

**2021**

# ANNUAL SECURITY REPORT

(Containing crime statistics for 2018-2020)

**YOUR SAFETY MATTERS**



THE UNIVERSITY OF TEXAS  
MD Anderson  
Cancer Center<sup>®</sup>

A Publication of  
THE UNIVERSITY OF TEXAS POLICE AT HOUSTON  
Prepared for:  
THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER

This report was published in October 2021.  
For questions, contact [utphoutreach@mdanderson.org](mailto:utphoutreach@mdanderson.org).

# Message from the Chief of Police



**William H. Adcox**  
Chief of Police

The University of Texas Police at Houston (UT Police) is committed to protecting the safety of anyone who works, studies, visits or seeks treatment at The University of Texas MD Anderson Cancer Center (MD Anderson). This annual report describes the services and prevention opportunities our department and campus offer, and documents relevant crime and safety statistics, per federal requirements.

At our core, UT Police promotes prevention initiatives through our institutional and departmental endeavors. We continually work to further our prevention initiatives, as well as preparedness and protection objectives. Our police officers, public safety officers and professional civilian team members are integral parts of prevention. In a collective effort, our staff attempts to identify and diminish risks that may arise.

At the forefront of our prevention efforts are the individual community members who promote safety and protect our people, buildings and properties. We rely on all members of our community to report questionable incidents or people. A collaborative effort between UT Police and MD Anderson workforce members and students, including designated Campus Security Authorities, is imperative to help ensure a safe and secure place to work, study, visit and seek treatment.

To further our relationship with our community, in 2021 we launched the Community Partnership Council to strengthen the bond between UT Police and the community we serve. This community-focused partnership provides a regular venue where our community can engage directly with police leadership and provide input on opportunities to improve services, increase community engagement, and enhance community trust.

Each year, UT Police, in partnership with MD Anderson, issues an annual report about safety and security programs and crime statistics as part of our compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The statistics contained in this report reflect reported incidents that have occurred on MD Anderson's Clery Act geography.

UT Police has an immense responsibility in protecting the safety of patients, visitors, workforce members and students. Ultimately, our department's responsibility is one that is a shared purpose between our community and us. We hope that you will find this report valuable. Please review this information carefully and, in particular, the safety tips included. To that end, we invite you all to join us in our mission to make and keep our institution safe.

Respectfully,

# Key Contacts

Emergency 911

The University of Texas Police at Houston, Non-Emergency 7777 Knight Road Houston, TX 77054 www.utph.org 713-792-2890

Threat Management (UT Police Risk Operations Center) 713-792-2890

Office of the Chief of Police (Administration) 713-792-3350

Community Outreach 713-563-7794 [utphoutreach@mdanderson.org](mailto:utphoutreach@mdanderson.org)

Investigations 713-792-4108

Technical Services 713-792-8690 [utphtechserv@mdanderson.org](mailto:utphtechserv@mdanderson.org)

Badge Access Modifications 713-79-BADGE (713-792-2343) [badgeaccess@mdanderson.org](mailto:badgeaccess@mdanderson.org)

Police Records 713-745-4200



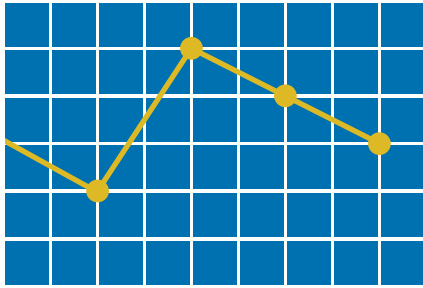
In 2021, UT Police announced we had joined a cohort of over 20 police agencies nationwide who have signed a pledge to increase the representation of women in policing. The “30x30 Initiative” aims to increase the representation of women in police recruit classes to 30% by 2030.

Women make up only 12 percent of sworn officers and 3 percent of police leadership in the U.S.

Police Officer Lucila Santibañez started her career with UT Police as a Public Safety Officer and graduated from the UT System Police Academy in 2019.

