The following methods may be considered for communicating with external audiences:

1. Telephone/facsimile/computer communication to primary media sources.
2. Posting of press releases outside Clovis Campus office.
3. Telephone or personal visit to key community leaders.
4. Telephone/facsimile/computer communication to key area and state Baptist leaders, including the leaders of the mobile Baptist Disaster Unit.
5. Establishment of a hotline with up-to-date recorded information in the Clovis Campus office.
6. A press conference, if warranted, at the Clovis Campus.

H. Counseling

A crisis may require the assistance of qualified counselors to deal with the human emotions of those involved. If deemed appropriate by the Clovis-CRT, the campus chaplain will service this need. If additional help is needed, qualified religion and psychology faculty will be asked to serve in this role. Referrals may also be made to local ministers, chaplains and counselors.

I. Background Information

Media requests for background information on the University shall be filled by distributing photocopies, prepared by members of the Clovis-CRT, of the following sections of the current Academic Catalog:

1. Mission of the University
2. History of Wayland
3. Location
4. The University Structure

In addition, information specific to the Clovis Campus, which is included in the Clovis Campus media brochure, will be distributed.

J. Communication Logs

All members of the Clovis-CRT should keep an accurate log of all calls received and other contacts made during the crisis. In addition, notes, memos, and news releases, which would be useful in evaluating performance and response, will be maintained. These items may also be used in the event of lawsuits. Report forms are provided in Appendices 2 and 3.

K. News Conference

Should a news conference be appropriate, the following items will be considered:

1. Invite persons who have legitimate interest in the news.
2. Conduct the news conference at the Clovis Campus, if possible.
3. Select a time for the news conference that allows the media to meet their deadlines.
4. Prepare handouts and visuals as needed.
5. Prepare spokesperson and other individuals who may be involved as to how to handle questions.
6. Appoint a moderator, other than the spokesperson, to open, direct and close the conference.
III. NON-EVACUATION PLAN

The non-evacuation plan would be used when the Clovis-CRT found it more appropriate for the Clovis Campus personnel to be in the building than to be out of doors or on the streets and highways. This plan places heavy responsibility on the Clovis-CRT to see that notification of the alert is broadcast to all personnel in the building. Suggested information to be given includes:

1. A brief statement concerning the nature of the impending or already occurred disaster.
2. Personnel in the building are to be instructed to move to pre-designated protected areas. Refer to Appendix 1.
3. Any special instructions as to specific actions to be taken for safety of personnel and property.
4. Approximate duration of the emergency, or explanation of the “all-clear” signal, and the methods of notification (radio, TV, etc.).
5. Standby procedures pending further receipt of additional instructions from the Clovis-CRT.

IV. PLAN OF EVACUATION

A. The Plan

The plan of evacuation will be used when there is advanced warning of a tornado or other impending disaster, and the Clovis-CRT advises to evacuate the building. It may also be used after a natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply capabilities of the Campus. Suggested information that may be given by the Clovis-CRT includes:

1. A brief statement concerning the nature of the impending or already-occurred disaster.
2. Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel.
3. The direction of area of least danger.
4. The direction of area of most danger.
5. Any specific information concerning roads which are known to be out of service.
6. Instructions to all persons in the building to implement appropriate actions for safety of personnel and property.

B. Evacuation Procedures

In the event of an emergency requiring the evacuation of the Clovis Campus, all personnel will be directed to the Lobby area, and to the exits identified in the building floor plan in Appendix 1. Once the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on emergency reports from the news media and other sources, a member of the Clovis-CRT will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or appropriate shelter at their business, church, or city. Members of the Clovis-CRT will see that the building is cleared.
A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any persons who are not accounted for at this time. Any emergency situation will be reported to the office of the Executive Vice President (or Vice President of External Campuses) at the Plainview Campus.

V. TORNADO SHELTER

No shelter exists at the Clovis Campus. The safest areas of the current building would be the restrooms or center hallway. The CAFB Education Building is a solid building, and emergency areas are designated in the building by the Air Force. In the final analysis, the decision to seek shelter must be made by the individual. Basements of churches and public buildings are available in emergency situations. Friends and neighbors may also have basements or storm shelters which may be used. The American Red Cross has a list of disaster shelters.

VI. REPORTS

Forms for documenting emergency communications, and for making a summary report are shown in Appendices 2 and 3.

APPENDIX 2

**EMERGENCY NOTIFICATION FORM**

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<th>Caller</th>
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Nature of Emergency: ______________________________________________________

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PHONE NUMBERS OF EMERGENCY PREPAREDNESS TEAM

Gary Mitchell, Dean 693-6830 Civil Defense Office 775-3052
Jesse Cantu, Asst. Dean 693-7743 Fire Department 769-7814
James Floyd, Site Coord. 693-5162 Police Department 763-9472
David Nelson, Chief Adv. 769-0468 EMERGENCY ONLY 911

APPENDIX 3

EMERGENCY NOTIFICATION SUMMARY

Nature of Emergency_________________________________________________ Date________________

Time Emergency Notification Issued________________________________________________________

Time All-Clear Issued____________________________________________________________________

Callers’ Names

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

List any contacts with law enforcement agencies, fire department, etc.

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Signed Date
Appendix H: Policies Applicable to the Eielson AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Fairbanks Police 907-450-6500).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University (WBU) Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE EIELSON AFB EDUCATION CENTER CAMPUS**

Executive Director/Campus Dean  
Dr. Beth Durbin, (907) 385-0493 or (907) 377-4398

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**  
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**  
Base Security Forces are available 24 hours a day to answer your calls by dialing (907) 377-5130 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the Wayland Baptist University Police Department (WBUPD) Chief of Police, or a designee, to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

- Know your nearest access to a telephone. Call 911.
- Know the most direct exit from the building in which you are meeting. Use the stairs, do not use the elevator.
- Know the physical address/building number at which you are located, 2631 Wabash Avenue.
- Know where the strongest overhead shelter is located in relation to where you are at all times.
- Know where a designated emergency assembly area is for where you are in class or at work. Go out the door at the end of the hallway, down the outside steps and meet by the electrical pole in the back parking lot.
- Especially in winter have an emergency kit in your vehicle at all times to include at a minimum: a basic first aid kit, an emergency space blanket, a flashlight, an emergency candle, and some method of being able to start a fire - preferably waterproof matches.
- Know the location of the nearest fire alarm pull and fire extinguisher.

Call the campus Dean and/or the Associate Vice President of the External Campuses and notify them of the emergency.

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.
The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.
Considerations in the Maintenance of Campus Facilities
WBU is a guest to the on-base education center. Eielson AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. The Eielson Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available
**Sex Offender Information**
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/).

**VAWA Education Policies and Programs**
Eielson Victim Advocate Services: 907-377-7208

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**
The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

**Domestic Violence:**
Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

**Dating Violence:**
Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

**Sexual Assault:**
Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

**Stalking:**

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include: • following or appearing within the sight of that person;

- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone; • sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means; or
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;
2. Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. Without Consent: that a person • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

Age of Consent:

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

• I am under 18 and the other person has authority over me (coach, teacher, boss).

• I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 – 445.

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

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This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>Year</td>
<td>On Campus</td>
<td>Non-campus</td>
<td>Public Property</td>
<td>Total</td>
<td>Residential Facilities</td>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>Non-campus</th>
<th>Public Property</th>
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**Weapon Law Violation Arrests**

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<tr>
<th>Year</th>
<th>2017</th>
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**Weapon Law Violation Referrals**

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<tr>
<th>Year</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crimes reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix I: Policies Applicable to the Elmendorf JBER AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Joint Base Elmendorf-Richardson- (907) 384-7272 / Air Force Office of Special Investigations (907) 552-2256).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. In cases of eminent danger and emergency, dial 911. That will connect with Anchorage emergency services, which will then transfer the emergency call to JBER emergency services for assistance.

Crimes occurring on base should be reported to the local police department (JBER/Security Forces) that has jurisdiction on the military installation. Dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.
Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE ANCHORAGE/ JBER ELMENDORF CAMPUS

<table>
<thead>
<tr>
<th>Executive Director/Campus Dean</th>
<th>Dr. Eric Ash, 907-830-6168 or 907-375-4515</th>
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<tbody>
<tr>
<td>Site Coordinator</td>
<td>Cynthia Michlig, 907-753-6416</td>
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</table>

Responsible Employees:
- Chris Wisdom
- Connie Luque
- Linda Hoffman
- Tricia Zuyus
- John Jemar
- Jeff Anderson
- Don Ashley
- Maggie Viertel
- Carol Lee Clayton
- Craig Clayton
- Matt Parsons
- Loretta Caldwell

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrft.htm.

Confidential Reporting

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral

counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing (907) 552-7070 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm) and including:

**Council on Domestic Violence and Sexual Assault**
[https://dps.alaska.gov/cdvsaservices/victimservices](https://dps.alaska.gov/cdvsaservices/victimservices)
Alaska’s CARELINE: 877-266-4357

Abused Women’s Aide in Crisis
[http://www.awaic.org/about-awaic/contact](http://www.awaic.org/about-awaic/contact)
907-272-0100

Standing Together Against Rape
[https://www.staralaska.com/](https://www.staralaska.com/)
907-276-7273

Victims for Justice
[https://victimsforjustice.org/](https://victimsforjustice.org/)
907-278-0977

Palmer Alaska Family Services
[https://www.akafs.org/](https://www.akafs.org/)
907-746-4080

Alaska Native Women’s Resource Center
866-287-8330

Alaska Network on Domestic Violence and Sexual Assault
[https://www.andvsa.org/](https://www.andvsa.org/)
907-583-3650

Violent Crimes Compensation Board
[http://doa.alaska.gov/vccb/](http://doa.alaska.gov/vccb/)
907-465-3040

Alaska Office of Victims’ Rights
https://ovr.akleg.gov/about.php
907-754-3460

Office of Public Advocacy
http://doa.alaska.gov/opa/
907-269-3500

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

• Murder/Non-Negligent Manslaughter

• Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)

• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of
Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**  
* (JBER EDF - SPECIFIC INFORMATION)  

**Emergency Preparedness Plan**  

**Anchorage Campus/JBER**  

**Revised 1-12-2020**

The purpose of this notice is to establish a reasonable and effective method of dealing with emergency situations at the WBU-Anchorage Campus/JBER. On the military installation, the default is for military emergency services (fire, police, etc.) to handle the situation. All administrative staff and full-time/adjunct faculty members must be familiar with and adhere to the following procedures:

The procedures below apply to JBER/ Elmendorf at Bldg. 4109, Elmendorf AFB.

**EMERGENCY EXITS:**

In the event of a major earthquake, fire, or other emergency, exits are located on each floor. Maps of these exits are located in every classroom and posted on the walls on the ground floor. These exits provide the fastest and most direct access to the parking lot outside. All exits are furnished with emergency lighting in the event of a loss of electricity. In case evacuation is necessary, faculty and staff members should direct students to leave the building in an orderly manner through one of the above exits.
**EVACUATION:**

There is no single solution for all evacuation scenarios. In case of fire, evacuate the building at the nearest exit away from the fire. Follow published routes displayed throughout the facility. In case of active shooter, evacuate away from the danger, or hold in place with classroom doors locked, and then evacuate when told to do so by authorities. For earthquake, evacuate if possible through the nearest exit— but if not possible, then hold in place by taking shelter under tables or other cover. For all emergency evacuation procedures, become very familiar with the location of exits from all floors of the facility. There are 11 emergency exits from the facility. Do not use elevators or stair lifts. Following evacuation, if safe, assemble in the east parking lot to assess situation and count personnel.

**POINTS OF CONTACT:**

For major emergencies, call 911, and Anchorage dispatch will re-direct the call to JBER emergency services. The Executive Director/Campus Dean, Dr. Eric Ash, can be reached at 907-830-6168 (cell) or 907-375-4515 (office) or 907-770-4543 (home). The Assistant Dean, Matt Zimmerman, can be reached at 276-0091 (cell). Mr. Matt Parsons is the Facility Manager for all Anchorage locations and can be reached at 830-0510 or 444-0639 (cell).

**CLASS CANCELLATIONS:**

In the event that classes are cancelled for any reason (active shooter, earthquakes, snowfall, fire, etc.), Wayland will notify instructors and students via the following methods:

- Instructors by phone from Anchorage Campus staff, if possible.
- Instructors and students by the following:
  - Messages posted on Blackboard.
  - Notices on local radio station (AM 750)
  - University telephone emergency voice message system
  - University e-mail and text messaging
  - Personal phone calls if time and circumstances permit

**CRISIS RESPONSE TEAM:**

The Anchorage Crisis Response Team is an officially designated group of Wayland Baptist University – Anchorage employees who will serve as a decision-making and directive-issuing body in emergency situations. The Executive Director/Dean of the Anchorage campus will act with authority to implement a plan for coping with imminent danger, such as an earthquake. In the absence of the Executive Director/Dean, the Assistant Dean will act in authority to implement a plan. In the absence of both the Executive Director/Dean and the Assistant Dean, the Facility Manager will act in their capacity. In addition to these three, other designated individuals will act as Campus Security Authorities (CSA): the Parkside site coordinator (Loretta), and two faculty representatives most likely to be involved with students on Wayland trips or programs: Dr. Anderson, and Dr. Ashley. All CSAs are supposed to receive annual training, coordinated by Plainview’s chief of campus security. Regardless of when that may happen, CSAs as well as all other Wayland staff and faculty must review this emergency plan annually and report to the campus executive director that they have done so.
GENERAL PROCEDURES:

If at all possible, campus crises should be avoided by following proactive procedures such as fire and earthquake drills and maintaining campus properties for maximum safety. In case of unavoidable emergencies, these same procedures can help prevent or lessen damage from such crises.

The University's first concern is for the safety of its students, faculty, and staff. Any other issues (administrative or otherwise) will be resolved in order of importance. Once students, faculty, and staff are secured, property can be secured and damages assessed before cleanup begins.

1) In an emergency situation, all personnel will be notified appropriately via computer, telephone, and/or voice of what actions to take (evacuate the building, remain in offices, seek shelter in the basement, etc).

2) If instructed to remain in the building, all personnel will be notified to close windows and window shades if appropriate.

3) If instructed to evacuate the building, all personnel will immediately proceed out the closest exit and assemble in the southeast corner of the parking lot (toward intersection of Totem Theater).

4) Anyone discovering a suspicious package in the facility, or a suspicious package/letter in the mail, will stay away from the package and bring the issue to the attention of the crisis response team or facility director, assistant campus dean, or campus dean in that order.

5) In the event of a suspicious package/letter, or threatening telephone call/e-mail that identifies WBU-Anchorage as a target of attack, WBU personnel will immediately call 911 to notify the appropriate Anchorage authorities.

6) Front office personnel seeing a suspicious-looking person approaching the building will lock the front doors only if they have time to do so. Otherwise, they will immediately lower the metal security screen and proceed down the inside hallway to the assistant dean’s office, where they will call for assistance.

Upon receiving news of an impending emergency or an already-occurred emergency, all members of the Crisis Response Team shall report immediately to the Parkside Center. Those who arrive first must immediately notify other Crisis Response Team members who may yet be uniformed of the disaster. The first order of business is to assemble the Crisis Management Team, which should:

1. Use all available methods to gather available pertinent information as to the nature of the disaster or impending disaster.
   - Evaluate all pertinent information.
   - Make a decision as to whether or not a disaster plan should be initiated.
   - Choose the appropriate disaster plan.
   - Initiate the plan.
   - Determine the message to be used by the automated telephone operator in answer to questions. At this point, the Crisis Response Team will assume the responsibility of communicating the plan of action to the Campus.
In the event that there are members of the Crisis Response Team not present, those who are present shall have the authority to implement the necessary plans.

In the case of an earthquake or volcanic eruption, the Executive Director/Dean shall consult with JBER Security Forces and render a take-shelter decision as soon as possible.

In the case of a terrorist threat (bomb threat, active shooter, etc.), the Executive Director/Dean or Crisis Response Team shall make contact with law enforcement immediately and may take other legally-allowable actions necessary to safeguard students, faculty, and staff. Since the student body is made up of a large number of local police officers, and the state of Alaska has a ‘legal duty to act’ clause for its police officers, these persons will likely be the first consulted in such a situation.

In the case of a major civil emergency (911-type situation), all WBU faculty, staff, and students will follow established emergency plans initiated by local or federal civil authorities.

**COMMUNICATIONS:**

Decisions made by the Crisis Response Team will be effectively communicated to appropriate internal and external audiences in the most expeditious manner possible. Once immediate communication needs are met, the Office of Communications/Public Relations (806-291-3585) in Plainview, Texas, will be the primary source for information and communications related to a crisis, with help from key personnel from the Anchorage Campus who will ensure a smooth crisis response.

Both the public’s legitimate right to know the essential facts and privacy concerns (especially those related to individual rights, personal security and legal liability) must be determined and considered before any public statements are made.

An appropriate spokesperson for the University will be identified and counseled by the Office of Communications. In the absence of that person, the Executive Director/Dean will be the spokesperson. The University may choose not to participate in a discussion it deems non-newsworthy or inappropriate. Efforts will be made to explain the University’s position and to be as forthcoming as possible with the facts of the situation, but at no time will a University representative reply, “No comment.” All faculty and staff should be deliberate not to speculate or offer personal opinions about a crisis situation. All inquiries should be referred to the Executive Director/Dean or to the Office of Communications / Public Relations representative in Plainview, Texas.

**OFFICIAL STATEMENT:**

If necessary, an official statement will be prepared by the Crisis Response Team and Office of Communications/Public Relations, or in consultation with the Office of the President or Vice President for Academic Affairs, Plainview Campus. They will compose the official statement which sets forth the basic facts of the disaster, an expression of concern for the persons involved, and what actions have been taken to deal with the disaster.
UNIVERSITY SPOKESPERSON:
In the absence of the Director of Communications, only the Dean of the Anchorage Campus, or his/her designee, will serve as the University spokesperson and communicate with the media. All media requests for information should be directed to the Dean of the Anchorage Campus. Only facts gathered by the Crisis Response Team will be released. No speculation is to be offered. Internal audiences will be informed first of the crisis situation. These audiences may include staff, faculty, administration, and current students, and friends of Wayland. The following methods will be considered for communicating with internal audiences:

- Telephones to offices or homes.
- Posting of press release outside the office of the Dean.
- Dissemination of information through local radio, television, the campus web page, and newspaper.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- Press releases and notification of appropriate media.
- Called meeting at the Campus to clarify facts and answer questions.

IDENTIFICATION OF EXTERNAL AUDIENCES:
The University will take a proactive approach in dealing with external audiences. These audiences may include friends of the University, area and state Baptist officials, prospective students, community leaders, and the general public. Because care must be taken to distribute consistent information to external audiences, only the University spokesperson will coordinate these communication efforts, and only the information gathered by The Crisis Response Team will be disseminated. The following methods may be considered for communicating with external audiences:

- Telephone/facsimile/computer communication to primary media sources.
- Posting of press releases outside Anchorage Campus office.
- Telephone or personal visit to key community leaders.
- Telephone/facsimile/computer communication to key area and state Baptist leaders.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- A press conference, if warranted, at the Anchorage Campus.

COMMUNICATION LOGS:
All members of the Anchorage CRT should keep an accurate log of all calls received and other contacts made during the crisis. In addition, notes, memos, and news releases, which would be useful in evaluating performance and response, will be maintained. These items may also be used in the event of lawsuits.

EVACUATION PROCEDURES:
The plan of evacuation will be used when there is advanced warning of a volcanic eruption or other impending disaster, and the Crisis Response Team advises to evacuate the building. It may also be used after a natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply capabilities of the facility. Suggested information that may be given by the Crisis Response Team includes:
• A brief statement concerning the nature of the impending or already-occurred disaster.
• Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel.
• The direction of area of least danger.
• The direction of area of most danger.
• Any specific information concerning roads which are known to be out of service.
• Instructions to all persons in the building to implement appropriate actions for safety of personnel and property.

In the event of an emergency requiring the evacuation of the Anchorage Campus, all personnel will be directed to the exits identified in the building floor plan. Once the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on emergency reports from the news media and other sources, a member of the Anchorage Campus will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or appropriate shelter at church, or in the city. Members of the Crisis Response Team will see that the building is cleared.

A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any persons who are not accounted for at this time. Any emergency situation will be reported to the office of the Senior Vice President of Operations and Student Life and the Vice President of External Campuses.

Emergency Notifications
The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.
The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
The Teaching site (Education Center) is located on the Elmendorf Air Force Base with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

Considerations in the Maintenance of Campus Facilities
WBU is a guest to the on-base education center. Elmendorf AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. The Elmendorf Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.
Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations

The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs

Crime prevention and security awareness procedures at the Campus are briefed quarterly at staff and faculty meetings. The Anchorage program includes the following:

- Exterior Doors locked at 8 pm each weekday night and at 6 pm each weekend day night
- Exterior windows closed and latched
- Building walkthrough at 10 pm each weekday night and at 6 pm each weekend day to confirm lights off, all external doors shut and locked, all bathrooms secured, and building armed with electronic security (Guardian Security).
- Building re-inspected and re-armed by Guardian Security between 10:30 and 11:00 pm each night
- Surveillance cameras viewing and recording all internal (every classroom and every hallway) and external (parking lot and adjacent park behind facility) perspectives of the campus

Online training is also available.

**Sex Offender Information**
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/).

**VAWA Education Policies and Programs**
Joint Base Elmendorf-Richardson

Sexual Assault Prevention Resource Office: 907-551-2020
Hotline: 907-384-7272

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

**Domestic Violence:**

Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

**Dating Violence:**
Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

**Sexual Assault:**

Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

**Stalking:**

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone; • sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means; or
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**
In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;

2. Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. Without Consent: that a person

   • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or
   
   • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

   • I am under 18 and the other person has authority over me (coach, teacher, boss).
   
   • I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 –.445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>VAWA Offenses</th>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>On Campus</th>
<th>Non-campus</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix J: Policies Applicable to the Fairbanks Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Fairbanks Police Department 907-450-6500).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE FAIRBANKS CAMPUS**

Executive Director/Campus Dean  
Dr. Beth Durbin, (907) 385-0493

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacr.htm](https://www.wbu.edu/university-police/csacr.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**
The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.

2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

- Know your nearest access to a telephone. Call 911.
- Know the most direct exit from the building in which you are meeting.
- Know the physical address/building number at which you are located, 301 North Santa Claus Ln, Suite 1, North Pole, AK 99705.
- Know where the strongest overhead shelter is located in relation to where you are at all times.
- Know where a designated emergency assembly area is for where you are in class or at work. Go out the door and turn left, go out both double doors to the parking lot and meet across the street from the building.
- Especially in winter have an emergency kit in your vehicle at all times to include at a minimum: a basic first aid kit, an emergency space blanket, a flashlight, an emergency candle, and some method of being able to start a fire - preferably waterproof matches.
- Know the location of the nearest fire alarm pull and fire extinguisher.

Call the campus Dean and/or the Associate Vice President of the External Campuses and notify them of the emergency.

Emergency Notifications

The Wayland Baptist University (WBU) Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency or dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.
Wayland personnel, potentially including the Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.
Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: [https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf](https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf).

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/).
VWA Education Policies and Programs
Alaska Department of Public Safety: Council on Domestic Violence and Sexual Assault
907-465-4356
https://dps.alaska.gov/cdvsa/services/victimservices

Abused Women’s Aide in Crisis
907-272-0100
http://www.awaic.org

Standing Together Against Rape
907-276-7279
https://www.staralaska.com

Alaska Family Service
907-746-4080
https://www.akafs.org

Alaska Native Women's Resource Center
907-328-3990
http://www.aknwrc.org/

Alaska Network on Domestic Violence & Sexual Assault
907-586-3650
https://www.andvsa.org/

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

Domestic Violence:
Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

• A person you have dated, or are presently dating;
• A current or former spouse;
• A person with whom you have or have had a sexual relationship;
• A person who lives, or has previously lived with you, in the same household;
• A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

**Dating Violence:**

Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

**Sexual Assault:**

Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

• Engaging in sexual penetration or contact with someone without consent of the person;
• Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
• Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
• Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

**Stalking:**

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

• following or appearing within the sight of that person;
• approaching or confronting that person in a public place or on private property;
• appearing at the workplace or residence of that person;
• entering onto or remaining on property owned, leased, or occupied by that person;
• contacting that person by telephone; • sending mail or electronic communications to that person;
• placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
• following or monitoring that person with a global positioning device or similar technological means; or
• using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;

2. Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. Without Consent: that a person • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

• I am under 18 and the other person has authority over me (coach, teacher, boss).

• I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 – .445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).
This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tbody>
<tr>
<td>Murder/Non Negligent Manslaughter</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
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<td>0</td>
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<td>Manslaughter by Negligence</td>
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<td>0</td>
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<tr>
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<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Rape</td>
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<tr>
<td></td>
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<td>Statutory Rape</td>
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<tr>
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<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>0</td>
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<td>Dating Violence</td>
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<tr>
<td>Weapon Law Violation Referrals</td>
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</tbody>
</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**UNFOUNDED CRIMES**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix K: Policies Applicable to the Fort Huachuca Army Base Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Fort Huachuca Police Department 520-533-3000).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE FORT HUACHUCA CAMPUS**

Executive Director/Campus Dean  
Dr. Andrew Marquez, 520-792-1506

Assistant Dean/ Site Coordinator  
Barbara Lopez, 520-459-6111 or 520-533-1047

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing (520) 533-3000 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that
withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar
occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the
   WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime
   in a manner that would allow the department to post a Timely Warning for the community. A
general guideline will include a report that is filed more than fourteen days after the date of the
alleged incident may not allow WBUPD to post a Timely Warning to the community. This type
of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
Since we are located in the Education Building on Ft. Huachuca, evacuation plans are posted on all areas.
Student, staff and faculty, should follow these directions and then gather outside in the East Parking lot to
ensure that all are out and accounted for. See the attached diagrams. There is an exterior exit in the office
in the Advisors office, which is easily accessible from the other offices.

Emergency Notifications
The Wayland Baptist University (WBU) Campus Executive Director, Military Security Forces, Police
Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or
the WBUPD Chief of Police or their designee will develop an emergency notification by determining the
content of a message that will be used to notify members of the community immediately upon confirmation
of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a
manmade emergency or other emergency that poses an immediate threat to the health and safety of the
WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate
threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the
institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are
not limited to emergencies such as: natural disaster/weather event, an active shooter on campus,
hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion,
suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.),
significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD
indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice
President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or
their designee, has a responsibility to respond to such incidents to determine if the situation does in fact
pose an immediate threat to the community as well as determine the need for emergency notification.
The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

The Teaching site (Education Center) is located on a military fort with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**

WBU is a guest to the on-base education center. Fort Huachuca Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Fort Huachuca Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.
Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available. Faculty are made aware of security issues each term at their faculty meeting. They are responsible to alerting students to crime prevention and security awareness. Both the WBUPD Chief of Police and the Sheriff are adjunct instructors who work with us to establish awareness programs.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.
Sex Offender Registry for the state of Arizona can be found at: https://www.azdps.gov/services/public/offender

**VAWA Education Policies and Programs**
Sexual Assault Response Coordinator
520-732-3736

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence:** The State of Arizona defines domestic violence as follows:

  1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

  2. The victim and the defendant have a child in common.

  3. The victim or the defendant is pregnant by the other party.

  4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

  5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

  6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

     (a) The type of relationship.

     (b) The length of the relationship.

     (c) The frequency of the interaction between the victim and the defendant.

     (d) If the relationship has terminated, the length of time since the termination.

- **Dating Violence:** The State of Arizona defines dating violence as follows:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

   (a) The type of relationship.
   (b) The length of the relationship.
   (c) The frequency of the interaction between the victim and the defendant.
   (d) If the relationship has terminated, the length of time since the termination.

- **Sexual Assault:** The State of Arizona defines sexual assault as follows:

  § 13-1401. Definitions; factors: In this chapter, unless the context otherwise requires:

  1. “Oral sexual contact” means oral contact with the penis, vulva or anus.

  2. “Position of trust” means a person who is or was any of the following:
     (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
     (b) The minor's teacher.
     (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
     (d) The minor's clergyman or priest.
     (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.
3. “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.

4. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. “Spouse” means a person who is legally married and cohabiting.

6. “Teacher” means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.

7. “Without consent” includes any of the following:
   (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
   (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
   (c) The victim is intentionally deceived as to the nature of the act.
   (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

B. The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:

1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

§ 13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.
C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of § 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for violation of this section or § 13-1406 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for violation of this section or § 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>
E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

§ 13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to § 13-705.

§ 13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to § 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed has been served or commuted.

• Stalking: The State of Arizona defines stalking as follows: 13-2923. Stalking; classification; exceptions; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
   (a) The victim's property will be damaged or destroyed.
   (b) Any of the following will be physically injured:
      (i) The victim.
      (ii) The victim's family member, domestic animal or livestock.
      (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
      (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

2. Reasonably fear death or the death of any of the following:
   (a) The victim's family member, domestic animal or livestock.
(b) A person with whom the victim has or has previously had a romantic or sexual relationship.
(c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:
   1. "Course of conduct":
      (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
         (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
         (ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
         (iii) Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
      (b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
   2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

Jurisdictional Definition of Consent
"Without consent" includes any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;

2. the victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;

3. The victim is intentionally deceived as to the nature of the act; or

4. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. Arizona Revised Statute § 13-1401.
Arizona Age of Consent:

Arizona’s age of consent, which is 18 years old, are unable to consent to sexual activity with an individual who is older than them.

In Arizona, statutory rape is prosecuted under the state’s sexual abuse and molestation laws, and is broken into several categories based on the age of the parties and the type of sexual contact that occurred, as described below.

Sexual conduct with a minor. Sexual conduct with a minor is a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor. (Az. Rev. Stat. §§ 13-1405, 13-1407 (2018).)

Molestation of a child. Arizona law defines molestation of a child as sexual contact without penetration (not including touching a female’s breast) between a minor who is 14 or younger and a defendant of any age. (Az. Rev. Stat. § 13-1410 (2018).)

Sexual abuse. Under Arizona law, sexual abuse occurs when there is consensual sexual contact between a minor who is 14 or younger and a defendant of any age and the contact involves only the touching of a female’s breast. (Az. Rev. Stat. § 13-1404 (2018).)

Sexual conduct with a minor, molestation of a child, and sexual abuse are felonies in Arizona. Penalties vary according to the state’s sentencing grid and may include fines, prison time, or both. Punishments are typically harsher the younger the victim. Increased penalties also apply to offenders with prior convictions and those who were in a position of trust (such as a teacher, clergyman, or coach) at the time of the sexual contact. For instance, a conviction for sexual conduct with a minor can result in a prison sentence ranging from 13 years to life, depending on the facts of the case. (Az. Rev. Stat. §§ 13-705, 13-1405 (2018).)

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
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<th>Primary Crimes</th>
<th>Year</th>
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<th>Arrests and Referrals for Disciplinary Action</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix L: Policies Applicable to the Fort Richardson JBER Army Post Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Joint Base Elmendorf-Richardson- (907) 384-7272 / Air Force Office of Special Investigations- (907) 552-2256).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department (JBER/Ft Richardson Army Police) with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the
incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE FT. RICHARDSON CAMPUS**

Executive Director/Campus Dean  
Dr. Eric Ash, 907-830-6168 or 907-375-4515

Assistant Dean  
Mike Zimmerman, 907-375-4503 or 907-333-2277

Responsible Employees:  
Chris Wisdom  
Connie Luque  
Linda Hoffman  
Tricia Zuyus  
Loretta Caldwell  
Jeff Anderson  
Don Ashley  
Maggie Viertel  
Carol Lee Clayton  
Craig Clayton  
Matt Parsons

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing 907-552-7070 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for
Alaska’s Council on Domestic Violence and Sexual Assault
https://dps.alaska.gov/cdvsa/services/victimservices

Abused Women’s Aide in Crisis
http://www.awaic.org/
907-272-0100

Standing Together Against Rape 907-276-7279
https://www.staralaska.com/
907-276-7273

Victims for Justice
https://victimsforjustice.org/
907-278-0986

Alaska Native Women’s Resource Center
http://www.aknwrc.org/
907-328-3990

Alaska Network on Domestic Violence and Sexual Assault
https://www.andvsa.org/
907-586-3650

Violent Crimes Compensation Board
http://doa.alaska.gov/vccb/
907-465-3040

Alaska Office of Victims’ Rights
https://ovr.akleg.gov/about.php
907-754-3460

Office of Public Advocacy
http://doa.alaska.gov/opa/
907-269-3500

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBU Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to CSAs, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
(FT. RICHARDSON - SPECIFIC INFORMATION)

Emergency Preparedness Plan
JBER/FT. RICHARDSON
Revised 1-12-2020

The purpose of this notice is to establish a reasonable and effective method of dealing with emergency situations at the WBU Campus JBER/Ft. Richardson. On the military installation, the default is for military emergency services (fire, police, etc.) to handle the situation. All administrative staff and full-time/adjunct faculty members must be familiar with and adhere to the following procedures:

The procedures below apply to JBER/FRA at Education Center Bldg. 7, Chilkoot Ave., Ft. Richardson.

EMERGENCY EXITS:

In the event of a major earthquake, fire, or other emergency, exits are located on each floor. Maps of these exits are located in every classroom and posted on the walls on each floor. These exits provide the fastest and most direct access to the parking lot outside. All exits are furnished with emergency lighting in the event of a loss of electricity. In case evacuation is necessary, faculty and staff members should direct students to leave the building in an orderly manner through one of the above exits.

EVACUATION:

There is no single solution for all evacuation scenarios. In case of fire, evacuate the building at the nearest exit away from the fire. Follow published routes displayed throughout the facility. In case of active shooter, evacuate away from the danger, or hold in place with classroom doors locked, and then evacuate when told to do so by authorities. For earthquake, evacuate if possible through the nearest exit—but if not possible, then hold in place by taking shelter under tables or other cover. For all emergency evacuation procedures, become very familiar with the location of exits from all floors of the facility. Do not use elevators. There are a total of 9 emergency exits available.

POINTS OF CONTACT:

For major emergencies, call 911, and Anchorage dispatch will re-direct the call to JBER emergency services. The Executive Director/Campus Dean, Dr. Eric Ash, can be reached at 907-830-6168 (cell) or 907-375-4515 (office) or 907-770-4543 (home). The Assistant Dean, Mike Zimmerman, can be reached
at 276-0091 (cell). Mr. Matt Parsons is the Facility Manager for all Anchorage locations and can be reached at 830-0510 or 444-0639.

CLASS CANCELLATIONS:
In the event that classes are cancelled for any reason (active shooter, earthquakes, snowfall, fire, etc.), Wayland will notify instructors and students via the following methods:

Instructors by phone from Anchorage Campus staff, if possible.
Instructors and students by the following:
- Messages posted on Blackboard.
- Notices on local radio station (AM 750)
- University telephone emergency voice message system
- University e-mail and text messaging
- Personal phone calls if time and circumstances permit.

CRISIS RESPONSE TEAM:
The Anchorage Crisis Response Team is an officially designated group of Wayland Baptist University – Anchorage employees who will serve as a decision-making and directive-issuing body in emergency situations. The Executive Director/Dean of the Anchorage campus will act with authority to implement a plan for coping with imminent danger, such as an earthquake. In the absence of the Executive Director/Dean, the Assistant Dean will act in authority to implement a plan. In the absence of both the Executive Director/Dean and the Assistant Dean, the Facility Manager will act in their capacity. In addition to these three, other designated individuals will act as Campus Security Authorities (CSA): the Parkside site coordinator (Loretta), and two faculty representatives most likely to be involved with students on Wayland trips or programs: Dr. Anderson, and Dr. Ashley. All CSAs are supposed to receive annual training, coordinated by Plainview’s chief of campus security. Regardless of when that may happen, CSAs as well as all other Wayland staff and faculty must review this emergency plan annually and report to the campus executive director that they have done so.

GENERAL PROCEDURES:
If at all possible, campus crises should be avoided by following proactive procedures such as fire and earthquake drills and maintaining campus properties for maximum safety. In case of unavoidable emergencies, these same procedures can help prevent or lessen damage from such crises.

The University’s first concern is for the safety of its students, faculty, and staff. Any other issues (administrative or otherwise) will be resolved in order of importance. Once students, faculty, and staff are secured, property can be secured and damages assessed before cleanup begins.

1. In an emergency situation, all personnel will be notified appropriately via computer, telephone, and/or voice of what actions to take (evacuate the building, remain in offices, seek shelter in the basement, etc.).
2. If instructed to remain in the building, all personnel will be notified to close windows and window shades if appropriate.

3. If instructed to evacuate the building, all personnel will immediately proceed out the closest exit and assemble in the southeast corner of the parking lot (toward intersection of Totem Theater).

4. Anyone discovering a suspicious package in the facility, or a suspicious package/letter in the mail, will stay away from the package and bring the issue to the attention of the crisis response team or facility director, assistant campus dean, or campus dean in that order.

5. In the event of a suspicious package/letter, or threatening telephone call/e-mail that identifies WBU-Anchorage as a target of attack, WBU personnel will immediately call 911 to notify the appropriate Anchorage authorities.

6. Front office personnel seeing a suspicious-looking person approaching the building will lock the front doors only if they have time to do so. Otherwise, they will immediately lower the metal security screen and proceed down the inside hallway to the assistant dean’s office, where they will call for assistance.

Upon receiving news of an impending emergency or an already-occurred emergency, all members of the Crisis Response Team shall report immediately to the Parkside Center. Those who arrive first must immediately notify other Crisis Response Team members who may yet be uniformed of the disaster. The first order of business is to assemble the Crisis Management Team, which should:

1. Use all available methods to gather available pertinent information as to the nature of the disaster or impending disaster.
2. Evaluate all pertinent information.
3. Make a decision as to whether or not a disaster plan should be initiated.
4. Choose the appropriate disaster plan.
5. Initiate the plan.
6. Determine the message to be used by the automated telephone operator in answer to questions. At this point, the Crisis Response Team will assume the responsibility of communicating the plan of action to the Campus.

In the event that there are members of the Crisis Response Team not present, those who are present shall have the authority to implement the necessary plans.

In the case of an earthquake or volcanic eruption, the Executive Director/Dean shall consult with JBER Ft. Richardson Security Forces and render a take-shelter decision as soon as possible.

In the case of a terrorist threat (bomb threat, active shooter, etc.), the Executive Director/Dean or Crisis Response Team shall make contact with law enforcement immediately and may take other legally allowable actions necessary to safeguard students, faculty, and staff. Since the student body is made up of a large number of local police officers, and the state of Alaska has a ‘legal duty to act’ clause for its police officers, these persons will likely be the first consulted in such a situation.

In the case of a major civil emergency (911-type situation), all WBU faculty, staff, and students will follow established emergency plans initiated by local or federal civil authorities.
COMMUNICATIONS:

Decisions made by the Crisis Response Team will be effectively communicated to appropriate internal and external audiences in the most expeditious manner possible. Once immediate communication needs are met, the Office of Communications/Public Relations (806-291-3585) in Plainview, Texas, will be the primary source for information and communications related to a crisis, with help from key personnel from the Anchorage Campus who will ensure a smooth crisis response.

Both the public’s legitimate right to know the essential facts and privacy concerns (especially those related to individual rights, personal security and legal liability) must be determined and considered before any public statements are made.

An appropriate spokesperson for the University will be identified and counseled by the Office of Communications. In the absence of that person, the Executive Director/Dean will be the spokesperson. The University may choose not to participate in a discussion it deems non-newsworthy or inappropriate. Efforts will be made to explain the University’s position and to be as forthcoming as possible with the facts of the situation, but at no time will a University representative reply, “No comment.” All faculty and staff should be deliberate not to speculate or offer personal opinions about a crisis situation. All inquiries should be referred to the Executive Director/Dean or to the Office of Communications/Public Relations representative in Plainview, Texas.

OFFICIAL STATEMENT:

If necessary, an official statement will be prepared by the Crisis Response Team and Office of Communications/Public Relations, or in consultation with the Office of the President or Vice President for Academic Affairs, Plainview Campus. They will compose the official statement which sets forth the basic facts of the disaster, an expression of concern for the persons involved, and what actions have been taken to deal with the disaster.