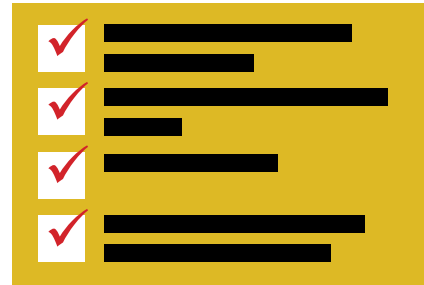
Workplace Violence		713-792-STOP 713-792-7867
The University of Texas MD Anderson Cancer Center	1515 Holcombe Blvd. Houston, TX 77030	713-792-2121
	Office of the President	713-792-2121
	Office of Legal Services	713-745-6633
	Institutional Compliance	713-745-6636
	Compliance Hotline	800-789-4448
	Human Resources	713-745-6947
	Title IX and Clery Act Coordinator	713-745-6174
		832-750-0550
	Ombuds Office	713-792-4896   866-610-7841
The Michale E. Keeling Center for Comparative Medicine and Research, Bastrop	650 Cool Water Dr. Bastrop, TX 78602	512-321-3991
	Office of the Director	512-332-5214
The Virginia Harris Cockrell Research Center, Science Park, Smithville	1808 Park Rd. 1C Smithville, TX 78957	512-237-2403
	Office of the Director	512-237-9401
School of Health Professions	1515 Holcombe Blvd. Houston, TX 77030	713-745-1205
	Office of the Dean	713-792-1605
	Academic Affairs	713-792-0873
	Trainee and Alumni Affairs	713-563-1374
MD Anderson UTHealth Graduate School	6767 Bertner Ave. Houston, TX 77030	713-500-9850
	Office of the Dean (MD Anderson)	713-500-9855
	Office of the Dean (UTHealth)	713-500-9880
	Academic and Student Affairs	713-500-9870

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# Safety Tips

## Participate in Your Safety

If you see any suspicious persons or vehicles, contact UT Police immediately at 713-792-2890.

## Protect Yourself at Work

Lock your office door every time you leave, even for short trips down the hall. Secure your office and your belongings. Don't leave valuables such as wallets, purses, cell phones or tablets in plain view.

Require identification before admitting someone unfamiliar into your room or office.

Don't walk alone at night. Stay in lighted walkways or call UT Police to request an escort to your vehicle.

Trust your instincts. If you see any suspicious persons or vehicles, contact UT Police immediately at 713-792-2890.

Keep emergency numbers near your work phone and save them in your cell phone's address book. Emergency contact numbers are accessible in the MD Anderson employee app by navigating to the Safety & Emergency section.

## Protect Yourself in Social Situations

When dating someone you're newly acquainted with, tell people you trust about your date location and expected time of return.

Go out in groups or engage in social situations where you don't have to be alone with one person.

Drive yourself to the destination and carry extra money in case you need to get home on your own.

Remember that alcohol impairs your decision-making abilities and ability to communicate.

If you feel uncomfortable, there's probably a reason. It's better to do something you may consider rude than to remain in a dangerous situation.

Trust your instincts, feelings and concerns.

## Protect Your Property

Keep your vehicle locked at all times, park in well-lit areas and don't leave your vehicle running while unattended. Criminals often target vehicles parked in dark and isolated areas.

Don't leave valuables such as wallets, purses, cell phones or tablets in plain view. Avoid stowing valuables or shopping bags in the trunk after you park. Instead, stow them prior to leaving your location.

Avoid displaying or giving the appearance of carrying valuable items, such as cell phones or money. Don't display cash openly, especially when leaving an ATM machine.

Use more than one anti-theft device, such as steering wheel lock or an alarm system.

Record the serial numbers and model numbers of your valuables, and store them in a safe location.

Be cognizant of your surroundings and the people around you, especially if you're alone or it's dark. Avoid using headphones, cell phones or other mobile devices while walking, driving or jogging.

If someone in a vehicle stops and asks for directions, answer from a distance. Don't approach the vehicle.

Hold your purse tightly, close to your body. Keep your wallet in a front, buttoned hip or inside coat pocket.