UNIVERSITY SPOKESPERSON:

In the absence of the Director of Communications, only the Dean of the Anchorage Campus, or his/her designee, will serve as the University spokesperson and communicate with the media. All media requests for information should be directed to the Dean of the Anchorage Campus. Only facts gathered by the Crisis Response Team will be released. No speculation is to be offered. Internal audiences will be informed first of the crisis situation. These audiences may include staff, faculty, administration, and current students, and friends of Wayland. The following methods will be considered for communicating with internal audiences:

- Telephones to offices or homes
- Posting of press release outside the office of the Dean
- Dissemination of information through local radio, television, the campus web page, and newspaper
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office
- Press releases and notification of appropriate media
- Called meeting at the Campus to clarify facts and answer questions
IDENTIFICATION OF EXTERNAL AUDIENCES

The University will take a proactive approach in dealing with external audiences. These audiences may include friends of the University, area and state Baptist officials, prospective students, community leaders, and the general public. Because care must be taken to distribute consistent information to external audiences, only the University spokesperson will coordinate these communication efforts, and only the information gathered by The Crisis Response Team will be disseminated. The following methods may be considered for communicating with external audiences:

- Telephone/facsimile/computer communication to primary media sources
- Posting of press releases outside Anchorage Campus office
- Telephone or personal visit to key community leaders
- Telephone/facsimile/computer communication to key area and state Baptist leaders
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office
- A press conference, if warranted, at the Anchorage Campus

COMMUNICATION LOGS:

All members of the Anchorage CRT should keep an accurate log of all calls received and other contacts made during the crisis. In addition, notes, memos, and news releases, which would be useful in evaluating performance and response, will be maintained. These items may also be used in the event of lawsuits.

EVACUATION PROCEDURES

The plan of evacuation will be used when there is advanced warning of a volcanic eruption or other impending disaster, and the Crisis Response Team advises to evacuate the building. It may also be used after a natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply capabilities of the facility. Suggested information that may be given by the Crisis Response Team includes:

- A brief statement concerning the nature of the impending or already-occurred disaster
- Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel
- The direction of area of least danger
- The direction of area of most danger
- Any specific information concerning roads which are known to be out of service

Instructions to all persons in the building to implement appropriate actions for safety of personnel and property.

In the event of an emergency requiring the evacuation of the Anchorage Campus, all personnel will be directed to the exits identified in the building floor plan. Once the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on emergency reports from the news media and other sources, a member of the Anchorage Campus will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or appropriate shelter at church, or in the city. Members of the Crisis Response Team will see that the building is cleared.
A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any person who are not accounted for at this time. Any emergency situation will be reported to the office of the Senior Vice President of Operations and Student Life and the Vice President of External Campuses.

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD WBU Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBU Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBU Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBU Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:
1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**
WBU is a guest to the on-base education center. Fort Richardson Army Post and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center’s is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Fort Richardson Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on

University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: [https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf](https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf).

Crime Prevention and Security Awareness Programs
Online training available

Crime prevention and security awareness procedures at Ft. Richardson are briefed quarterly at staff and faculty meetings. The program includes the following:

- Ft. Richardson security police are responsible for monitoring building security and responding to emergency situations.
- Exterior Doors are locked at 10 pm each weekday night
- Building walkthrough at 10 pm each weekday night by the building monitor.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/)

VAWA Education Policies and Programs
Joint Base Elmendorf-Richardson
Sexual Assault Prevention Resource Office: 907-551-2020
Hotline: 907-384-7272

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

Domestic Violence:

Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

Dating Violence:

Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

Sexual Assault:

Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

Stalking:
Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone;
- sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means;
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. **Incapacitated:** temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;

2. **Mentally Incapable:** suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. **Without Consent:** that a person

   - with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or
   - is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the
younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 –.445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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### VAWA Offenses

<table>
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<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<table>
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<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crimes reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix M: Policies Applicable to the Fort Sam Houston Army Base Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (JBSA-Fort Sam Houston 502nd Security Forces Squadron 210-221-3735).

Fort Sam Houston Security Police
Emergency 911
Non-Emergency 210-221-3735

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.
Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: [https://www.wbu.edu/university-police/silent-witness-crime-report.htm](https://www.wbu.edu/university-police/silent-witness-crime-report.htm).

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the Fort Sam Houston Center**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>210-590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd, 210-279-5341 or 210-590-5628</td>
<td></td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Makenna Maloy</td>
<td>210-590-5680</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing (210) 221-2222 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:
- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:
- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD WBUDP Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

• On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.

• Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

Communication Logs
All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.

The Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Director of Information Technology and/or the WBUDP Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUDP Chief of Police or

their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUDP Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

The Teaching site (Education Center) is located on a military fort with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**

WBU is a guest to the on-base Education Center. Fort Sam Houston Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Fort Sam Houston Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the
Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on university owned or controlled property or in conjunction with any university activity. The university may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: [https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf](https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf).

**Crime Prevention and Security Awareness Programs**
Online training available.

**Sex Offender Information**
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry.

VAWA Education Policies and Programs
Sexual Assault Prevention & Response Office
https://www.sapr.mil/
210-808-7272

DOD Safe Helpline
https://www.safehelpline.org/
1-877-995-5247

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; • Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
  - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length
of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."
- The State of Texas defines sexual assault as follows:

Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.
A person commits an offense if the person:

• Intentionally or knowingly:

  • causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

  • causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

  • Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; 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; causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.
Jurisdictional Definition of Consent
The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

ss. The actor compels the other person to submit or participate by the use of physical force or violence;

 tt. 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;

 uu. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

 vv. 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;

 ww. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

 xx. 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;

 yy. 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;

 zz. The actor is a public servant who coerces the other person to submit or participate;

 aaa. 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;

 bbb. 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

 ccc. 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.

Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

• Consent to one act does not constitute consent to another act.

• Consent on a previous occasion does not constitute consent on a later occasion.

• Consent to an act with one person does not constitute consent to an act with any other person.

• The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.

• Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
• Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
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</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

### Unfounded Crimes

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."
Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix N: Policies Applicable to the Fort Wainwright Army Post Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Fort Wainwright FWA Non-Emergency 907-353-7535).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University (WBU) Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE FORT WAINEWRIGHT ARMY POST CAMPUS**

Executive Director/Campus Dean
Dr. Beth Durbin, 907-385-0493  
Academic Advisor  
Bryan Myers, 907-356-2403

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing 907-377-5227 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
Know your nearest access to a telephone. Call 911. Know the most direct exit from the building in which you are meeting. Know the physical address/building number at which you are located, 4391 Neely Street. Know where the strongest overhead shelter is located in relation to where you are at all times. Know where a designated emergency assembly area is for where you are in class or at work. Go out the back door and meet by the light pole at the right of the parking lot. Especially in winter have an emergency kit in your vehicle at all times to include at a minimum: a basic first aid kit, an emergency space blanket, a flashlight, an emergency candle, and some method of being able to start a fire - preferably waterproof matches. Know the location of the nearest fire alarm pull and fire extinguisher. Call the campus Dean and/or the Associate Vice President of the External Campuses and notify them of the emergency.

Emergency Notifications
The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.
The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
The Teaching site (Education Center) is located on a military fort with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**
WBU is a guest to the on-base education center. Fort Wainwright Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions.
The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Fort Wainwright Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training available
Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: https://dps.alaska.gov/SORWeb/

VAWA Education Policies and Programs
Sexual Assault Prevention & Response
https://andvsa.org/sart/
907-231-7432

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

Domestic Violence:
Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

Dating Violence:
Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

Sexual Assault:
Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

**Stalking:**

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone; • sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means; or
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;
2. Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. Without Consent: that a person
   • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or
   • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 –.445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>VAWA Offenses</th>
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<th>On Campus</th>
<th>Non-campus</th>
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<td>Dating Violence</td>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>Drug Law Violation Arrests</td>
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</table>
**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix O: Policies Applicable to the Hawaii Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Honolulu Police Department 808-529-3111).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or Campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE KAPOLEI CAMPUS**

- Campus Dean: Dr. Dan Jacobson, (808) 488-8570
- Front Office: Mary Ishiki, (808) 488-8570
- Night Monitor: Rachael Palompo, (808) 488-8570

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning
The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
Emergency Response: Faculty, students and staff may call 911 to report any emergencies. During the day, the Front Office supervisor and Evening Monitor reports any emergency calls made to the Campus Dean immediately.

Evacuation: Two stairwells are available for evacuation from the third floor, each side of the building. Offices will evacuate and follow the route to the nearest stairwell. Meet in the central parking lot below.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding
drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training. Online training is also available.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at: https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

VAWA Education Policies and Programs
Sex Abuse Treatment Center
Home - Sex Abuse Treatment Center Hawai'i - SATC (satchawaii.com)
808-524-7273

Hawaii State Coalition for the Prevention of Sexual Assault 808-733-9038

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- Domestic Violence: The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday.

"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

- **Dating Violence:** The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday.

"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Sexual Assault:** The State of Hawaii defines sexual assault as follows:

§707-730 Sexual assault in the first degree.

3. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
d. The person knowingly subjects to sexual penetration another person who is mentally defective; or 

e. The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person’s consent.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

4. Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10, §15; am L 2006, c 230, §32; am L 2009, c 11, §72]

§707-731 Sexual assault in the second degree.

3. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawai`i; or
      5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai`i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause.

4. Sexual assault in the second degree is a class B felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

3. A person commits the offense of sexual assault in the third degree if:
   a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;

c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:

   1. The person is not less than five years older than the minor; and
   2. The person is not legally married to the minor;

d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;

e. The person, while employed:

   1. In a state correctional facility;
   2. By a private company providing services at a correctional facility;
   3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;
   4. By a private correctional facility operating in the State of Hawaii; or
   5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or

f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

4. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

5. A person commits the offense of sexual assault in the fourth degree if:

   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

6. Sexual assault in the fourth degree is a misdemeanor.

7. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]

8. Stalking: The State of Hawaii defines stalking as follows: §711-1106.5 Harassment by stalking.
a. A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

b. A person convicted under this section may be required to undergo a counseling program as ordered by the court.

c. For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

d. Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

Jurisdictional Definition of Consent

Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or

2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

“Compulsion” means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.

“Mentally defective” means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person's conduct. HRS §§ 707-700.

“Mentally incapacitated” means a person rendered temporarily incapable of appraising or controlling the person's conduct as a result of the influence of a substance administered to the person without the person's consent. HRS §§ 707-700.

“Physically helpless” means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

Hawaii Age of Consent
The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.

Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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</thead>
<tbody>
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<td>Statutory Rape</td>
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### Arson

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<tr>
<th>Year</th>
<th>On Campus</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
</tr>
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<tbody>
<tr>
<td>2017</td>
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### VAWA Offenses

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<th>Year</th>
<th>Domestic Violence</th>
<th>On Campus</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<td>2017</td>
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### Arrests and Referrals for Disciplinary Action

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix P: Policies Applicable to the Hickam AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Joint Base Security Officer and Commander 647th Security Forces Squadron 808-449-9701).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE HICKAM AFB CAMPUS**

Campus Dean Dr. Dan Jacobson, (808) 488-8570  
Site Coordinator Elisha Kim, (808) 564-3361/3362

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**
Base Security Forces are available 24 hours a day to answer your calls by dialing (808) 449-7114 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).
**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

Emergency numbers are Security Forces, 808-449-7114 or Fire Department, 808-449-8100. The closest hospital is at Pali Momi Medical Center, Aiea on the Honolulu side or Pearlridge; phone no. (808) 486-6000. In cases of evacuation, the assembly point is in the parking lot at the west of the skateboard part.
**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)

7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

The Teaching site (Education Center) is located on the Hickam side of Joint-Base Pearl Harbor-Hickam with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**

WBU is a guest to the on-base education center. Hickam AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Hickam Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Joint Base Pearl Harbor-Hickam Instruction 5350.4A delineates responsibilities for reporting alcohol and drug related incidences and a “Zero Tolerance Policy”. Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.
Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training. Online training is also available.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at: https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

VAWA Education Policies and Programs
Hickam Sexual Assault Response Coordinator 808-449-7272 or 808-448-3192

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

  For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday.
"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Dating Violence:** The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday.

"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Sexual Assault:** The State of Hawaii defines sexual assault as follows:

§707-730 Sexual assault in the first degree.

5. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual penetration another person who is mentally defective; or
e. The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

6. Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10, §15; am L 2006, c 230, §32; am L 2009, c 11, §72]

§707-731 Sexual assault in the second degree.

5. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawai`i; or
      5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai`i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause.

6. Sexual assault in the second degree is a class B felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

5. A person commits the offense of sexual assault in the third degree if:
   a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
   b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
   1. The person is not less than five years older than the minor; and
   2. The person is not legally married to the minor;
d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
e. The person, while employed:
   1. In a state correctional facility;
   2. By a private company providing services at a correctional facility;
   3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;
   4. By a private correctional facility operating in the State of Hawaii; or
   5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or
f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

6. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

9. A person commits the offense of sexual assault in the fourth degree if:
   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

10. Sexual assault in the fourth degree is a misdemeanor.
11. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]
12. **Stalking:** The State of Hawaii defines stalking as follows: §711-1106.5 Harassment by stalking.
   a. A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages
in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

b. A person convicted under this section may be required to undergo a counseling program as ordered by the court.

c. For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

d. Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

**Jurisdictional Definition of Consent**

Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or
2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

"Compulsion" means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.

"Mentally defective" means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person's conduct. HRS §§ 707-700.

"Mentally incapacitated" means a person rendered temporarily incapable of appraising or controlling the person's conduct as a result of the influence of a substance administered to the person without the person's consent. HRS §§ 707-700.

"Physically helpless" means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

**Hawaii Age of Consent**

The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.
Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
<table>
<thead>
<tr>
<th>Crime Type</th>
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<tr>
<td>Statutory Rape</td>
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### VAWA Offenses

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### Arrests and Referrals for Disciplinary Action

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<th>Year</th>
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<th>Public Property</th>
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<th>Residential Facilities</th>
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<td>Weapon Law Violation Arrests</td>
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</tbody>
</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0. The total number of unfounded crimes for the 2018 calendar year at this campus is 0. The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix Q: Policies Applicable to the Kaneohe MCBH Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (MCBH 808-257-2123).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE KANEHOE CAMPUS**

<table>
<thead>
<tr>
<th>Campus Dean</th>
<th>Dr. Dan Jacobson, (808) 488-8570</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Coordinator</td>
<td>Jeff Shrock, (808) 564-3366</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing 808-257-2123 or 911. In response to a call, Military Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Hawaii Campus Executive Director. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

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This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**
The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

Emergency numbers are Military Police, 808-257-2123 or Base Safety, 808-257-1830. The closest hospital is at Adventist Health Castle, Kailua, Windward at (808) 263-5164. In cases of evacuation, the assembly point is the parking lot of the U.S. Bank building across the street.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Military Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
The Teaching site (Education Center) is located on Marine Corps Base (MCB) Kaneohe external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**
WBU is a guest to the on-base education center. MCB Kaneohe Commander and Base Security maintain Education center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Hickam Community, Maintenance staff and Base work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement at the teaching site. In addition to these statutes, Marine Corps Base Hawaii Base Order P5500.15B delineates responsibilities for reporting alcohol and drug related incidences and a “Zero Tolerance Policy”. Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.
Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training is available. Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at:
https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

VAWA Education Policies and Programs
Sexual Assault Prevention and Response Support Line 808-216-0126

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.
For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

• Dating Violence: The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

"Family or household member":

(a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and

(b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

Sexual Assault: The State of Hawaii defines sexual assault as follows:
§707-730 Sexual assault in the first degree.

7. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
1. The person is not less than five years older than the minor; and
2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual penetration another person who is mentally
defective; or
   e. The person knowingly subjects to sexual penetration another person who is mentally
   incapacitated or physically helpless as a result of the influence of a substance that the
   actor knowingly caused to be administered to the other person without the other person's
   consent.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453
or 455 from performing any act within their respective practices.

8. Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181,
   §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10,
   §15; am L 2006, c 230, §32; am L 2009, c 11, §72]

§707-731 Sexual assault in the second degree.

7. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong
      compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally
      defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons
         committed to the director of public safety and having received notice of this
         statute;
      4. By a private correctional facility operating in the State of Hawai‘i; or
      5. As a law enforcement officer as defined in section 710-1000(13),

      knowingly subjects to sexual penetration an imprisoned person, a person
      confined to a detention facility, a person committed to the director of public
      safety, a person residing in a private correctional facility operating in the State of
      Hawai‘i, or a person in custody; provided that paragraph (b) and this paragraph
      shall not be construed to prohibit practitioners licensed under chapter 453, 455,
      or 460, from performing any act within their respective practices; and further
      provided that this paragraph shall not be construed to prohibit a law enforcement
      officer from performing a lawful search pursuant to a warrant or exception to the
      warrant clause.

8. Sexual assault in the second degree is a class B felony. [L 1986, c 314, pt of §57; am L 1987, c
   181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

7. A person commits the offense of sexual assault in the third degree if:
a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
   1. The person is not less than five years older than the minor; and
   2. The person is not legally married to the minor;
d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
e. The person, while employed:
   1. In a state correctional facility;
   2. By a private company providing services at a correctional facility;
   3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;
   4. By a private correctional facility operating in the State of Hawaii; or
   5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or
f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

8. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

13. A person commits the offense of sexual assault in the fourth degree if:
   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

14. Sexual assault in the fourth degree is a misdemeanor.

15. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]
16. **Stalking:** The State of Hawaii defines stalking as follows: §711-1106.5 Harassment by stalking.

   a. A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

   b. A person convicted under this section may be required to undergo a counseling program as ordered by the court.

   c. For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

   d. Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

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**Jurisdictional Definition of Consent**

Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or

2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

   “Compulsion” means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.

   “Mentally defective” means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person’s conduct. HRS §§ 707-700.

   “Mentally incapacitated” means a person rendered temporarily incapable of appraising or controlling the person's conduct as a result of the influence of a substance administered to the person without the person's consent. HRS §§ 707-700.

   “Physically helpless” means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

**Hawaii Age of Consent**
The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.

Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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*Weapon Law Violation Referrals*

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix R: Policies Applicable to the Kirtland AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Safety Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Kirtland AFB Security Desk 505-846-7272 or 505-846-7913).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE KIRTLAND AFB CAMPUS**

Executive Director/Campus Dean  
Dr. Tom Fisher, 505-323-9282

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrff.htm](https://www.wbu.edu/university-police/csacrff.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Security Forces are available 24 hours a day to answer your calls by dialing (505) 846-7913 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged
incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
Emergency Notifications
The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)

7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**
WBU is a guest to the on-base education center. Kirtland AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Kirtland Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention
programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available. Kirtland Air Force Base is under the aegis of the Air Force Security Forces Squadron.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of New Mexico can be found at: http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eWRhdGlvaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA.

VAWA Education Policies and Programs
Sexual Assault Response Coordinator 505-853-1957

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of New Mexico defines domestic violence as follows:
  - Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)
  - The following crimes are domestic violence offenses, listed roughly in order of severity.
    - **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.
    - **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.
    - **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury inflicted is not likely to cause death or great bodily injury but causes painful
temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

D. **Aggravated assault against a household member.** A person commits this crime of by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony.  

(N.M. Stat. § § 30-3-12, 30-3-13, 30-3-14)

- **Dating Violence:** The State of New Mexico defines dating violence as follows:
  - Under New Mexico criminal law, certain violent offenses constitute domestic abuse crimes when committed against a household member. A household member is a current or former spouse, a parent, a current or former stepparent, a current or former parent-in-law, a grandparent, a grandparent-in-law, a co-parent of a child, or a person with whom the offender has had a dating or intimate relationship. (N.M. Stat. §30-3-11)
  - The following crimes are domestic violence offenses, listed roughly in order of severity.

  A. **Assault against a household member.** This is an attempt to commit a battery against a household member, or any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that a battery is imminent. Assault against a household member is a petty misdemeanor. Physical contact is not required.

  B. **Battery against a household member.** A person who intentionally touches or applies force to a household member commits the crime of battery against a household member, a misdemeanor.

  C. **Aggravated battery against a household member.** A person who intentionally touches or applies force to a household member with the intent to injure the victim is guilty of aggravated battery against a household member. If the injury inflicted is not likely to cause death or great bodily injury but causes painful temporary disfigurement or temporarily impairs the use of part of the victim’s body, the crime is a misdemeanor. If the offense causes great bodily harm, is committed with a deadly weapon, or is committed in a way where great bodily harm or death can result, the crime is a third-degree felony.