Trust your instincts. If you feel uncomfortable in a place or situation, leave right away.

Think twice before fighting and don't approach or confront a suspect. Protect yourself above protecting any possessions or property. Property can be replaced – your life can't.

## Protect Our Buildings and Properties

Maintaining a secure work and educational environment is in the hands of each and every individual who works, studies or visits MD Anderson. Display your MD Anderson ID badge at all times and be attentive to prevent anyone from following you into a secured area after you've used your MD Anderson ID badge. Don't allow someone in if they don't belong. If you encounter anyone who disregards your attempts to keep a building or property secure, alert a public safety officer or contact UT Police at 713-792-2890.

# About the Clery Act



**Jeanne Clery**  
1966-1986

For more about the Clery Act, go to [www.clerycenter.org](http://www.clerycenter.org).

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act; originally the Crime Awareness and Campus Security Act of 1990) is the landmark federal law that requires higher education institutions that participate in Title IV student financial assistance programs across the United States to disclose information about crime on and around their campuses.

The Clery Act is named after 19-year-old college freshman Jeanne Ann Clery, who was raped and murdered in her dorm room at Lehigh University during the early morning hours of April 5, 1986.

Connie and Howard Clery, Jeanne's parents, discovered there was a gap in consistent reporting of violent crime statistics for postsecondary institutions. They began efforts to strengthen laws requiring colleges and universities to make complete information about violent campus crimes available to current and prospective workforce members and students.

The Clery Act requires institutions of higher education to collect data, prepare, publish and distribute a

report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings or computer networks to all current workforce members and students and all prospective students and prospective workforce members upon request. This document contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote awareness, campus safety and security.

Because the law is tied to participation in federal student financial aid programs, it applies to most institutions of higher education, both public and private. It's enforced by the U.S. Department of Education.

The original law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery.

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## This report complies with the provisions as codified:

- United States Code Title 20, Chapter 28 Sec. 1092(f) as amended in 1992 and 1998
- United States Code of Federal Regulations, Title 34, Chapter VI, Part 668, Sec. 668.46



# Notice of Annual Report

In accordance with the guidelines established by MD Anderson and UT Police, and pursuant to the federal law identified as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), all current workforce members and students as well as prospective workforce members and students are entitled to a copy of the Annual Security Report.

This report contains statistics about specified crimes that have been reported to UT Police and other Campus Security Authorities over the past three years. All incidents included in the report have either occurred on campus, in non-campus buildings or properties, or on public property that is within or immediately adjacent to and accessible from the campus.

## Daily Crime Log

UT Police maintains a daily crime log identifying the type of crime; the location of the crime; the date the crime was reported to UT Police and disposition; the date and time the crime occurred (if the exact date and time are unknown, a range will be used or it will be noted that it's unknown); and the disposition of the crime, if known. An entry, addition or a change in the disposition of a complaint will be recorded in the log within two business days of the information being reported to UT Police. The most current 60 days of information is available at [UT Police headquarters](#)

This report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline policies, campus resources, community safety alerts, crime prevention, access to campus facilities and properties, as well as personal safety tips.

Unless otherwise stated in this Annual Security Report, all policy statements contained in this report apply to the Texas Medical Center Campus, the Michale E. Keeling Center for Comparative Medicine and Research in Bastrop, and The Virginia Cockrell Cancer Research Center at Science Park in Smithville, as well as non-campus locations.

(7777 Knight Road, Houston, TX 77054) for inspection by the public during normal business hours. Visitor parking at UT Police headquarters is available along Knight Road.

Upon request, any portion of the crime log that is older than 60 days will be made available for public inspection within two business days.

Members of the MD Anderson community are encouraged to accurately and promptly report crimes and emergencies to UT Police and other appropriate police agencies, including when the victim of a crime elects to, or is unable to, make such a report.

The UT Police Risk Operations Center can be reached at 713-792-2890.