  D. **Aggravated assault against a household member.** A person commits this crime of by assaulting or striking at a household member with a deadly weapon, or by intentionally assaulting a household member with the intent to commit a felony. This offense is a fourth-degree felony.

  E. **Assault against a household member with the intent to commit a violent felony.** A person who assaults a household member with the intent to commit murder, mayhem, robbery, kidnapping, false imprisonment, burglary, or sexual penetration in the first, second, or third degree commits this crime, which is a third-degree felony.  

(N.M. Stat. § § 30-3-12, 30-3-13, 30-3-14)

- **Sexual Assault:** The State of New Mexico defines sexual assault as follows:

A. Criminal sexual penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

B. Criminal sexual penetration does not include medically indicated procedures.

C. Aggravated criminal sexual penetration consists of all criminal sexual penetration perpetrated on a child under thirteen years of age with an intent to kill or with a depraved mind regardless of human life. Whoever commits aggravated criminal sexual penetration is guilty of a first degree felony for aggravated criminal sexual penetration.

D. Criminal sexual penetration in the first degree consists of all criminal sexual penetration perpetrated:

1. on a child under thirteen years of age; or

2. by the use of force or coercion that results in great bodily harm or great mental anguish to the victim.

Whoever commits criminal sexual penetration in the first degree is guilty of a first degree felony.

E. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:

1. by the use of force or coercion on a child thirteen to eighteen years of age;  
2. on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate;  
3. by the use of force or coercion that results in personal injury to the victim;  
4. by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;  
5. in the commission of any other felony; or  
6. when the perpetrator is armed with a deadly weapon.

Whoever commits criminal sexual penetration in the second degree is guilty of a second degree felony. Whoever commits criminal sexual penetration in the second degree when the victim is a child who is thirteen to eighteen years of age is guilty of a second degree felony for a sexual offense against a child and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a minimum term of imprisonment of three years, which shall not be suspended or deferred. The imposition of a minimum, mandatory term of imprisonment pursuant to the provisions of this subsection shall not be interpreted to preclude the imposition of sentencing enhancements pursuant to the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978].

F. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion not otherwise specified in this section.
Whoever commits criminal sexual penetration in the third degree is guilty of a third degree felony.

G. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:
   1. not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or
   2. perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

- **Stalking:** The State of New Mexico defines stalking as follows: Chapter 30, Article 3A NMSA 1978 may be cited as the “Harassment and Stalking Act”.

**New Mexico Statutes 30-3A-2. Harassment; penalties**

A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

B. Whoever commits harassment is guilty of a misdemeanor.

**New Mexico Statutes 30-3A-3. Stalking; penalties**

A. Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

B. As used in this section:
   1. “lawful authority” means within the scope of lawful employment or constitutionally protected activity; and
   2. “pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

C. Whoever commits stalking is guilty of a misdemeanor. Upon a second or subsequent conviction, the offender is guilty of a fourth degree felony.
D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of stalking to participate in and complete a program of professional counseling at the person’s own expense or a domestic violence offender treatment or intervention program.

**New Mexico Statutes 30-3A-3.1. Aggravated stalking; penalties**

A. Aggravated stalking consists of stalking perpetrated by a person:
   (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking;
   (2) in violation of a court order setting conditions of release and bond;
   (3) when the person is in possession of a deadly weapon; or
   (4) when the victim is less than sixteen years of age.

B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.

C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.

**New Mexico Statutes 30-3A-4. Exceptions**

The provisions of the [Harassment and] Stalking Act [30-3A-1 NMSA 1978] do not apply to:
A. picketing or public demonstrations that are lawful or that arise out of a bona fide labor dispute; or

B. a peace officer in the performance of his duties.

**Jurisdictional Definition of Consent**

New Mexico does not specifically define “consent.” However, New Mexico defines “force or coercion” as:

(1) the use of physical force or physical violence;

(2) the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats;

(3) the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats;

(4) the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or
(5) the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient’s consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy.

Physical or verbal resistance of the victim is not an element of force or coercion. New Mexico Statutes §30-9-10.

**New Mexico Age of Consent Law:**
Section 30-9-11: Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:

(1) not defined in Subsections C through E of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; or:

(2) perpetrated on a child thirteen to eighteen years of age when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least eighteen years of age and is at least four years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school.

Whoever commits criminal sexual penetration in the fourth degree is guilty of a fourth degree felony.

**Policies for Preparing the Annual Disclosure of Crime Statistics**
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to CSAs, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
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<th>Primary Crimes</th>
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### Arson

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### VAWA Offenses

#### Domestic Violence

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#### Dating Violence

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#### Stalking

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### Arrests and Referrals for Disciplinary Action

#### Liquor Law Violation Arrests

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#### Liquor Law Violation Referrals

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#### Drug Law Violation Arrests

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#### Drug Law Violation Referrals

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#### Weapon Law Violation Arrests

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**. The total number of unfounded crimes for the 2018 calendar year at this campus is **0**. The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix S: Policies Applicable to the Lackland AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the post police department (JBSA-Lackland Security Forces Squadron 210-671-2018).

This appendix identifies the policy statements and crime statistics that are unique to this campus

Lackland AFB Security Police
Emergency 911
Non-Emergency (210) 671-2018

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Coordinator at (210) 590-5683 and the Campus Executive Director at (210) 590-5630. In cases of eminent danger and emergency, personnel are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. An anonymous report of criminal activity may be made on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Executive Director and the Wayland Baptist University Police Department (WBUPD). The Campus Executive Director, the Assistant Executive Director, and all Site Directors/Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the Lackland AFB Center**

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<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Phone Number</th>
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<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>(210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd</td>
<td>(210) 279-5341</td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Dr. Randy Smith</td>
<td>(210) 590-5683</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

1. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.
2. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.
3. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU
community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Base Security Forces are available 24 hours a day to answer your calls by dialing (210) 671-2018 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in
the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.
A Timely Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for
making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year; the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:
- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:
- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

**Emergency Notifications**
- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.
- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

**Communication Logs**
All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.

The Wayland Baptist University– San Antonio Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the-Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining
the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)
Campus Access and Security of Campus Facilities
The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

Considerations in the Maintenance of Campus Facilities
WBU is a guest to the on-base education center. The Lackland AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Lackland Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook.
The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Online Prevention and Security Awareness Programs**

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety. You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry.

**VAWA Education Policies and Programs**

Sexual Assault Prevention & Response Office 210-808-7272

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence:** The State of Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily
injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

- For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

**Sec. §22.011. 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;
(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;
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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

- Intentionally or knowingly:
  - causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  - causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma
hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

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

- Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  
  g. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

  h. 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,

  i. 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.

Jurisdictional Definition of Consent
- The state of Texas does not define what consent is but does define what consent is not. Texas law is states that sexual penetration is WITHOUT CONSENT if:

  ddd. The actor compels the other person to submit or participate by the use of physical force or violence;
  eee. 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;
  fff. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  ggg. 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;
  hhh. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  iii. 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;
  jjj. 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;
  kkk. The actor is a public servant who coerces the other person to submit or participate;
  lll. 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;
  mmm. 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
  nnn. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  • Consent to one act does not constitute consent to another act.
  • Consent on a previous occasion does not constitute consent on a later occasion.
  • Consent to an act with one person does not constitute consent to an act with any other person.
• The existence of a prior or current relationship does not, in itself, constitute consent; even in
the context of a relationship, there must be mutual consent.
• Consent can be withdrawn or modified at any time, and sexual contact must stop immediately
once consent is withdrawn.
• Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on
nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the
University community obtained from various sources. An annual training and campus-wide e-mail
notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to
report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and
coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable
crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime
statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on
campus, on non-campus University property and on public property contiguous to campus boundaries that
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WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in
the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the
calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED).
The statistical information gathered by the Department of Education is available to the public through the
ED website.

The ASFSR is made available upon request to prospective students and employees as well as current
students, faculty, and staff and all of these parties are notified of the report’s availability.
<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
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Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix T: Policies Applicable to the Lubbock Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Lubbock Police Department 806-775-2865).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE LUBBOCK CAMPUS**

Executive Director/Campus Dean  
Dr. Elyn Palmer, 806-785-9285

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the
alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:
1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property,
including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
Voice of Hope
806-763-7273
https://www.voiceofhopelubbock.org/

Women’s Protective Services
806-747-6491 or 1-800-736-6491
https://www.wpslubbock.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
o 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;

o Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  o An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault.
  
  o For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

  o A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

  **Sec. §22.011. 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'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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

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

• Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:
(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.
• **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

j. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

k. 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,

l. 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.

**Jurisdictional Definition of Consent**

• The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

- The actor compels the other person to submit or participate by the use of physical force or violence;
- The actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
- The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- The actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable 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;
vvv. The actor is a public servant who coerces the other person to submit or participate;
www. 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;
xxx. 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
yyy. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

• Consent to one act does not constitute consent to another act.
• Consent on a previous occasion does not constitute consent on a later occasion.
• Consent to an act with one person does not constitute consent to an act with any other person.
• The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
• Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
• Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on non-verbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.  
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.  
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.

**In case of emergency, follow these steps to ensure your safety.**

**Evacuation**
- Stay calm, do not rush or panic
- Safely stop your work
- Gather your personal belongings if safe to do so
- Proceed to the nearest exit
- Proceed to the designated meeting point
- Wait for instructions from emergency responders
- Do not re-enter the building until instructed to do so by emergency responders

**Fire**
**IF YOU DISCOVER A FIRE:**
- Evacuate the immediate area
- Activate the nearest fire alarm
- **CALL 911** if safe to do so, otherwise, evacuate the building and call 911 from outside the building

**IF YOU HEAR A FIRE ALARM:**
- Evacuate as soon as the alarm sounds
- Do not open doors if they are hot
- Close doors on the way out
- Proceed to the designated meeting point
  - Just north of the lighted pole sign in the front
- Do not re-enter the building until instructed to do so by emergency responders

**Criminal Activity**
Immediately **call 911** from a safe location if you are the victim of or witness to:
- Assault
- Verbal or other threat of bodily harm
- Suspicious activity or suspicious packages/items
- Crimes in progress
- Weapons violations
- Activities presenting a serious risk to the individual or others

**Active Shooter**
- Leave the area as quickly as possible
- Take cover, hide or play dead if you cannot escape
- Go to the nearest room or office
  - Close and lock the door, if possible
  - Turn off the lights
  - Seek protective cover
  - Keep quiet and act as if no one is in the room
  - Silence your cell phone
  - Do not answer the door
- Look for chances to escape
- **Call 911**
- **Call WBU POLICE** 806-774-4225

**Tornado**
- If you are inside:
  - Go to the innermost portion of the building
  - Duck and cover for protection
  - Avoid windows
  - Evacuate the building if told to do so by staff or emergency responders
- If you are outside in your vehicle:
  - Stop and leave the vehicle
  - Take cover in the nearest gully, ditch or low area

**Medical Emergency**
**Call 911**
- Do not approach the patient unless it is safe to do so
- Send someone to meet and direct emergency responders
- Do not move the patient unless absolutely necessary
- Provide first aid if trained and if it is safe to do so

**Hazardous Materials Spill**
- Evacuate the affected area
- **Call 911**
- Provide the dispatcher information on the material type, quantity, and location of the spill
- Stay in a safe location to provide information to emergency responders

**For More Information**
To get more information after an emergency:
- Call 806-785-9285
- Visit the campus home page
  [http://www.wbu.edu/colleges-inlubbock/](http://www.wbu.edu/colleges-inlubbock/)

All questions should be directed to WBU Lubbock Campus administration.
Appendix U: Policies Applicable to the Luke AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

**Enforcement Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Arrest Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Jurisdiction of Campus Security Personnel**
This location has no police or security personnel on site.

**Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies**
This location has no police or security personnel on site.

**Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses**
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Luke AFB 56th Security Forces Squadron 623-856-5970).

**Reporting Criminal Actions or Other Emergencies**
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: [https://www.wbu.edu/university-police/silent-witness-crime-report.htm](https://www.wbu.edu/university-police/silent-witness-crime-report.htm).

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE LUKE AFB CAMPUS**

Executive Director/Campus Dean  Dr. Andrew Marquez, 520-792-1506  
Site Coordinator  Kevin Downing, 623-935-6274  

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**  
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**  
Base Security Forces are available 24 hours a day to answer your calls by dialing (623) 856-5970 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**  
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSA’s of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
• Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general

guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

- Upon being notified about the emergency, occupants must:
  - Leave the building using the designated escape routes.
  - Assemble in the designated area
  - Remain outside until the competent authority (Executive Director, or designee) announces that it is safe to reenter.
- Designated Official, Emergency Coordinator or supervisors must:
  - Disconnect utilities and equipment unless doing so jeopardizes his/her safety.
  - Coordinate an orderly evacuation of personnel.
  - Perform an accurate head count of personnel reported to the designated area.
  - Determine a rescue method to locate missing personnel.
  - Provide the Fire Department personnel with the necessary information about the facility.
  - Perform assessment and coordinate weather forecast office emergency closing procedures
- Area/Floor Monitors must:
  - Ensure that all employees have evacuated the area/floor.
  - Report any problems to the Emergency Coordinator at the assembly area.
- Assistants to Physically Challenged should:
  - Assist all physically challenged employees in emergency evacuation.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.
Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**

WBU is a guest to the on-base education center. Luke AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Luke Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the
Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.
Sex Offender Registry for the state of Arizona can be found at: https://www.azdps.gov/services/public/offender

VAWA Education Policies and Programs
Sexual Assault Prevention & Response Office 623-856-4878

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence**: The State of Arizona defines domestic violence as follows:

  1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
  2. The victim and the defendant have a child in common.
  3. The victim or the defendant is pregnant by the other party.
  4. The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
  5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
  6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

    a. The type of relationship.
    b. The length of the relationship.
    c. The frequency of the interaction between the victim and the defendant.
    d. If the relationship has terminated, the length of time since the termination.

- **Dating Violence**: The State of Arizona defines dating violence as follows:
The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

   (a) The type of relationship.
   (b) The length of the relationship.
   (c) The frequency of the interaction between the victim and the defendant.
   (d) If the relationship has terminated, the length of time since the termination.

**Sexual Assault:** The State of Arizona defines sexual assault as follows:

§ 13-1401. Definitions; factors: In this chapter, unless the context otherwise requires:

1. “Oral sexual contact” means oral contact with the penis, vulva or anus.

2. “Position of trust” means a person who is or was any of the following:
   (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
   (b) The minor's teacher.
   (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
   (d) The minor's clergyman or priest.
   (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.

3. “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
4. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. “Spouse” means a person who is legally married and cohabiting.

6. “Teacher” means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.

7. “Without consent” includes any of the following:
   (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
   (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
   (c) The victim is intentionally deceived as to the nature of the act.
   (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:
1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

§ 13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.

C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of § 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.
D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

§ 13-1404. Sexual abuse; classification
A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to § 13-705.

§ 13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to § 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed has been served or commuted.

- Stalking: The State of Arizona defines stalking as follows: 13-2923. Stalking; classification; exceptions; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
   (a) The victim's property will be damaged or destroyed.
   (b) Any of the following will be physically injured:
      (i) The victim.
      (ii) The victim's family member, domestic animal or livestock.
      (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
      (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

2. Reasonably fear death or the death of any of the following:
   (a) The victim's family member, domestic animal or livestock.
   (b) A person with whom the victim has or has previously had a romantic or sexual relationship.
   (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.
C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:
1. "Course of conduct":
   a. Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
      i. Maintain visual or physical proximity to a specific person or direct verbal written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
      ii. Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
      iii. Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
   b. Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

Jurisdictional Definition of Consent
“Without consent” includes any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;
2. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
3. The victim is intentionally deceived as to the nature of the act; or
4. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. Arizona Revised Statute § 13-1401.

Arizona Age of Consent:
Arizona's age of consent, which is 18 years old, are unable to consent to sexual activity with an individual who is older than them.

In Arizona, statutory rape is prosecuted under the state’s sexual abuse and molestation laws, and is broken into several categories based on the age of the parties and the type of sexual contact that occurred, as described below.

Sexual conduct with a minor. Sexual conduct with a minor is a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also
includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor. (Az. Rev. Stat. §§ 13-1405, 13-1407 (2018.).)

**Molestation of a child.** Arizona law defines molestation of a child as sexual contact without penetration (not including touching a female’s breast) between a minor who is 14 or younger and a defendant of any age. (Az. Rev. Stat. § 13-1410 (2018.).)

**Sexual abuse.** Under Arizona law, sexual abuse occurs when there is consensual sexual contact between a minor who is 14 or younger and a defendant of any age and the contact involves only the touching of a female’s breast. (Az. Rev. Stat. § 13-1404 (2018.).)

Sexual conduct with a minor, molestation of a child, and sexual abuse are felonies in Arizona. Penalties vary according to the state’s sentencing grid and may include fines, prison time, or both. Punishments are typically harsher the younger the victim. Increased penalties also apply to offenders with prior convictions and those who were in a position of trust (such as a teacher, clergyman, or coach) at the time of the sexual contact. For instance, a conviction for sexual conduct with a minor can result in a prison sentence ranging from 13 years to life, depending on the facts of the case. (Az. Rev. Stat. §§ 13-705, 13-1405 (2018.).)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
Primary Crimes | Year | On Campus | Non-campus | Public Property | Total | Residential Facilities
--- | --- | --- | --- | --- | --- | ---
Murder/Non Negligent Manslaughter | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Manslaughter by Negligence | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Rape | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Fondling | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Incest | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Statutory Rape | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Robbery | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Aggravated Assault | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Burglary | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Motor Vehicle Theft | 2017 | 0 | 0 | 0 | 0 | 0
 | 2018 | 0 | 0 | 0 | 0 | 0
 | 2019 | 0 | 0 | 0 | 0 | 0
Arson


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<th>Year</th>
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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>2018</td>
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<th>VAWA Offenses</th>
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<th>Non-campus</th>
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<td></td>
<td>2019</td>
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<td>Dating Violence</td>
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<td></td>
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<td>Stalking</td>
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<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<td></td>
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<td></td>
<td>2019</td>
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<tr>
<td>Drug Law Violation Arrests</td>
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<td>0</td>
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<tr>
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<td>Weapon Law Violation Arrests</td>
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<tr>
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<td></td>
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<tr>
<th></th>
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<td>Hate Crimes</td>
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<tr>
<td>Fire Statistics</td>
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</tbody>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix V: Policies Applicable to the McAllen Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (McAllen Police Department Non-Emergency 956-681-2000).

This appendix identifies the policy statements and crime statistics that are unique to this campus.

McAllen Police Department
Emergency 911
Non-Emergency (956) 681-2000

Hidalgo County Sheriff's Office
Emergency 911
Non-Emergency (956) 383-8114

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Director at (956) 364-4656, Advisor at (956)-371-9545 and the Campus Executive Director at (210) 590-5630. In cases of eminent danger and emergency, personnel are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. An
Callaghan Towers Campus closed, effective July 1, 2019. Clovis Campus will close, effective December 31, 2020. Mountain View


Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). The Campus Executive Director, the Assistant Executive Director, and all Site Directors/Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the McAllen Campus**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>(210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd</td>
<td>(210) 279-5341</td>
</tr>
<tr>
<td>Site Director</td>
<td>Dr. Richard McCutcheon</td>
<td>(956) 364-4656</td>
</tr>
<tr>
<td>Advisor</td>
<td>Leti Rangel</td>
<td>(956)-371-9545</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacr.htm](https://www.wbu.edu/university-police/csacr.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

4. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.
5. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.
6. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice
President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

4. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
5. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
6. If the threat was mitigated in some other manner.

Security Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.
A Timely Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for
making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:
- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:
- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

Emergency Notifications
- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.
- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

Communication Logs
All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.