No later than Oct. 1 of each year, members of MD Anderson's community will receive notice of the Annual Security Report through an institution-wide email. Anyone, including workforce members and students, may obtain a copy of this report online at [www.utph.org](http://www.utph.org) and in person from UT Police at 7777 Knight Road, Houston, TX 77054.



## Mission

Our shared purpose of prevention, preparedness and protection safeguards the continuity of care, research advancements and educational aspirations of the community we serve.

## Vision

We will employ an agile and adaptive Combined Protection Model to safeguard our patients, faculty, researchers, students, trainees, professionals, employees and the community.

## Values

We support a culture of CARING through empathetic interactions that yield positive outcomes that enrich our community and enhance campus safety and organizational health.

We demonstrate INTEGRITY by upholding the highest moral standards, being honorable and reliable in our actions, and by consistently and fairly applying rules, regulations and laws.

We demonstrate LEADERSHIP by setting standards of excellence, encouraging continuous improvement, supporting diversity in people and ideas, and promoting prevention and preparedness measures.

We PARTNER with our community to advance risk-protection services and improve incident outcomes. Our crisis intervention methods and community outreach programs aim to enhance employee health and wellness.

We exhibit PROFESSIONALISM by treating everyone with respect, dignity, compassion through equal and unbiased interactions. We perform with pride and commitment, reflect a positive attitude and promote community trust at all times.

We value INNOVATION and meeting challenges through a Combined Protection Model. We implement progressive risk protection techniques to reduce the impact of campus incidents and promote prevention and preparedness.

## Approach

As a fully accredited law enforcement agency, UT Police exceeds many of the benchmarks for professional policing. The department works to promote an environment in which higher education, research, patient care and administrative staff support can be pursued free of concerns for one's safety, security and protection. Through its dedicated professionals, UT Police seeks exemplary and creative partnerships with other members of these institutions to create a cooperative community of interdependent disciplines in support of safeguarding workforce members, students, faculty, patients and visitors to our campus by using a Combined Protection Model and a risk-based approach.

UT Police is dedicated to service excellence as an integral part of MD Anderson, and is aligned with the vision of the institution. UT Police participates in a collaborative partnership with the institution to help ensure a safe, secure and orderly environment.

# Jurisdictional Authority

UT Police is one of 13 component police departments that constitute The University of Texas System Police (UT System Police).

UT System Police, under the leadership of the Office of the Director of Police, was established on Dec. 8, 1967, by The University of Texas Board of Regents.

UT Police is the designated police authority for MD Anderson.

The primary jurisdiction of UT Police includes all counties in which property is owned, leased,

rented or otherwise under the control of MD Anderson. UT Police officers and public safety officers provide highly visible mobile patrol of buildings or properties, open spaces, roadways and parking lots, making them available to the campus population and acting as a deterrent against crime.

UT Police is the primary agency for reporting and investigating criminal activity occurring on MD Anderson's Texas Medical Center Campus. Police officers and public safety officers also

patrol The Michale E. Keeling Center for Comparative Medicine and Research in Bastrop and The Virginia Cockrell Cancer Research Center at Science Park in Smithville campuses 24 hours a day, 365 days a year. The police department provides immediate response to all police, fire and medical emergencies.

## Police Officers

The department's police officers are Certified Texas Peace Officers, as defined in article 2.12 of the Texas Code of Criminal Procedure, and are commissioned by The UT System pursuant to Sec. 51.203 of the Texas Education Code.

UT Police officers must meet specific employment qualifications and training requirements to

be licensed as a peace officer by the Texas Commission on Law Enforcement. UT Police officers are commissioned upon graduating from UT System Basic Police Officer Training or hired as lateral officers.

As Texas peace officers, UT Police officers have arrest and enforcement authority regarding

local, state and federal laws and institutional policies on property owned, leased, rented or otherwise under the control of MD Anderson.

Select officers also are assigned to plain clothes investigative functions.

## Uniformed Security

UT Police employs public safety officers, uniformed civilian personnel, to perform duties that include customer service, community engagement, entrance monitoring and risk mitigation throughout the campus.

Public safety officers must meet employment qualifications and are required to complete a six-week training course.