The Wayland Baptist University– San Antonio Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message.
that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director/Site Coordinator Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)
**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools Program Act.
and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing
https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
Women Together
956-630-4878
http://mujeresunidas.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or
  - Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a
A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

The State of Texas defines sexual assault as follows:

Sec. §22.011. 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;
Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

• Intentionally or knowingly:
  
  • causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  
  • causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  
  • Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in
concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

• Stalking: The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.
STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

m. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

n. 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 harasse, annoyed, alarmed, abused, tormented, embarrassed, or offended.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

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

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:
Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

- Consent to one act does not constitute consent to another act.
- Consent on a previous occasion does not constitute consent on a later occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
- Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
- Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

### Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>2018</th>
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<th>Non-campus</th>
<th>Public Property</th>
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Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix W: Policies Applicable to the Mountain View Baptist Church-El Paso Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (El Paso Police Department 915-832-4400).

This appendix identifies the policy statements and crime statistics that are unique to this campus.

El Paso Police Department
Emergency 911
Non-Emergency (915) 212-0400

El Paso County Sheriff’s Office
Emergency 911
Non-Emergency (915) 538-2292

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Director at 915-755-5100 and the Campus Executive Director at (210) 590-5630. In cases of eminent danger and emergency, personnel are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. An

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Executive Director and the Wayland Baptist University Police Department (WBUPD). The Campus Executive Director, the Assistant Executive Director, and all Site Directors/Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the Mountain View Baptist Church**

<table>
<thead>
<tr>
<th>Role</th>
<th>Contact Information</th>
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<tr>
<td>Executive Director</td>
<td>Dr. James Antenen, (210) 590-5630</td>
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<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd, (210) 279-5341</td>
</tr>
<tr>
<td>Site Director</td>
<td>Elaine Morales, (915) 755-5100</td>
</tr>
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The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

7. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.
8. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.
9. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.
Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

7. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
8. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
9. If the threat was mitigated in some other manner.

Response to Reports of Criminal Actions or Other Emergencies
Security Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).
This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence
Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.
Emergency Response and Evacuation Procedures
The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:
- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:
- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

Emergency Notifications
- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.
- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

Communication Logs
All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.
The Wayland Baptist University—San Antonio Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety) compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention
programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Crime Prevention and Security Awareness Programs**

Online training is available.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry

**VAWA Education Policies and Programs**

La Pinon Sexual Assault Recovery Services of Southern New Mexico
1.888.595.7273

Center Against Sexual and Family Violence
24/7 Crisis Hope Line
915.593.7300
800.727.0511

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence**: The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.
Dating Violence: The State of Texas defines dating violence as follows:
- An act, other than a defensive measure to protect oneself, by an actor that:
  - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
- A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."
- The State of Texas defines sexual assault as follows:

Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

- Intentionally or knowingly:
  - causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  - causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; 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; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the
same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:
(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

p. Bodily injury or death for the other person; That an offense will be committed against the other person's property;
q. 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,

r. 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.

Jurisdictional Definition of Consent

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

kkkk. The actor compels the other person to submit or participate by the use of physical force or violence;
llll. 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;
mmmm. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
nnnn. 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;
oooo. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
pppp. 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;
qqqq. 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;
rrrr. The actor is a public servant who coerces the other person to submit or participate;
ssss. 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;
tttt. 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's professional character as spiritual adviser; or
uuuu. 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.
• Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  a) Consent to one act does not constitute consent to another act.
  b) Consent on a previous occasion does not constitute consent on a later occasion.
  c) Consent to an act with one person does not constitute consent to an act with any other person.
  d) The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
  e) Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
  f) Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>VAWA Offenses</td>
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<td>Non-campus</td>
<td>Public Property</td>
<td>Total</td>
<td>Residential Facilities</td>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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<td>Drug Law Violation Arrests</td>
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<td>Weapon Law Violation Arrests</td>
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</tbody>
</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Weapon Law Violation Referrals</td>
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</tr>
</tbody>
</table>

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.

The total number of unfounded crimes for the 2018 calendar year at this campus is 0.

The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix X: Policies Applicable to the New Braunfels Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department.

New Braunfels Police Department
Emergency 911
Non-Emergency (830) 221-4100

Comal County Sheriff's Office
Emergency 911
Non-Emergency (830) 620-3400

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Director at (210) 590-5601 and the Campus Executive Director at (210) 590-5630. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.
Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

WBU primary campus security authorities/responsible employees at the New Braunfels Campus

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>(210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd</td>
<td>(210) 279-5341</td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Carl Beard</td>
<td>(210) 590-5601</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

Confidential Reporting

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

Response to Reports of Criminal Actions or Other Emergencies

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

10. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.
11. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.

12. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

10. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.

11. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

12. If the threat was mitigated in some other manner.

Response to Reports of Criminal Actions or Other Emergencies
Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:

- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:

- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police or their designee will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan-4, Wayland Baptist University – San Antonio Campus 12/1/2014.

- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police or their designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:
1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
Crisis Center of Comal County
(830) 620-7520
https://crisiscenternb.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
- Domestic Violence: The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
o 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;

o Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  o An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

  o For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

  o A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

  **Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

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

• Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.
• **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

s. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

t. 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,

u. 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.

**Jurisdictional Definition of Consent**

• The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

vvvv. The actor compels the other person to submit or participate by the use of physical force or violence;

wwww. 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;

xxxx. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

yyyy. 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;

zzzz. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

aaaaa. 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;

bbbb. 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;
cccc. The actor is a public servant who coerces the other person to submit or participate;
dddddd. 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;
eeeeee. 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
ffffff. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  - Consent to one act does not constitute consent to another act.
  - Consent on a previous occasion does not constitute consent on a later occasion.
  - Consent to an act with one person does not constitute consent to an act with any other person.
  - The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
  - Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
  - Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on non-verbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police or a designee to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
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<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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<td><strong>Weapon Law Violation Arrests</strong></td>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix Y: Policies Applicable to the North Pole Plaza Mall Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

**Enforcement Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Arrest Authority of Campus Security Personnel**
This location has no police or security personnel on site.

**Jurisdiction of Campus Security Personnel**
This location has no police or security personnel on site.

**Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies**
This location has no police or security personnel on site.

**Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses**
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (North Pole Police Department 907-488-6902).

**Reporting Criminal Actions or Other Emergencies**
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: [https://www.wbu.edu/university-police/silent-witness-crime-report.htm](https://www.wbu.edu/university-police/silent-witness-crime-report.htm).

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the

incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE NORTH POLE PLAZA MALL CAMPUS**

Executive Director/Campus Dean                      Dr. Beth Durbin, 385-0493

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrfr.htm](https://www.wbu.edu/university-police/csacrfr.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSA’s of their responsibility
to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual
assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

- Know your nearest access to a telephone. Call 911.
- Know the most direct exit from the building in which you are meeting.
- Know the physical address/building number at which you are located, 301 North Santa Claus Lane, Suite 2B.
- Know where the strongest overhead shelter is located in relation to where you are at all times.
- Know where a designated emergency assembly area is for where you are in class or at work. Go out the door, turn right and go out the doors of the mall. Meet at the second light pole in the parking lot directly in front of the doors.
- Especially in winter have an emergency kit in your vehicle at all times to include at a minimum: a basic first aid kit, an emergency space blanket, a flashlight, an emergency candle, and some method of being able to start a fire - preferably waterproof matches.
- Know the location of the nearest fire alarm pull and fire extinguisher.

Call the campus Dean and/or the Associate Vice President of the External Campuses and notify them of the emergency.

Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or
their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: [https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf](https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf).

**Crime Prevention and Security Awareness Programs**

Online training is available.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/)

**VAWA Education Policies and Programs**

Alaska Department of Public Safety: Council on Domestic Violence and Sexual Assault

907-465-4356
Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

Domestic Violence:

Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.
Dating Violence:

Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.

Sexual Assault:

Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

Stalking:

Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone;
- sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means; or
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.
The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**

In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:

1. **Incapacitated:** temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;

2. **Mentally Incapable:** suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. **Without Consent:** that a person • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

**Age of Consent:**

Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 –.445.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to
WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
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<th>Total</th>
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<th>Year</th>
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<th>Non-campus</th>
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<th>Total</th>
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<td>Drug Law Violation Arrests</td>
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<th>2017</th>
<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
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<tr>
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</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix Z: Policies Applicable to the Pearl Harbor Naval Shipyard Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department.

Joint Base Security Officer and Commander, 647th Security Forces Squadron 808-449-9701
Deputy Joint Base Security Officer 808-474-6187
Senior Civilian Security Officer 808-474-6186
Joint Base Security Department Operations Officer 808-449-1002
Joint Base Security Operations Officer 808-449-9072 or 808-471-3392

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may


Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE PEARL HARBOR NAVAL SHIPYARD CAMPUS:**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Dean</td>
<td>Dr. Dan Jacobson</td>
<td>(808) 488-8570</td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Desmond Dean</td>
<td>(808) 564-3363</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrft.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Police are available 24 hours a day to answer your calls by dialing (808) 474-2222 or 911. In response to a call, Base Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Hawaii Campus Executive Director. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.
Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

• Murder/Non-Negligent Manslaughter

• Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
• Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)

• Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.

• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.
Timely Warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

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

The department does not issue Timely Warnings for the above listed crimes if:
1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
Emergency numbers are Base Police at (808) 474-2222 and base fire department at (808) 471-3303 X 200. The closest hospital is at Pali Momi Medical Center, Aiea on the Honolulu side or Pearlridge; phone no. (808) 486-6000. In cases of evacuation: Evacuate out of the building, immediately head to the tennis courts across the street. Walk through the tennis court and wait on the other side at the picnic tables (on the Lockwood Hall officers' quarters side of the tennis courts) Or, if the exit on the opposite end of this building is closer, head to the black & white standing Polaris missile and wait behind the building closest to it.
Emergency Notifications
The Wayland Baptist University Campus Executive Director, Military Police, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.
The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

The Teaching site (Education Center) is located on the Pearl Harbor side of Joint-Base Pearl Harbor-Hickam with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**

WBU is a guest to the on-base education center. Pearl Harbor AFB Community Commander and Base Security maintains Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Hickam Community,
Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, Joint Base Pearl Harbor-Hickam Instruction 5350.4A delineates responsibilities for reporting alcohol and drug related incidences and a “Zero Tolerance Policy”. Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training is available. Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency
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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at:
https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

**VAWA Education Policies and Programs**

Sexual Assault and Response (SAPR) 392-767-1133

Hotline 1-800-841-0937

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence:** The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

  For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

  "Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

- **Dating Violence:** The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

  For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday
"Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Sexual Assault:** The State of Hawaii defines sexual assault as follows:

§707-730 Sexual assault in the first degree.

9. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual penetration another person who is mentally defective; or
   e. The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

   Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

10. Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10, §15; am L 2006, c 230, §32; am L 2009, c 11, §72]

§707-731 Sexual assault in the second degree.

9. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawai`i; or
      5. As a law enforcement officer as defined in section 710-1000(13),
knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai`i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause.

10. Sexual assault in the second degree is a class B felony.  [L 1986, c 314, pt of §57; am L 1987, c 181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

9. A person commits the offense of sexual assault in the third degree if:
   a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
   b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
   c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
   e. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawaii; or
      5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or
   f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.
10. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

17. A person commits the offense of sexual assault in the fourth degree if:
   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

18. Sexual assault in the fourth degree is a misdemeanor.

19. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]

Stalking: The State of Hawaii defines stalking as follows: §711-1106.5 Harassment by stalking.

(1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

(2) A person convicted under this section may be required to undergo a counseling program as ordered by the court.

(3) For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

(4) Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

Jurisdictional Definition of Consent
Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or

2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

“Compulsion” means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.
“Mentally defective” means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person’s conduct. HRS §§ 707-700.

“Mentally incapacitated” means a person rendered temporarily incapable of appraising or controlling the person's conduct as a result of the influence of a substance administered to the person without the person's consent. HRS §§ 707-700.

“Physically helpless” means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

Hawaii Age of Consent

The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.

Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three
calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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### Burglary

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<th>Total</th>
<th>Residential Facilities</th>
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### Motor Vehicle Theft

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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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### Arson

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<th>Year</th>
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<th>Non-campus</th>
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<th>Total</th>
<th>Residential Facilities</th>
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### VAWA Offenses

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<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
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### Arrests and Referrals for Disciplinary Action

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**Weapon Law Violation Arrests**

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix AA: Policies Applicable to the Phoenix Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Phoenix Police Department 602-262-6151).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University. All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the Wayland Baptist University Police Department (WBUPD) for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE PHOENIX CAMPUS**

Executive Director/Campus Dean Dr. Andrew Marquez, 520-792-1506  
Site Coordinator Kevin Downing, 602-279-1011

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged

incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

- Upon being notified about the emergency, occupants must:
  - Leave the building using the designated escape routes.
  - Assemble in the designated area
  - Remain outside until the competent authority (Executive Director or designee) announces that it is safe to reenter.

- Designated Official, Emergency Coordinator or supervisors must:
  - Disconnect utilities and equipment unless doing so jeopardizes his/her safety.
  - Coordinate an orderly evacuation of personnel.
  - Perform an accurate head count of personnel reported to the designated area.
  - Determine a rescue method to locate missing personnel.
  - Provide the Fire Department personnel with the necessary information about the facility.
  - Perform assessment and coordinate weather forecast office emergency closing procedures

- Area/Floor Monitors must:
  - Ensure that all employees have evacuated the area/floor.
  - Report any problems to the Emergency Coordinator at the assembly area.

- Assistants to Physically Challenged should:
  - Assist all physically challenged employees in emergency evacuation.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.
Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.
Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Arizona can be found at: https://www.azdps.gov/services/public/offender

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence**: The State of Arizona defines domestic violence as follows:
    1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
    2. The victim and the defendant have a child in common.
    3. The victim or the defendant is pregnant by the other party.
    4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
    5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
    6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be
considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

(a) The type of relationship.

(b) The length of the relationship.

(c) The frequency of the interaction between the victim and the defendant.

(d) If the relationship has terminated, the length of time since the termination.

- **Dating Violence**: The State of Arizona defines dating violence as follows:

  1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

  2. The victim and the defendant have a child in common.

  3. The victim or the defendant is pregnant by the other party.

  4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

  5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

  6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

    (a) The type of relationship.

    (b) The length of the relationship.

    (c) The frequency of the interaction between the victim and the defendant.

    (d) If the relationship has terminated, the length of time since the termination.

- **Sexual Assault**: The State of Arizona defines sexual assault as follows:
§ 13-1401. Definitions; factors: In this chapter, unless the context otherwise requires:

1. “Oral sexual contact” means oral contact with the penis, vulva or anus.
2. “Position of trust” means a person who is or was any of the following:
   (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
   (b) The minor's teacher.
   (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
   (d) The minor's clergyman or priest.
   (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.
3. “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
4. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
5. “Spouse” means a person who is legally married and cohabiting.
6. “Teacher” means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.
7. “Without consent” includes any of the following:
   (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
   (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
   (c) The victim is intentionally deceived as to the nature of the act.
   (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:

1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

§ 13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.
B. Indecent exposure does not include an act of breast-feeding by a mother.

C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of § 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.
§ 13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to § 13-705.

§ 13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sex with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to § 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed has been served or commuted.

- Stalking: The State of Arizona defines stalking as follows: 13-2923. Stalking; classification; exceptions; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
   (a) The victim's property will be damaged or destroyed.
   (b) Any of the following will be physically injured:
      (i) The victim.
      (ii) The victim's family member, domestic animal or livestock.
      (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
      (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

2. Reasonably fear death or the death of any of the following:
   (a) The victim's family member, domestic animal or livestock.
   (b) A person with whom the victim has or has previously had a romantic or sexual relationship.
   (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:
   1. "Course of conduct":
      (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
         (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
         (ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
         (iii) Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
      (b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
   2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

Jurisdictional Definition of Consent
"Without consent" includes any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;

2. the victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;

3. The victim is intentionally deceived as to the nature of the act; or

4. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. Arizona Revised Statute § 13-1401.

Arizona Age of Consent:
Arizona's age of consent, which is 18 years old, are unable to consent to sexual activity with an individual who is older than them.
In Arizona, statutory rape is prosecuted under the state’s sexual abuse and molestation laws, and is broken into several categories based on the age of the parties and the type of sexual contact that occurred, as described below.

**Sexual conduct with a minor.** Sexual conduct with a minor is a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor. (Az. Rev. Stat. §§ 13-1405, 13-1407 (2018).)

**Molestation of a child.** Arizona law defines molestation of a child as sexual contact without penetration (not including touching a female’s breast) between a minor who is 14 or younger and a defendant of any age. (Az. Rev. Stat. § 13-1410 (2018).)

**Sexual abuse.** Under Arizona law, sexual abuse occurs when there is consensual sexual contact between a minor who is 14 or younger and a defendant of any age and the contact involves only the touching of a female’s breast. (Az. Rev. Stat. § 13-1404 (2018).)

Sexual conduct with a minor, molestation of a child, and sexual abuse are felonies in Arizona. Penalties vary according to the state’s sentencing grid and may include fines, prison time, or both. Punishments are typically harsher the younger the victim. Increased penalties also apply to offenders with prior convictions and those who were in a position of trust (such as a teacher, clergyman, or coach) at the time of the sexual contact. For instance, a conviction for sexual conduct with a minor can result in a prison sentence ranging from 13 years to life, depending on the facts of the case. (Az. Rev. Stat. §§ 13-705, 13-1405 (2018).)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
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<th>Non-campus</th>
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<table>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>Non-campus</th>
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<td>Liquor Law Violation Arrests</td>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix BB: Policies Applicable to the Randolph AFB Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (JBSA-Randolph 902nd Security Forces Squadron 210-652-1646).

This appendix identifies the policy statements and crime statistics that are unique to this campus.

Randolph AFB Security Police
Emergency 911
Non-Emergency 210-652-1646

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Coordinator at (210) 590-5681 and the Campus Executive Director at (210) 590-5630. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. An anonymous report of criminal activity may be made on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.
The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csaacr.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Executive Director and the Wayland Baptist University Police Department (WBUPD). The Campus Executive Director, the Assistant Executive Director, and all Site Directors/Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the Randolph AFB Center**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>(210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd</td>
<td>(210) 279-5341</td>
</tr>
<tr>
<td>Site Coordinator</td>
<td>Ms. Carolyn Hardin</td>
<td>(210) 590-5681</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/campus-security-authorities.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

13. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.

14. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.

15. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice
President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

13. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
14. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
15. If the threat was mitigated in some other manner.

Response to Reports of Criminal Actions or Other Emergencies
Base Security Forces are available 24 hours a day to answer your calls by dialing (210) 652-5700 or 911. In response to a call, Security Forces will take the required action, either dispatching an officer or asking the victim to report to the Base Security Forces Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that
are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.
A Timely Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

TimelyWarnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.
Emergency Response and Evacuation Procedures
The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:
- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:
- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

Emergency Notifications
- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan - 4, Wayland Baptist University – San Antonio Campus 12/1/2014.
- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

Communication Logs
All members of the Crisis Management Team and Notification Team will keep an accurate log.
The Wayland Baptist University – San Antonio Campus Executive Director, Military Security Forces, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

**Considerations in the Maintenance of Campus Facilities**
WBU is a guest to the on-base education center. Randolph AFB Community Commander and Base Security maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. The Randolph Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security and report problems to the Campus Executive Director/Site Coordinator. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety. You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
Sexual Assault Prevention and Response 210-808-7272

DOD Safe Helpline 1-877-995-5247

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; • Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.
• **Dating Violence:** The State of Texas defines dating violence as follows:
  o An act, other than a defensive measure to protect oneself, by an actor that:
    • Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
  
  o For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
  
  o A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

• The State of Texas defines sexual assault as follows:

**Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

• Intentionally or knowingly:

  • causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

  • causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

  • Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or
The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

1. the actor's ancestor or descendant by blood or adoption;
2. the actor's current or former stepchild or stepparent;
3. the actor's parent's brother or sister of the whole or half-blood;
4. the actor's brother or sister of the whole or half blood or by adoption;
5. the children of the actor's brother or sister of the whole or half blood or by adoption;
6. the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:
1. "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
2. "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.

STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

- Bodily injury or death for the other person; That an offense will be committed against the other person's property;
w. 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,

x. 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 other 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.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

- gggg. The actor compels the other person to submit or participate by the use of physical force or violence;
- hhhh. 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;
- iiii. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- jjjj. 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;
- kkkk. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- llll. 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;
- mmmm. 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;
- nnnn. The actor is a public servant who coerces the other person to submit or participate;
- oooo. 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;
- pppp. 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's professional character as spiritual adviser; or
- qqqq. 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.
• Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

• Consent to one act does not constitute consent to another act.
• Consent on a previous occasion does not constitute consent on a later occasion.
• Consent to an act with one person does not constitute consent to an act with any other person.
• The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
• Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
• Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the University Police Department.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.
<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
</tr>
</thead>
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<td>Murder/Non Negligent Manslaughter</td>
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<tr>
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<td>0</td>
<td>0</td>
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<td>0</td>
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<td>0</td>
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<td>Rape</td>
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<tr>
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### VAWA Offenses

<table>
<thead>
<tr>
<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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<td>Domestic Violence</td>
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### Arrests and Referrals for Disciplinary Action

<table>
<thead>
<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<td>Liquor Law Violation Arrests</td>
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<tr>
<td></td>
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<tr>
<td>Liquor Law Violation Referrals</td>
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<td>0</td>
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<tr>
<td>Drug Law Violation Arrests</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>2018</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
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</tr>
<tr>
<td>Drug Law Violation Referrals</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
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<td></td>
<td>2019</td>
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<td>0</td>
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<tr>
<td>Weapon Law Violation Arrests</td>
<td>2017</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>
**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix CC: Policies Applicable to the San Antonio Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has a full time police officer police on site who is responsible for patrolling of the Wayland campus and its property, the securing of buildings, keeping records related to security violations, the providing of limited investigative services, and the annual publishing of crime statistics. While the security program is managed by the Executive Director, the University Police Department (WBUPD) has authority over procedures, processes, and compliance. All crime cases on this campus are to be reported to WBUPD.

Arrest Authority of Campus Security Personnel
This location has a full time, licensed and armed police officer police on site who has arrest authority.

Jurisdiction of Campus Security Personnel
This location has a full time, licensed and armed police officer on site who has arrest authority.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
The campus police officer has a close working relationship with the Bexar County Sherriff’s Office and the San Antonio Police Department.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There is a written memorandum of understanding (MOU) between the Wayland Baptist University – San Antonio campus and the Bexar County Sherriff’s Office. There are no written agreements between WBU and the San Antonio Police Department.

San Antonio PD
Emergency 911
Non-Emergency 210-207-7273

Bexar County Sheriff's Department
Emergency 911
Non-Emergency 210-335-6000
Campus Security 210-590-5637
Campus Security Office, Roque Cantu 210-667-8799

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Security at (210) 667-8799 and the Campus
Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. An anonymous report of criminal activity may be made on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violation of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU primary campus security authorities/responsible employees at the San Antonio Campus:**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director</td>
<td>Dr. James Antenen</td>
<td>(210) 590-5630</td>
</tr>
<tr>
<td>Assistant Executive Director</td>
<td>Dr. James Todd</td>
<td>(210) 279-5341</td>
</tr>
<tr>
<td>Campus Police Office</td>
<td>Roque Cantu</td>
<td>(210) 667-8799</td>
</tr>
</tbody>
</table>

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

16. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.

17. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.
18. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

16. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
17. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
18. If the threat was mitigated in some other manner.

Response to Reports of Criminal Actions or Other Emergencies
Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
• Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

• Date and time or timeframe of the incident

• A brief description of the incident

• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

• Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)

• Police/Public Safety agency contact information

• Other information as deemed appropriate by the WBUPD Chief of Police or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.

2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A
general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures

The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:

- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:

- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

Emergency Notifications

- On-site notification – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.

- Off-site notification – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.
Communication Logs
All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Director and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Director and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site Coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Director and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director, Senior Vice President of Operations and Student Life, the Chief Technology Director and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training available.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
The San Antonio Rape Crisis Center
24 Hour Hotline: 210-349-7273
Online Hotline: click here
http://www.rapecrisis.com/

Mujeres Unidas/Women Together
24 Hour Crisis Hotline: 800-580-4879
http://mujeresunidas.org/

Family Violence Prevention Services
210-733-8810
https://fvps.org/

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or
  - Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence:** The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
  - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
  - A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- The State of Texas defines sexual assault as follows:

  **Sec. §22.011. 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

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

• Intentionally or knowingly:

(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.
• 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 act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:
(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.
  
  STALKING.
  
  A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

  y. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

  z. 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,

  aa. 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.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

  Texas law is states that sexual penetration is WITHOUT CONSENT if:

  rrrrr. The actor compels the other person to submit or participate by the use of physical force or violence;
  
  sssss. 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;
  
  tttttt. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
uuuuu. 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;

vvvvv. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

wwwww. 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;

xxxxx. 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;

yyyyy. The actor is a public servant who coerces the other person to submit or participate;

zzzzz. 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;

aaaaaa. 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

bbbbbb. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  • Consent to one act does not constitute consent to another act.
  • Consent on a previous occasion does not constitute consent on a later occasion.
  • Consent to an act with one person does not constitute consent to an act with any other person.
  • The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
  • Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
  • Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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<th>Year</th>
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<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<th>Non-campus</th>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix DD: Policies Applicable to the Schofield Barracks Army Installation Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Schofield Barracks Police Station 808-655-7114).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to the Wayland Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE SCHOFIELD BARRACKS ARMY INSTALLATION CAMPUS:**

Executive Director/Campus Dean          Dr. Dan Jacobson, (808) 488-8570  
Site Coordinator                        Michael Corley, (808) 564-3360  

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrft.htm](https://www.wbu.edu/university-police/csacrft.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Base Military Police are available 24 hours a day to answer your calls by dialing (808) 655-0911 or 911. In response to a call, Military Police will take the required action, either dispatching an officer or asking the victim to report to the Military Police Station to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Hawaii Campus Executive Director. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local military base or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the
alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

Emergency numbers are Military Police, 808-655-0911 or Fire Department, 808-471-7117. The closest hospital is the Wahiawa Medical Center, Wahiawa, phone no. (808) 621-8411. In cases of evacuation, the assembly point is in the parking lot in front of the building.
Emergency Notifications

The Wayland Baptist University Campus Executive Director, Military Police, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
The Teaching site (Education Center) is located on Schofield Barracks Army Installation with external security procedures that require pre-arranged base passes or military ID cards to access the base. The Education Center is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the Base Security Personnel reserves the right to bar individuals who are considered a threat to the well-being of the military community.

Considerations in the Maintenance of Campus Facilities
WBU is a guest to the on-base education center. Schofield Barracks Community Commander and Military Police maintain Education Center facilities in a manner that minimizes hazardous and unsafe conditions. The Education Center is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Schofield Community, Maintenance staff and Base Security work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by base security at the teaching site. In addition to these statutes, U.S. Army Hawaii Regulation 1 delineates responsibilities for reporting alcohol and drug related incidences and a “Zero Tolerance Policy”. Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Crime Prevention and Security Awareness Programs**

Online training is available. Annual faculty and staff training takes place to share security and safety policies and procedures. Faculty ensure a safe learning environment for students and are aware of reporting protocols. Members of local law enforcement are invited to conduct the training.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Hawaii can be found at: https://sexoffenders.ehawaii.gov/sexoffender/welcome.html

**VAWA Education Policies and Programs**

Sexual Harassment Assault Response Prevention Program  808-655-9474

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence**: The State of Hawaii defines domestic violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

  For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday.
"Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

- **Dating Violence:** The State of Hawaii defines dating violence as follows: §709-906 Abuse of family or household members; penalty.

  (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

  For the purposes of this section: "Business day" means any calendar day, except Saturday, Sunday, or any state holiday

"Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

**Sexual Assault:** The State of Hawaii defines sexual assault as follows:

§707-730 Sexual assault in the first degree.

11. A person commits the offense of sexual assault in the first degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
   c. The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual penetration another person who is mentally defective; or
   e. The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person’s consent.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.
Sexual assault in the first degree is a class A felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §9; am L Sp 2001 2d, c 1, §§1, 7; am L 2002, c 36, §3; am L 2003, c 62, §1; am L 2004, c 10, §15; am L 2006, c 230, §32; am L 2009, c 11, §72]

§707-731 Sexual assault in the second degree.

11. A person commits the offense of sexual assault in the second degree if:
   a. The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
   b. The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or
   c. The person, while employed:
      1. In a state correctional facility;
      2. By a private company providing services at a correctional facility;
      3. By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
      4. By a private correctional facility operating in the State of Hawai`i; or
      5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai`i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause.

12. Sexual assault in the second degree is a class B felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §10; am L 1997, c 366, §1; am L 2002, c 36, §1; am L 2004, c 61, §4]

§707-732 Sexual assault in the third degree.

11. A person commits the offense of sexual assault in the third degree if:
   a. The person recklessly subjects another person to an act of sexual penetration by compulsion;
   b. The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
   c. The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
      1. The person is not less than five years older than the minor; and
      2. The person is not legally married to the minor;
   d. The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
   e. The person, while employed:
1. In a state correctional facility;
2. By a private company providing services at a correctional facility;
3. By a private company providing community based residential services to persons committed to the director of public safety and having received notice of this statute;
4. By a private correctional facility operating in the State of Hawaii; or
5. As a law enforcement officer as defined in section 710-1000(13), knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or
f. The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

12. Sexual assault in the third degree is a class C felony. [L 1986, c 314, pt of §57; am L 1987, c 181, §11; am L Sp 2001 2d, c 1, §§2, 7; am L 2002, c 36, §§2, 3; am L 2003, c 62, §1; am L 2004, c 10, §15 and c 61, §5; am L 2009, c 11, §74]

§707-733 Sexual assault in the fourth degree.

20. A person commits the offense of sexual assault in the fourth degree if:
   a. The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion;
   b. The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; or
   c. The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

21. Sexual assault in the fourth degree is a misdemeanor.

22. Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603. [L 1986, c 314, pt of §57; am L 1991, c 214, §1]

   a. A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.
   b. A person convicted under this section may be required to undergo a counseling program as ordered by the court.
   c. For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic
communication, as defined in section 711-1111(2), including electronic mail transmission.

d. Harassment by stalking is a misdemeanor. [L 1992, c 292, §2; am L 2003, c 68, §2; am L 2009, c 90, §2]

**Jurisdictional Definition of Consent**

Consent is not defined by statute.

However, Hawaii law provides that a person commits a sex crime if:

1. The person subjects another person to a sexual act by compulsion; or

2. The person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.

“Compulsion” means absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss. HRS §§ 707-700.

“Mentally defective” means a person suffering from a disease, disorder, or defect which renders the person incapable of appraising the nature of the person’s conduct. HRS §§ 707-700.

“Mentally incapacitated” means a person rendered temporarily incapable of appraising or controlling the person’s conduct as a result of the influence of a substance administered to the person without the person's consent. HRS §§ 707-700.

“Physically helpless” means a person who is unconscious or for any other reason physically unable to communicate unwillingness to an act. HRS §§ 707-700.

See also:

“Consent signifies voluntary agreement or concurrence . . . [c]onsent may be express or implied.” State v. Adams, 10 Haw. App. 593, 605, 880 P.2d 226, 234 (1994).

Evidence that victim rebuffed offender’s sexual advances by repeatedly telling offender to stop, attempting to pull way, and telling offender that she did not want to be touched was sufficient to establish absence of consent. State v. Jackson, 81 Haw. 39, 46, 912 P.2d 71, 78 (1996).

**Hawaii Age of Consent**

The age of consent in Hawai‘i is sixteen years old. At this age, a person may legally consent to sexual activity with another person who has also reached the age of consent.

Hawaii law has an age gap provision that intends to avoid penalizing sexual activity among certain teens. Persons at least fourteen years old and less than sixteen years old can consent to sexual activity with a person who is less than five years older.

For example, a person who just turned fourteen years old cannot consent to sexual activity with a person who is about to turn twenty years old. However, if the person who just turned fourteen years old engaged in consensual sexual activity with a seventeen year old, that activity would not be prohibited under Hawai‘i law.

Persons under the age of fourteen cannot consent to sexual activity under any circumstances. (HRS §§ 707-730, 707-732)
Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or Base Security and state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
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<tr>
<td>Rape</td>
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<table>
<thead>
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<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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### VAWA Offenses

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<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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<tr>
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</tbody>
</table>
**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*
Hate Crimes
There were no hate crime reported for this campus in 2017, 2018 or 2019.

Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix EE: Policies Applicable to the Sierra Vista Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Sierra Vista Police Department 520-458-3311).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE SIERRA VISTA CAMPUS**

Executive Director/Campus Director: Dr. Andrew Marquez, 520-792-1506  
Assistant Dean/Site Coordinator: Barbara Lopez, 520-459-1610

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged
incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
There are two outside doors in the facility at Fry Blvd., both located at the front of the facility. The main entrance is only a few feet away from the front office and student/staff lounge. The Second exit is located in the main classroom also located at the front of the facility. Any persons located in back offices (Assistant Dean office and Dean’s office), and Computer Lab can evacuate building through either exit located at the front of the facility. If main entrances are blocked, students, staff, and faculty who are located in the back offices and computer lab will have to exit facility through windows using fire escape ladder since facility is located in the second story of the building. Computer lab has two windows, and both Assistant Dean’s office and Dean’s office each have a window. All windows are accessible and can be opened.

Emergency Notifications
The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.
The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

Campus Access and Security of Campus Facilities
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

Considerations in the Maintenance of Campus Facilities
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity.
University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:


**Crime Prevention and Security Awareness Programs**

Faculty are made aware of security issues each term at their faculty meeting. They are responsible to alerting students to crime prevention and security awareness. Both the WBUPD Chief of Police and the Sheriff are adjunct instructors who work with us to establish awareness programs. Online training is also available.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Arizona can be found at:

https://www.azdps.gov/services/public/offender

**VAWA Education Policies and Programs**

Arizona Coalition Against Domestic Violence
http://www.azcadv.org/

Arizona Sexual Assault Network
http://www.arizonasexualassaultnetwork.org/

Arizona Rape Prevention and Education Program

http://www.azrapeprevention.org/

Southern Arizona Center Against Sexual Abuse (SACASA)
http://www.sacasa.org/

Emerge! Center Against Domestic Abuse
http://www.emergecenter.org/

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence:** The State of Arizona defines domestic violence as follows:

  1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
  2. The victim and the defendant have a child in common.
  3. The victim or the defendant is pregnant by the other party.
  4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
  5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
  6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

    (a) The type of relationship.
    (b) The length of the relationship.
    (c) The frequency of the interaction between the victim and the defendant.
    (d) If the relationship has terminated, the length of time since the termination.

- **Dating Violence:** The State of Arizona defines dating violence as follows:
“Domestic violence” means any act that is a dangerous crime against children as defined in § 13-705 or an offense prescribed in § 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504 or 13-1602 or 13-2810, § 13-2904, subsection A, paragraph 1, 2, 3 or 6, § 13-2910, subsection A, paragraph 8 or 9, § 13-2915, subsection A, paragraph 3 or § 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

   (a) The type of relationship.
   (b) The length of the relationship.
   (c) The frequency of the interaction between the victim and the defendant.
   (d) If the relationship has terminated, the length of time since the termination.

• Sexual Assault: The State of Arizona defines sexual assault as follows:

   § 13-1401. Definitions; factors: In this chapter, unless the context otherwise requires:

   1. “Oral sexual contact” means oral contact with the penis, vulva or anus.

   2. “Position of trust” means a person who is or was any of the following:

      (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
      (b) The minor's teacher.
      (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
      (d) The minor's clergyman or priest.
      (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.
3. “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.

4. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. “Spouse” means a person who is legally married and cohabiting.

6. “Teacher” means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.

7. “Without consent” includes any of the following:
   (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
   (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another. (c) The victim is intentionally deceived as to the nature of the act.
   (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

B. The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:

1. The type of relationship.

2. The length of the relationship.

3. The frequency of the interaction between the two persons.

4. If the relationship has terminated, the length of time since the termination.

§ 13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.
C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of § 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

<table>
<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>
E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

§ 13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to § 13-705.

§ 13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to § 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed has been served or commuted.

Stalking: The State of Arizona defines stalking as follows: 13-2923. Stalking; classification; exceptions; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
   (a) The victim's property will be damaged or destroyed.
   (b) Any of the following will be physically injured:
      (i) The victim.
      (ii) The victim's family member, domestic animal or livestock.
      (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
      (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

2. Reasonably fear death or the death of any of the following:
   (a) The victim's family member, domestic animal or livestock.
(b) A person with whom the victim has or has previously had a romantic or sexual relationship.
(c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:
   1. "Course of conduct":
      (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
         (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
         (ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
         (iii) Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
      (b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
   2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

**Jurisdictional Definition of Consent**

"Without consent" includes any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;
2. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
3. The victim is intentionally deceived as to the nature of the act; or
4. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. Arizona Revised Statute § 13-1401.
Arizona Age Of Consent:

Arizona's age of consent, which is 18 years old, are unable to consent to sexual activity with an individual who is older than them.

In Arizona, statutory rape is prosecuted under the state’s sexual abuse and molestation laws, and is broken into several categories based on the age of the parties and the type of sexual contact that occurred, as described below.

**Sexual conduct with a minor.** Sexual conduct with a minor is a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor. (Az. Rev. Stat. §§ 13-1405, 13-1407 (2018).)

**Molestation of a child.** Arizona law defines molestation of a child as sexual contact without penetration (not including touching a female’s breast) between a minor who is 14 or younger and a defendant of any age. (Az. Rev. Stat. § 13-1410 (2018).)

**Sexual abuse.** Under Arizona law, sexual abuse occurs when there is consensual sexual contact between a minor who is 14 or younger and a defendant of any age and the contact involves only the touching of a female’s breast. (Az. Rev. Stat. § 13-1404 (2018).)

Sexual conduct with a minor, molestation of a child, and sexual abuse are felonies in Arizona. Penalties vary according to the state’s sentencing grid and may include fines, prison time, or both. Punishments are typically harsher the younger the victim. Increased penalties also apply to offenders with prior convictions and those who were in a position of trust (such as a teacher, clergyman, or coach) at the time of the sexual contact. For instance, a conviction for sexual conduct with a minor can result in a prison sentence ranging from 13 years to life, depending on the facts of the case. (Az. Rev. Stat. §§ 13-705, 13-1405 (2018).)

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
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<th>Non-campus</th>
<th>Public Property</th>
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<th>VAWA Offenses</th>
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<th>Non-campus</th>
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<table>
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<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
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</tbody>
</table>

*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix FF: Policies Applicable to the Tucson Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Tucson Police 520-791-4444).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE TUCSON CAMPUS**

Executive Director/Campus Dean Dr. Andrew Marquez, 520-792-1506
Site Coordinator Nathan Stephens, 520-792-1506

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**
Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson

• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the
alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

- Upon being notified about the emergency, occupants must:
  - Leave the building using the designated escape routes.
  - Assemble in the designated area
  - Remain outside until the competent authority (Executive Director or designee) announces that it is safe to reenter.
  - Designated Official, Emergency Coordinator or supervisors must:
    - Disconnect utilities and equipment unless doing so jeopardizes his/her safety.
    - Coordinate an orderly evacuation of personnel.
    - Perform an accurate head count of personnel reported to the designated area.
    - Determine a rescue method to locate missing personnel.
    - Provide the Fire Department personnel with the necessary information about the facility.
    - Perform assessment and coordinate weather forecast office emergency closing procedures
  - Area/Floor Monitors must:
    - Ensure that all employees have evacuated the area/floor.
    - Report any problems to the Emergency Coordinator at the assembly area.
  - Assistants to Physically Challenged should:
    - Assist all physically challenged employees in emergency evacuation.
Emergency Notifications
The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)

7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention.
programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook, the Residential Living Handbook, and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Crime Prevention and Security Awareness Programs**

Online training available

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services, or is a student.

Sex Offender Registry for the state of Arizona can be found at: https://www.azdps.gov/services/public/offender

**VAWA Education Policies and Programs**

Arizona Coalition Against Domestic Violence
http://www.azcadv.org/

Arizona Sexual Assault Network
http://www.arizonasexualassaultnetwork.org/

Arizona Rape Prevention and Education Program
http://www.azrapeprevention.org/

Southern Arizona Center Against Sexual Abuse (SACASA)
http://www.sacasa.org/

Emerge! Center Against Domestic Abuse
http://www.emergecenter.org/

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- **Domestic Violence:** The State of Arizona defines domestic violence as follows:
1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

   (a) The type of relationship.
   (b) The length of the relationship.
   (c) The frequency of the interaction between the victim and the defendant.
   (d) If the relationship has terminated, the length of time since the termination.