Public safety officers have jurisdiction on property owned, leased, rented or otherwise under the control of MD Anderson. Public safety officers don't have the authority to arrest or detain. They do have the authority and are responsible for enforcing the regulations pertaining to the parking of vehicles on MD Anderson controlled property, directing traffic, and patrolling

MD Anderson controlled buildings and properties for the purpose of safeguarding them.

# Timely Warnings

UT Police is responsible for providing Timely Warnings to the campus community about reported crimes in a manner that will aid in the prevention of additional and/or similar crimes. In the event a crime is reported or a situation arises within MD Anderson's Clery Act geography (on campus, public property and non-campus property), that, in the judgment of the UT Police Officer in Charge (OIC) constitutes a serious or continuing threat to the campus community, a Timely Warning notice will be issued to the entire campus community. Every aspect of the Timely Warning, including the decision to issue and distribute and the language to be included, is governed by the OIC.

## Making the Decision to Issue a Timely Warning:

The following criteria are used to determine the issuance of a warning:

1. What is the nature of the crime? Is it a Clery Act reportable offense, including a criminal offense, a hate crime, a Violence Against Women Act (VAWA) offense or an arrest or referral for corrective action for a weapons law violation, drug abuse violation or liquor law violation?
2. Did the crime occur within a Clery Act reportable geographic location? Did the crime occur on campus, on public property that is within the campus or immediately adjacent to and accessible from the campus, or at a non-campus building or property location?
3. Is there a continuing danger or threat to the campus community?
4. Is there a risk that the issuance of a warning could compromise the efforts to mitigate the threat?

Timely Warning determinations are made on a case-by-case basis and when the criminal incident is considered a serious or ongoing threat to the campus community. An ongoing threat can be described as a criminal incident where the offender has not been apprehended and there is no apparent connection to the victim or where there is a likelihood that the offender may continue to harm the community.

Timely Warnings typically are issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two employees 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 ongoing threat to the larger MD Anderson community)
- Robbery involving force or violence (cases including pick



UT Police Emergency Pulls dispatch UT Police officers to the location immediately. They're located throughout the MD Anderson campus.

pocketing and purse snatching typically will 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 OIC). All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning notice. Cases involving sexual assault often are reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community.
- Major incidents of Arson
- Other Clery Act crimes as determined necessary by the OIC

Timely Warnings may be issued for other crime classifications and locations, even though not required by law, at the sole discretion of the OIC.

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

## Warning Notice Content:

The OIC has the ultimate responsibility for writing and developing the content of Timely Warnings. The warning must contain sufficient information about the nature of the threat to allow the campus community to take action to protect itself. This may include:

- A concise statement of the incident
- Possible connections to previous incidents, when applicable
- Physical description of the suspect
- Photo/composite drawing of the suspect, if available
- Date and time the warning was released
- Other relevant and important information

In some cases, UT Police may need to keep certain facts of the incident confidential to avoid compromising the investigation.

## Timeliness of the Warning:

Timely Warnings will be issued as soon as pertinent information is available, in a manner that withholds the names of victims as confidential and provides community members with information that may potentially prevent them from becoming victims of similar crimes.

## Distribution:

Timely Warnings will be distributed in a manner reasonably likely to reach the entire campus community. The OIC will initiate the appropriate Timely Warning system(s) based on the circumstances.

MD Anderson uses email as the primary method of communication. Depending on the circumstances, any of the following methods, or combination thereof, may be used:

- MD Anderson’s mass notification system, MDA Alert (notifications by text, phone or email);
- Building PA systems;
- Email; and
- MDA-TV Channel 20.

Anyone with information believed to warrant a Timely Warning and/or inclusion in the annual statistical disclosure is urged to promptly report the incident to UT Police at 713-792-2890 or in person at 7777 Knight Road, Houston, TX 77054. Reports may also be made to MD Anderson’s Title IX and Clery Act Coordinator/ Director of EEO and HR Regulations at 713-745-6174 or [sbrownlo@mdanderson.org](mailto:sbrownlo@mdanderson.org).