- **Dating Violence**: The State of Arizona defines dating violence as follows:

   1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

   2. The victim and the defendant have a child in common.

   3. The victim or the defendant is pregnant by the other party.

   4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

(a) The type of relationship.
(b) The length of the relationship.
(c) The frequency of the interaction between the victim and the defendant.
(d) If the relationship has terminated, the length of time since the termination.

- **Sexual Assault:** The State of Arizona defines sexual assault as follows:

**§ 13-1401. Definitions; factors:** In this chapter, unless the context otherwise requires:

1. “Oral sexual contact” means oral contact with the penis, vulva or anus.

2. “Position of trust” means a person who is or was any of the following:
   (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
   (b) The minor's teacher.
   (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
   (d) The minor's clergyman or priest.
   (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.

3. “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.

4. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. “Spouse” means a person who is legally married and cohabiting.

6. “Teacher” means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.

7. “Without consent” includes any of the following:
   (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
   (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been
known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.

(c) The victim is intentionally deceived as to the nature of the act.
(d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

B. The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:

1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

§ 13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.

C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of § 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or § 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

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<thead>
<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to § 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification
A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or §13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

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<tr>
<th>Mitigated</th>
<th>Minimum</th>
<th>Presumptive</th>
<th>Maximum</th>
<th>Aggravated</th>
</tr>
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<td>6 years</td>
<td>8 years</td>
<td>10 years</td>
<td>12 years</td>
<td>15 years</td>
</tr>
</tbody>
</table>

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to §13-701, subsections D and E.

§ 13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to §13-705.

§ 13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.
B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to § 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed has been served or commuted.

- **Stalking:** The State of Arizona defines stalking as follows: 13-2923. Stalking; classification; exceptions; definitions
  A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:
    1. Suffer emotional distress or reasonably fear that either:
       (a) The victim's property will be damaged or destroyed.
       (b) Any of the following will be physically injured:
          (i) The victim.
          (ii) The victim's family member, domestic animal or livestock.
          (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
          (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

    2. Reasonably fear death or the death of any of the following:
       (a) The victim's family member, domestic animal or livestock.
       (b) A person with whom the victim has or has previously had a romantic or sexual relationship.
       (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

D. For the purposes of this section:
  1. "Course of conduct":
     (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
        (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
        (ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless...
activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization. (iii) Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.

(b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.

2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

**Jurisdictional Definition of Consent**

"Without consent" includes any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;

2. the victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;

3. The victim is intentionally deceived as to the nature of the act; or

4. The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. Arizona Revised Statute § 13-1401.

**Arizona Age Of Consent:**

Arizona's age of consent, which is 18 years old, are unable to consent to sexual activity with an individual who is older than them.

In Arizona, statutory rape is prosecuted under the state’s sexual abuse and molestation laws, and is broken into several categories based on the age of the parties and the type of sexual contact that occurred, as described below.

**Sexual conduct with a minor.** Sexual conduct with a minor is a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor. (Az. Rev. Stat. §§ 13-1405, 13-1407 (2018).)

**Molestation of a child.** Arizona law defines molestation of a child as sexual contact without penetration (not including touching a female’s breast) between a minor who is 14 or younger and a defendant of any age. (Az. Rev. Stat. § 13-1410 (2018).)

**Sexual abuse.** Under Arizona law, sexual abuse occurs when there is consensual sexual contact between a minor who is 14 or younger and a defendant of any age and the contact involves only the touching of a female’s breast. (Az. Rev. Stat. § 13-1404 (2018).)

Sexual conduct with a minor, molestation of a child, and sexual abuse are felonies in Arizona. Penalties vary according to the state’s sentencing grid and may include fines, prison time, or both. Punishments are
typically harsher the younger the victim. Increased penalties also apply to offenders with prior convictions and those who were in a position of trust (such as a teacher, clergymen, or coach) at the time of the sexual contact. For instance, a conviction for sexual conduct with a minor can result in a prison sentence ranging from 13 years to life, depending on the facts of the case. (Az. Rev. Stat. §§ 13-705, 13-1405 (2018).)

Policies for Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<tr>
<td>Murder/Non Negligent Manslaughter</td>
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<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
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<tr>
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<td>2018</td>
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<thead>
<tr>
<th>VAWA Offenses</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<table>
<thead>
<tr>
<th>Arrests and Referrals for Disciplinary Action</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td>Liquor Law Violation Arrests</td>
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<td>Drug Law Violation Referrals</td>
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<td>Weapon Law Violation Referrals</td>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes
If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0. The total number of unfounded crimes for the 2018 calendar year at this campus is 0. The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**
There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix GG: Policies Applicable to the University Center at Harlingen Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Harlingen Police Department 956-216-5400).

This appendix identifies the policy statements and crime statistics that are unique to this campus.

Harlingen Police Department
Emergency 911
Non-Emergency 956-216-5400

Cameron County Sheriff’s Office
Emergency 911
Non-Emergency (956) 427-8060

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Site Director at (956-364-4656) and the Campus Executive Director at (210) 590-5630. In cases of eminent danger and emergency, personnel are advised to dial 911 for local police assistance.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.

All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE UNIVERSITY CENTER AT HARLINGEN CAMPUS**

Executive Director  
Dr. James Antenen, (210) 590-5630

Assistant Executive Director  
Dr. James Todd, (210) 279-5341

Site Director  
Dr. Richard McCutcheon, (956) 364-4656

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: https://www.wbu.edu/university-police/csacrf.htm.

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Wayland Baptist University – San Antonio has an active plan of action to ensure preparedness for an emergency or disaster on or near the campus. It includes:

19. Evacuation and non-evacuation procedures including methods for notifying every building on campus of a tornado or other emergency situation.

20. An officially designated command group made of campus employees who will serve as a decision-making and directive-issuing body for the entire campus in emergency situations. However, the Senior Vice President of Operations and Student Life will act with authority to implement a plan for coping with imminent danger, such as an approaching tornado.

21. The communications group will inform the entire campus population of any plan of action chosen to deal with emergency situations.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely
Warning. Periodically, other senior administrators may be involved in assisting in the development of the contents of a Timely Warning, depending on the circumstances of the crime. Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

The department does not issue Timely Warnings for the above listed crimes if:

19. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
20. A report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
21. If the threat was mitigated in some other manner.

Response to Reports of Criminal Actions or Other Emergencies
Security Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm.

Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to
WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

Timely Warning

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.
A Timely Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
The Crisis Management Team consists of all members of the Emergency Planning Committee and the Managers of Financial Aid, the Business Office, the Bookstore, Academic Records and is responsible for making necessary decisions regarding any crisis and for ensuring the proper notification of students, staff and faculty in the event of a situation. The Crisis Management Team will meet for training no less than once a calendar year, the time and date to be determined by the Executive Director; or when a new member is appointed that member will receive training within thirty (30) days following appointment of the position.

The Emergency Preparedness Planning team members are:

- Executive Director
- Assistant Executive Director
- Director of Student Services
- Campus Police Officer
- Head Custodian

The primary functions of the Crisis Management Team are:

- To determine the nature and seriousness of the emergency
- To determine the course of action necessary
- To issue appropriate instructions for the implementation of the plan of action

**Emergency Notifications**

- **On-site notification** – this occurs when a situation develops during the time period that classes are in session or the offices are open and staff present. It consists primarily of two actions: evacuate the building or remain in place or move to a safe location within the building. The decision will be made by the senior member of the Crisis Management Team available on site at the time the situation develops. Once a decision is made, the Notification Team will sound the alert throughout the building. The first step is to use the telephone intercom announcement system. These procedures are spelled out in detail in Emergency Preparedness Plan- 4, Wayland Baptist University – San Antonio Campus 12/1/2014.

- **Off-site notification** – this occurs when a situation develops during the time period that classes are not in session or the offices are closed and the building is not occupied. It is to rapidly inform personnel and students of weather, and personal safety emergencies. These notifications come through voice message, e-mail, and text messaging. Examples of when off-site notification may be necessary are winter storms and ice, approaching hurricane or tropical storm, intense heat wave, power failure, heat or cooling failure, or heavy rain and potential active crisis situations to include any crime in progress. News media notification – this occurs when a situation develops at any time requiring mass communication throughout the community by all means available, including television, radio, web site, and newspaper. It is done when mass notification of the public in general is needed. The Notification Team upon being directed by the senior member of the Crisis Management Team able to make the decision will begin this process.

The second step is to physically go to each room in the building making the announcement, all the while considering that it may not be possible to reach every room in some situations.

**Communication Logs**

All members of the Crisis Management Team and Notification Team will keep an accurate log of all calls received and other contact made during the crisis to include all notes, memos, and news releases.
The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Director and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Director and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Director and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Campus Executive Director/Site Coordinator, The Senior Vice President of Operations and Student Life, the Chief Technology Director and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)

5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**
WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**
WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**
The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

**Drugs**
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and
alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at:

Crime Prevention and Security Awareness Programs
Online training available

Sex Offender Information
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety You can link to this information, which appears on their website, by accessing
https://records.txdps.state.tx.us/SexOffenderRegistry

VAWA Education Policies and Programs
Family Crisis Center
956-423-9305 or 956-423-9306 / Toll Free: 1-866-423-9304
https://www.familycrisisctr.org

Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence**: The State of Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; • Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence**: The State of Texas defines dating violence as follows:
An act, other than a defensive measure to protect oneself, by an actor that:

- Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

The State of Texas defines sexual assault as follows:

Sec. §22.011. 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;
Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

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

• Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the act; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:
Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;

(2) the actor's current or former stepchild or stepparent;

(3) the actor's parent's brother or sister of the whole or half-blood;

(4) the actor's brother or sister of the whole or half blood or by adoption;

(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or

(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.

(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072.

STALKING.

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

- Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - bb. Bodily injury or death for the other person; That an offense will be committed against the other person's property;
  - cc. 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,
  - dd. 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.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

- ccccc. The actor compels the other person to submit or participate by the use of physical force or violence;
- dddddd. 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;
- eeeeee. 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.

Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

- Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.
  - Consent to one act does not constitute consent to another act.
  - Consent on a previous occasion does not constitute consent on a later occasion.
  - Consent to an act with one person does not constitute consent to an act with any other person.
  - The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.
  - Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.
  - Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on nonverbal communication alone may result in a violation of this policy.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential
Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

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Liquor Law Violation Arrests

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Unfounded Crimes

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be “unfounded.”

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

Hate Crimes

There were no hate crime reported for this campus in 2017, 2018 or 2019.
Fire Statistics
This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix HH: Policies Applicable to the Wasilla Valley Center Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Wasilla Police Department 907-352-5401).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at: https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE ANCHORAGE/WASILLA CAMPUS**

Executive Director/Campus Dean
Dr. Eric Ash, 907-830-6168

Site Coordinator
Linda Hoffman, 907-373-4828

Responsible Employees:
Chris Wisdom
Connie Luque
Tricia Zuyus
Cynthia Michlig
Jeff Anderson
Don Ashley
Maggie Viertel
Carol Lee Clayton
Craig Clayton
Matt Parsons
Loretta Caldwell

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**

Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should
occur, staff on the scene, will inform the victim a wide variety of services available, online at: https://www.wbu.edu/about/title-ix/index.htm and including:

Alaska Department of Public Safety: Council on Domestic Violence and Sexual Assault
907-465-4356
https://dps.alaska.gov/cdvsa/services/victimservices

Abused Women’s Aide in Crisis
907-272-0100
http://www.awaic.org

Standing Together Against Rape
907-276-7279
https://www.staralaska.com

Alaska Family Service
907-746-4080
https://www.akafs.org

Alaska Native Women’s Resource Center
907-328-3990
http://www.aknwrc.org/

Alaska Network on Domestic Violence & Sexual Assault
907-586-3650
https://www.andvsa.org/

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.
WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
- Major incidents of arson
- Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:
   1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
   2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.
   3. If the threat was mitigated in some other manner.

Emergency Response and Evacuation Procedures
(WASILLA - SPECIFIC INFORMATION)

Emergency Preparedness Plan

Wasilla

Revised 1-12-2020

The purpose of this notice is to establish a reasonable and effective method of dealing with emergency situations at the WBU-AnchorAge Campus/Wasilla. All administrative staff and full-time/adjunct faculty members must be familiar with and adhere to the following procedures:

The procedures below apply to the Wasilla facility at 1509 E. Financial Drive, Suite F 105.

**EMERGENCY EXITS:** In the event of a major earthquake, fire, or other emergency, there are two exits—the north door and the west door. Maps to these exits are located in each classroom and posted on the walls on the ground floor. These exits provide the fastest and most direct access to the parking lots outside. All exits are furnished with emergency lighting in the event of a loss of electricity. In case evacuation is necessary, faculty and staff members should direct students to leave the building in an orderly manner through one of the above exits.

**EVACUATION:** There is no single solution for all evacuation scenarios. In case of fire, evacuate the building at the nearest exit away from the fire. Follow published routes displayed throughout the facility. In case of active shooter, evacuate away from the danger, or hold in place with classroom doors locked, and then evacuate when told to do so by authorities. For earthquake, evacuate if possible through the nearest exit—but if not possible, then hold in place by taking shelter under tables or other cover. For all emergency evacuation procedures, become very familiar with the location of exits from all floors of the facility. There are a total of 8 emergency exits, but only 2 of those will most likely apply to Wayland personnel due to location in the facility. Do not use elevators. If safe, following evacuation, assemble in the north parking lot to assess and count people.

**POINTS OF CONTACT:** For all emergencies, call 911.

The Executive Director/Campus Dean, Dr. Eric Ash, can be reached at 907-830-6168 (cell) or 907-375-4515 (office) or 907-770-4543 (home).

The Assistant Dean, Mike Zimmerman, can be reached at 276-0091 (cell).

Mr. Matt Parsons is the Facility Manager for all Anchorage locations and can be reached at 830-0510 or 444-0639.

**CLASS CANCELLATIONS:** In the event that classes are cancelled for any reason (active shooter, earthquakes, snowfall, fire, etc.), Wayland will notify instructors and students via the following methods:

Instructors by phone from Anchorage Campus staff, if possible.

Instructors and students by the following:

- Messages posted on Blackboard.
- Notices on local radio station (AM 750)
- University telephone emergency voice message system
- University e-mail and text messaging
- Personal phone calls if time and circumstances permit
CRISIS RESPONSE TEAM: The Anchorage Crisis Response Team is an officially designated group of Wayland Baptist University – Anchorage employees who will serve as a decision-making and directive-issuing body in emergency situations. The Executive Director/Dean of the Anchorage campus will act with authority to implement a plan for coping with imminent danger, such as an earthquake. In the absence of the Executive Director/Dean, the Assistant Dean will act in authority to implement a plan. In the absence of both the Executive Director/Dean and the Assistant Dean, the Facility Manager will act in their capacity. In addition to these three, other designated individuals will act as Campus Security Authorities (CSA): the Parkside site coordinator (Loretta), and two faculty representatives most likely to be involved with students on Wayland trips or programs: Dr. Anderson, and Dr. Ashley. All CSAs are supposed to receive annual training, coordinated by Plainview’s chief of campus security. Regardless of when that may happen, CSAs as well as all other Wayland staff and faculty must review this emergency plan annually and report to the campus executive director that they have done so.

GENERAL PROCEDURES: If at all possible, campus crises should be avoided by following proactive procedures such as fire and earthquake drills and maintaining campus properties for maximum safety. In case of unavoidable emergencies, these same procedures can help prevent or lessen damage from such crises.

The University’s first concern is for the safety of its students, faculty, and staff. Any other issues (administrative or otherwise) will be resolved in order of importance. Once students, faculty, and staff are secured, property can be secured and damages assessed before cleanup begins.

1. In an emergency situation, all personnel will be notified appropriately via computer, telephone, and/or voice of what actions to take (evacuate the building, remain in offices, seek shelter in the basement, etc).
2. If instructed to remain in the building, all personnel will be notified to close windows and window shades if appropriate.
3. If instructed to evacuate the building, all personnel will immediately proceed out the closest exit and assemble in the southeast corner of the parking lot (toward intersection of Totem Theater).
4. Anyone discovering a suspicious package in the facility, or a suspicious package/letter in the mail, will stay away from the package and bring the issue to the attention of the crisis response team or facility director, assistant campus dean, or campus dean in that order.
5. In the event of a suspicious package/letter, or threatening telephone call/e-mail that identifies WBU- Anchorage as a target of attack, WBU personnel will immediately call 911 to notify the appropriate Anchorage authorities.
6. Front office personnel seeing a suspicious-looking person approaching the building will lock the front doors only if they have time to do so. Otherwise, they will immediately lower the metal security screen and proceed down the inside hallway to the assistant dean’s office, where they will call for assistance.

Upon receiving news of an impending emergency or an already-occurred emergency, all members of the Crisis Response Team shall report immediately to the Parkside Center. Those who arrive first must immediately notify other Crisis Response Team members who may yet be uniformed of the disaster. The first order of business is to assemble the Crisis Management Team, which should:
1. Use all available methods to gather available pertinent information as to the nature of the disaster or impending disaster.
2. Evaluate all pertinent information.
3. Make a decision as to whether or not a disaster plan should be initiated.
4. Choose the appropriate disaster plan.
5. Initiate the plan.
6. Determine the message to be used by the automated telephone operator in answer to questions. At this point, the Crisis Response Team will assume the responsibility of communicating the plan of action to the Campus.

In the event that there are members of the Crisis Response Team not present, those who are present shall have the authority to implement the necessary plans.

In the case of an earthquake or volcanic eruption, the Executive Director/Dean shall consult with JBER Security Forces and render a take-shelter decision as soon as possible.

In the case of a terrorist threat (bomb threat, active shooter, etc.), the Executive Director/Dean or Crisis Response Team shall make contact with law enforcement immediately and may take other legally-allowable actions necessary to safeguard students, faculty, and staff. Since the student body is made up of a large number of local police officers, and the state of Alaska has a ‘legal duty to act’ clause for its police officers, these persons will likely be the first consulted in such a situation.

In the case of a major civil emergency (911-type situation), all WBU faculty, staff, and students will follow established emergency plans initiated by local or federal civil authorities.

**COMMUNICATIONS:** Decisions made by the Crisis Response Team will be effectively communicated to appropriate internal and external audiences in the most expeditious manner possible. Once immediate communication needs are met, the Office of Communications/Public Relations (806-291-3585) in Plainview, Texas, will be the primary source for information and communications related to a crisis, with help from key personnel from the Anchorage Campus who will ensure a smooth crisis response.

Both the public’s legitimate right to know the essential facts and privacy concerns (especially those related to individual rights, personal security and legal liability) must be determined and considered before any public statements are made.

An appropriate spokesperson for the university will be identified and counseled by the Office of Communications. In the absence of that person, the Executive Director/Dean will be the spokesperson. The university may choose not to participate in a discussion it deems non-newsworthy or inappropriate. Efforts will be made to explain the university’s position and to be as forthcoming as possible with the facts of the situation, but at no time will a university representative reply, “No comment.” All faculty and staff should be deliberate not to speculate or offer personal opinions about a crisis situation. All inquiries should be referred to the Executive Director/Dean or to the Office of Communications/Public Relations representative in Plainview, Texas.
OFFICIAL STATEMENT: If necessary, an official statement will be prepared by the Crisis Response Team and Office of Communications/Public Relations, or in consultation with the Office of the President or Vice President for Academic Affairs, Plainview Campus. They will compose the official statement which sets forth the basic facts of the disaster, an expression of concern for the persons involved, and what actions have been taken to deal with the disaster.

UNIVERSITY SPOKESPERSON: In the absence of the Director of Communications, only the Dean of the Anchorage Campus, or his/her designee, will serve as the University spokesperson and communicate with the media. All media requests for information should be directed to the Dean of the Anchorage Campus. Only facts gathered by the Crisis Response Team will be released. No speculation is to be offered. Internal audiences will be informed first of the crisis situation. These audiences may include staff, faculty, administration, and current students, and friends of Wayland. The following methods will be considered for communicating with internal audiences:

- Telephones to offices or homes.
- Posting of press release outside the office of the Dean.
- Dissemination of information through local radio, television, the campus web page, and newspaper.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- Press releases and notification of appropriate media.
- Called meeting at the Campus to clarify facts and answer questions.

IDENTIFICATION OF EXTERNAL AUDIENCES: The University will take a proactive approach in dealing with external audiences. These audiences may include friends of the University, area and state Baptist officials, prospective students, community leaders, and the general public. Because care must be taken to distribute consistent information to external audiences, only the University spokesperson will coordinate these communication efforts, and only the information gathered by The Crisis Response Team will be disseminated. The following methods may be considered for communicating with external audiences:

- Telephone/facsimile/computer communication to primary media sources.
- Posting of press releases outside Anchorage Campus office.
- Telephone or personal visit to key community leaders.
- Telephone/facsimile/computer communication to key area and state Baptist leaders.
- Establishment of a hotline with up-to-date recorded information in the Anchorage Campus office.
- A press conference, if warranted, at the Anchorage Campus.

COMMUNICATION LOGS: All members of the Anchorage CRT should keep an accurate log of all calls received and other contacts made during the crisis. In addition, notes, memos, and news releases, which would be useful in evaluating performance and response, will be maintained. These items may also be used in the event of lawsuits.
**EVACUATION PROCEDURES:** The plan of evacuation will be used when there is advanced warning of a volcanic eruption or other impending disaster, and the Crisis Response Team advises to evacuate the building. It may also be used after a natural disaster if said disaster destroyed or severely damaged the electrical or other utility-supply capabilities of the facility. Suggested information that may be given by the Crisis Response Team includes:

- A brief statement concerning the nature of the impending or already-occurred disaster.
- Campus is to be evacuated immediately except for pre-designated, emergency-duty personnel.
- The direction of area of least danger.
- The direction of area of most danger.
- Any specific information concerning roads which are known to be out of service.
- Instructions to all persons in the building to implement appropriate actions for safety of personnel and property.

In the event of an emergency requiring the evacuation of the Anchorage Campus, all personnel will be directed to the exits identified in the building floor plan. Once the order to evacuate is given, all persons will proceed directly and orderly to the exits. Based on emergency reports from the news media and other sources, a member of the Anchorage Campus will sound an alarm and personnel will vacate the premises and go to home shelters/basements, or appropriate shelter at church, or in the city. Members of the Crisis Response Team will see that the building is cleared.

A team member on duty will see that public safety personnel are met upon their arrival and informed of the situation. These personnel should be informed of any persons who are not accounted for at this time. Any emergency situation will be reported to the office of the Senior Vice President of Operations and Student Life and the Vice President of External Campuses.

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.
The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, Chief Technology Officer and/or Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security.
Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations
The campus does not have student organizations with non-campus locations at this site.

Drug and Alcohol Policies and Enforcement
State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.

Drugs
According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

Substance Abuse and Education
Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

Crime Prevention and Security Awareness Programs
Crime prevention and security awareness procedures at the Wasilla site of the Anchorage Campus are briefed quarterly at staff and faculty meetings. The program includes the following:
Exterior Doors locked at 8 pm each weekday night and all weekend.
- Exterior windows closed and latched
- Building walkthrough at 10 pm each weekday night, confirm lights off, all external doors shut and locked.
- In the event of potential or apparent danger in the parking lot, staff and/or faculty will immediately lock exterior doors and call the Executive Director and local police if appropriate.


- Staff, students, and faculty are advised that the Wasilla Police Department is right across the street from the facility.
- Online training is also available

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Sex Offender Registry for the state of Alaska can be found at: [https://dps.alaska.gov/SORWeb/](https://dps.alaska.gov/SORWeb/).

**VAWA Education Policies and Programs**

Alaska Family Services Crisis Line 907-746-4080 or 1-866-746-4080

**Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

**Domestic Violence:**

Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including assault and sexual abuse of a minor, among others, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A person you have dated, or are presently dating;
- A current or former spouse;
- A person with whom you have or have had a sexual relationship;
- A person who lives, or has previously lived with you, in the same household;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990.

**Dating Violence:**

Alaska State law does not currently include a definition for dating violence. However, Alaska’s definition of domestic violence includes individuals who are in current and former dating relationships.
**Sexual Assault:**
Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 – 11.41.470.

**Stalking:**
Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of “non-consensual contact” that is initiated or continued without that person’s consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone;
- sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- following or monitoring that person with a global positioning device or similar technological means; or
- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – .270.

**Jurisdictional Definition of Consent**
In the State of Alaska, the following terms including “incapacitated,” “mentally incapable,” and “without consent” as related to sexual assault are defined as:
1. Incapacitated: temporarily incapable of appraising the nature of one’s own conduct or physically unable to express unwillingness to act;

2. Mentally Incapable: suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person’s conduct, including the potential for harm to that person;

3. Without Consent: that a person • with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or • is incapacitated as a result of an act of the defendant.

The complete definitions of the above terms are found in Alaska Statute 11.41.470.

Age of Consent:
Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant’s parent. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 – 445.

Policies for Preparing the Annual Disclosure of Crime Statistics
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
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<th>Non-campus</th>
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<th>Arrests and Referrals for Disciplinary Action</th>
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<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
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2017 0 0 0 0 0 0
2018 0 0 0 0 0 0
2019 0 0 0 0 0 0

Weapon Law Violation Referrals

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<th>Count</th>
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<td>0</td>
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<tr>
<td>2019</td>
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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.
Appendix II: Policies Applicable to the Wichita Falls Campus

This appendix identifies the policy statements and crime statistics that are unique to this campus. For any topic not addressed in this appendix, refer to the main body of the Annual Security Report which includes statements of policy that pertain to all campuses, unless otherwise indicated.

Enforcement Authority of Campus Security Personnel
This location has no police or security personnel on site.

Arrest Authority of Campus Security Personnel
This location has no police or security personnel on site.

Jurisdiction of Campus Security Personnel
This location has no police or security personnel on site.

Working Relationship of Campus Security Personnel with Local Law Enforcement Agencies
This location has no police or security personnel on site.

Agreements with Local Law Enforcement Agencies Regarding the Investigation of Alleged Criminal Offenses
There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between the institution and the local police department (Wichita Falls Police Department: 840-720-5000).

Reporting Criminal Actions or Other Emergencies
Members of Wayland Baptist University (WBU) are encouraged to report crimes or emergencies occurring on campus, in/on property owned and controlled by WBU, as well as crimes on public property running through or immediately adjacent to the campus to the Campus Executive Director/Site Coordinator. Always remember in cases of eminent danger and emergency, you are advised to dial 911 for local police assistance.

Crimes occurring in other locations should be reported to the local police department with jurisdiction at the location of the crime. If the correct local police department is unknown, dial 911, and the city/county dispatchers will connect you with the appropriate law enforcement agency.

Students and employees should report any criminal offense for the purpose of making Timely Warning notices and annual statistical disclosure to the Campus Executive Director or Site Coordinator. You may also make an anonymous report of criminal activity on the Wayland website Silent Witness report form at https://www.wbu.edu/university-police/silent-witness-crime-report.htm.

Although statistical information is requested annually from law enforcement agencies with jurisdiction at the WBU campus/site and other owned and controlled property, Wayland also requests notification of the incident for follow-up and documentation purposes. Non-emergencies may be reported to the Site Coordinator or campus Executive Director.
All Wayland Baptist University Campus Security Authorities (CSA) are required to report crimes (violations of federal, state and local laws) to Wayland Baptist University Police Department (WBUPD). All Campus Executive Directors and Site Coordinators are CSAs. These crimes as well as any public safety related incidents or emergencies must be promptly reported by the CSA to the WBUPD for appropriate response, investigation or disposition.

**WBU PRIMARY CAMPUS SECURITY AUTHORITIES/RESPONSIBLE EMPLOYEES AT THE WICHITA FALLS CAMPUS**

Executive Director/Campus Dean  
Dr. Jerry Faught, 940-855-4322

Assistant Dean  
Wendi Dunlap, 940-855-4322

The Campus Security Authority guidelines and the CSA crime report form are available online to report Clery crimes and can be located at: [https://www.wbu.edu/university-police/csacrf.htm](https://www.wbu.edu/university-police/csacrf.htm).

**Confidential Reporting**
Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures above). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Administrator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

**Response to Reports of Criminal Actions or Other Emergencies**
Local Police Dispatchers are available 24 hours a day to answer your calls by dialing 911. In response to a call, Local Police will take the required action, either dispatching an officer or asking the victim to report to the Local Police Department to file an incident report. University officials will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director of Student Services. Incident reports involving sexual misconduct, domestic/dating violence and stalking will also be forwarded to the Title IX Administrator for review and potential action under the Sexual Misconduct Policy. If assistance is required from the local Police Department or the local Fire Department, Wayland officials will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, will inform the victim a wide variety of services available, online at: [https://www.wbu.edu/about/title-ix/index.htm](https://www.wbu.edu/about/title-ix/index.htm).

**Reporting Crimes for Timely Warnings Reports and the Annual Statistical Disclosure**
The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.
If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s Annual Security and Fire Safety Report (ASFSR).

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

**Timely Warning**

The Wayland Baptist University Campus Executive Director in conjunction with the WBUPD Chief of Police or a designee will develop the contents of a Timely Warning notice for the University community to notify members of the community about a serious crime that occurs on campus, in non-campus property or public property that is immediately adjacent to the campus, where it is determined that the crime may pose a serious or continuing threat to members of the WBU community. These warnings will be distributed if the crime is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority or any local police agency. Timely Warnings will be issued on a case-by-case basis based on the information received by WBUPD. Information that might compromise law enforcement efforts would not be included in the Timely Warning.

The department issues/posts Timely Warnings for incidents of:

- Murder/Non-Negligent Manslaughter
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WBU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the WBUPD). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a Timely Warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice.
• Major incidents of arson
• Other Clery crimes as determined necessary by the WBUPD Chief of Police, or his designee in his absence

Timely Warnings may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of WBU.

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

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

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

Timely Warnings are distributed by sending a blast email to the University community, including all students and employees. Typically, the Campus Executive Director in conjunction with the Senior Vice President of Operations and Student Life develops the content and approves the distribution of a Timely Warning, but the WBUPD Chief of Police has the authority to distribute it if the Senior VP is unavailable. The WBUPD Chief of Police has the authority to develop the contents and to send the email to the WBU community. Periodically, other senior administrators may be involved in assisting the WBUPD Chief of Police in the development of the contents of a Timely Warning, depending on the circumstances of the crime.

Updates to the WBU community about any particular case resulting in a Timely Warning also may be distributed electronically via blast email.

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

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

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WBU community have been mitigated by the apprehension.
2. If a report was not filed with WBUPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. A
general guideline will include a report that is filed more than fourteen days after the date of the alleged incident may not allow WBUPD to post a Timely Warning to the community. This type of situation will be evaluated on a case by case basis.

3. If the threat was mitigated in some other manner.

**Emergency Response and Evacuation Procedures**

In case of an evacuation from Building 402 where Wayland Baptist University-Wichita Falls campus is housed, personnel will exit down the 3rd Floor hallway toward the West end of the building and using the West stairs personnel will descend to the first floor and exit through the glass doors and proceed to the West parking lot. The Person in Charge will then conduct a head count to ensure all personnel have safely evacuated and report all unaccounted personnel to the closest emergency responder.

**Emergency Notifications**

The Wayland Baptist University Campus Executive Director, Police Department, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or the WBUPD Chief of Police, or their designee, will develop an emergency notification by determining the content of a message that will be used to notify members of the community immediately upon confirmation of a significant emergency of dangerous situation, such as serious crime-in-progress, a natural disaster, a manmade emergency or other emergency that poses an immediate threat to the health and safety of the WBU community or a segment of the community.

If the institution utilizes the procedures regarding notification of the WBU community of an immediate threat, the institution is not obligated to utilize the Timely Warning notice procedures, however the institution will provide adequate follow-up information as needed.

The types of incidents that may cause an immediate threat to the WBU community could include but are not limited to emergencies such as: natural disaster/weather event, an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to a WBU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

The notification will be distributed if the incident is reported either to WBUPD directly or to WBUPD indirectly through a campus security authority, any local police agency or other appropriate agency.

Wayland personnel, potentially including the Campus Executive Director/site Coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community as well as determine the need for emergency notification.

The Campus Executive Director/Site coordinator, Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, has the authority to initiate the notification systems and will determine the appropriate segment(s) of the community that will receive the notification based on the segments of the community that are potentially affected by the emergency. If the entire community could be affected, the notification will be sent to all students and employees.

The Senior Vice President of Operations and Student Life, the Chief Technology Officer and/or WBUPD Chief of Police, or their designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification
will, in the judgment of the first responders (including, but not limited to: WBUPD, Local Police Department, Local Fire Department, and the Department of Public Safety, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

WBU has various systems in place for communicating information quickly to the WBU community, including:

1. Network emails (Students, Faculty and Staff)
2. Pioneer Alert (text message)
3. Pioneer Alert (mobile phone)
4. Pioneer Alert (land line phone)
5. Pioneer Alert (email)
6. Pioneer Alert (social media)
7. Department of Marketing and Communications (media releases and website notifications)

**Campus Access and Security of Campus Facilities**

WBU is a private institution but the campus is open and accessible to students, employees and visitors during normal business hours. Some facilities are open in the evenings and on weekends, depending on the schedule of events. No effort is made to restrain the general public and visitors from entering the campus facilities when they are open. However, the University reserves the right to bar individuals who are considered a threat to the well-being of the University community.

**Considerations in the Maintenance of Campus Facilities**

WBU maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Parking lots and pathways are illuminated with lighting. Wayland staff work to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to the Campus Executive Director/Site Coordinator.

**Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations**

The campus does not have student organizations with non-campus locations at this site.

**Drug and Alcohol Policies and Enforcement**

State and Federal statutes concerning alcoholic beverages and underage drinking will be strictly enforced by local law enforcement on the Wayland Baptist University campus and at off-campus WBU sponsored events. In addition to these statutes, Wayland Baptist University adheres to a high standard of moral conduct which includes prohibition of the use, possession, or distribution of alcohol or illegal drugs by students on University owned or controlled property or in conjunction with any University activity. The University may take action against students for off-campus use, possession or distribution of alcohol or controlled substances if deemed appropriate by University officials.
**Drugs**

According to state and federal laws, the possession, distribution, sale, and/or use of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider on University property or property under control of Wayland Baptist University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited. This rule applies to all paraphernalia utilized in conjunction with the possession, sale and/or use of the prohibited substances.

**Substance Abuse and Education**

Wayland Baptist University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the WBU University System policy and regulation regarding drug and alcohol abuse upon hire and annually thereafter. Students are notified annually through the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Affairs. Additional information is also made available through the Wayland Baptist University Student Handbook and the Student Athlete Handbook. The Drug and Alcohol Prevention Policy (DAAPP) is provided in compliance with the Drug Free Schools and Communities Act and the DAAPP can be found at: https://www.wbu.edu/about/disclosures/documents/daapp_2019.pdf.

**Crime Prevention and Security Awareness Programs**

Online training available. Security and safety information and tips are provided in detail in the Student Handbook.

**Sex Offender Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency 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, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, convicted sex offenders must register with the Texas Department of Public Safety. You can link to this information, which appears on their website, by accessing https://records.txdps.state.tx.us/SexOffenderRegistry.

**VAWA Education Policies and Programs**

**First Step, Inc**
624 Indiana Avenue #304
(940) 723-7799
(800) 658-2683 Hotline Number
https://www.firststep.org

Helen Farabee Centers
940-397-3100
https://www.helenfarabee.org/poc/center_index.php?cn=43
Jurisdictional Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

- **Domestic Violence**: The State of Texas defines domestic violence as follows: Texas Family Code Sec. 71.004. FAMILY VIOLENCE. Family violence means:
  - An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
  - Abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G) Tex. Fam. Code, by a member of a family or household toward a child of the family or household; or Dating violence, as that term is defined by Section 71.0021 Tex. Fam. Code. Texas Family Code Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

- **Dating Violence**: The State of Texas defines dating violence as follows:
  - An act, other than a defensive measure to protect oneself, by an actor that:
    - Is committed against a victim or applicant of a protective order: with whom the actor has or has had a dating relationship; or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
    - For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.
    - A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship."

- **The State of Texas defines sexual assault as follows:**

  **Sec. §22.011. 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.

Texas Penal Code Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.

A person commits an offense if the person:

- Intentionally or knowingly:
• causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

• causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

• Intentionally or knowingly: causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and, causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Texas Penal Code Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; uses or exhibits a deadly weapon in the course of the same criminal episode; acts in concert with another who engages in conduct described by the first section above directed toward the same victim and occurring during the course of the same criminal episode; or administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; the victim is younger than 14 years of age; or the victim is an elderly individual or a disabled individual.

The State of Texas defines incest as the following:

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.
(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

(1) the actor's ancestor or descendant by blood or adoption;
(2) the actor's current or former stepchild or stepparent;
(3) the actor's parent's brother or sister of the whole or half-blood;
(4) the actor's brother or sister of the whole or half blood or by adoption;
(5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
(6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

(1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
(2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

- **Stalking:** The State of Texas defines stalking as follows: Texas Penal Code Sec. 42.072. STALKING.

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: Constitutes an offense under Section 42.07, Harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

- ee. Bodily injury or death for the other person; That an offense will be committed against the other person's property;

- ff. 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,

- gg. 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.

**Jurisdictional Definition of Consent**

- The state of Texas does not define what consent is but does define what consent is not.

Texas law is states that sexual penetration is WITHOUT CONSENT if:

- nnnnn. The actor compels the other person to submit or participate by the use of physical force or violence;
- oooooo. 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;
- pppppp. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- qqqqqq. 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;
- rrrrr. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- sssss. 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;
ttttt. 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;

uuuuuu. The actor is a public servant who coerces the other person to submit or participate;

vvvvvv. 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;

wwwwww. 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

xxxxxx. 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.

- Wayland defines consent as the following for purposes of its’ institutional sexual misconduct policy and resolution procedures:

  Consent is knowing, voluntary, and permission by word or action to engage in mutually agreed upon sexual activity or contact. Consent is active and not passive. Silence, in and of itself, should not be interpreted as consent.

  • Consent to one act does not constitute consent to another act.

  • Consent on a previous occasion does not constitute consent on a later occasion.

  • Consent to an act with one person does not constitute consent to an act with any other person.

  • The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent.

  • Consent can be withdrawn or modified at any time, and sexual contact must stop immediately once consent is withdrawn.

  • Consent cannot be inferred from silence, passivity, or lack of resistance, and relying on non-verbal communication alone may result in a violation of this policy.

**Policies for Preparing the Annual Disclosure of Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from various sources. An annual training and campus-wide e-mail notification is sent from the WBUPD Chief of Police, or a designee, to notify CSAs of their responsibility to report crimes to WBUPD and to gather crime information from them. As stated in the Confidential Reporting section above, reports of crimes that are reported confidentially to CSAs are compiled and coordinated through the WBUPD.

If the local or state police agency provides WBU with information about a crime, each Clery reportable crime, whether or not a formal police report is filed or an investigation ensues, is reflected in a crime statistics chart in the University’s ASFSR.
This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, on non-campus University property and on public property contiguous to campus boundaries that are reported to Campus Security Authorities, local and state police agencies and crimes reported directly to WBUPD. All reported violations that have taken place in these designated areas during the previous three calendar years, whether or not the crime involved a WBU student, faculty, or staff member, are reflected in the ASFSR. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

WBU submits the annual crime statistics published in the ASFSR to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The ASFSR is made available upon request to prospective students and employees as well as current students, faculty, and staff and all of these parties are notified of the report’s availability.

<table>
<thead>
<tr>
<th>Primary Crimes</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities</th>
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<td></td>
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<td>0</td>
<td>0</td>
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</tr>
<tr>
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<td>2017</td>
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<td>0</td>
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== On-Campus Student Housing Facility Crime Statistics ==

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*On-Campus Student Housing Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.*

**Unfounded Crimes**

If a crime is reported as occurring On-Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

The total number of unfounded crimes for the 2019 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2018 calendar year at this campus is **0**.
The total number of unfounded crimes for the 2017 calendar year at this campus is **0**.

**Hate Crimes**

There were no hate crime reported for this campus in 2017, 2018 or 2019.

**Fire Statistics**

This campus does not have On-Campus Student Housing Facilities. Therefore, no Annual Fire Safety Report is published for this campus, and the Missing Student procedures do not apply to this campus.