# Departmental Services and Programs



**Raymond Gerwitz**  
Executive Director and  
Deputy Chief Security  
Officer, Risk Strategy and  
Operational Excellence



**Charles Dunn**  
Senior Inspector and  
Police Legal Liaison,  
Administrative  
Investigations



**Vicki King**  
Assistant Chief of Police,  
Converged Threat/  
Risk Protection and  
Investigations



**Paul Cross**  
Assistant Chief of Police,  
Uniformed Police  
Operations

## OVERVIEW

UT Police uses a Combined Protection Model built on three principals: prevention, preparedness and protection.

The Combined Protection Model is organized into four integrated teams: Risk Strategy and Operational Excellence, Administrative Investigations and Records Compliance, Converged Threat/Risk Protection and Investigations, and Uniformed Police and Security Operations.

This modern, collective approach to policing and security diminishes communication barriers and focuses on a teamwork approach. Everyone works together for one cause — our shared purpose of prevention, preparedness and protection to promote an environment free of safety and security concerns so that excellence and innovation safeguards the continuity of care, research advancements and educational aspirations of the community we serve.

The Combined Protection Model integrates five professional service lines: health care security, investigative services, police services, risk management and threat management.

## RISK STRATEGY AND OPERATIONAL EXCELLENCE

Risk Strategy and Operational Excellence (RSOE) is the forward-facing component of UT Police that positions the department well for future challenges. RSOE utilizes an innovative approach to managing unified risk, modern police strategies and practices, institutional outreach and the reduction of internal and external communication barriers. It leverages institutional partnerships, multidisciplinary teams, communicative endeavors, data-driven metrics analysis and collaborative personnel projects to assess risk and attain operational efficiency.

RSOE oversees the department's strategy development and execution, talent management, evidence and supply coordination, community outreach, training and professional development, technology governance and values-based metrics for data-based implementation and program value assessment. RSOE prepares, administers and reports on the budget and financial services operations of UT Police. It also facilitates important Human Resources functions such as compensation, promotion, employee performance tracking, family medical leave compliance, employee recognition, school and travel approvals, and travel reimbursements.



In 2021, UT Police launched the Community Partnership Council (CPC) to enhance and advance the relationship between UT Police and the community. In July, members were invited to a special experience designed to give participants an inside look into police operations. Here, Training Sergeant Isaac Graham discusses de-escalation techniques and the Taser system.

Additional functions of RSOE consists of Risk, Strategy, and Planning and Administration; Risk Operations and Development; and Risk Protection Services.

Risk, Strategy, and Planning and Administration is dedicated to the continuous improvement of the department through the implementation of excellence initiatives, staff development and training. Projects overseen by this office may range from departmental process studies to organizational efficiencies. The team researches key areas related to strategic direction and implementation strategies, as well as reviews programs evaluates results.

Risk Operations and Development consists of the Community Outreach team, Training and Weapons Qualification team, the Talent Management team, the UT Police Risk Operations Center (ROC), and Uniformed Security Operations.

The Community Outreach team ensures communication with the community through email, website and social media channels. Products include safety bulletins, alerts and general safety tips, and departmental news and announcements. An integral part of the outreach endeavor is providing an array of safety classes and prevention programs for MD Anderson workforce members and students.

The Training and Weapons Qualification team maintains records and compliance reporting of licensee training to the Office of the Director of Police for UT System as well as the Texas Commission for Law Enforcement. This team ensures UT Police personnel are prepared and trained to meet the agency needs of the future. It ensures that officers complete required training programs, selects instructors for those programs and evaluates the training programs.

The Talent Management team recruits and hires personnel, and provides training to develop new skills and maintain current skills. The team is responsible for coordinating interviews, posting job positions, advertising openings, processing new hires and conducting background checks.

The Uniformed Security Operations function involves non-commissioned public safety officers deployed to fixed posts within the campus community. Uniformed Security Operations services include the following:

- Emergency preparedness and emergency response
- After-hours campus safety transportation
- Found property and secure storage; patient valuables processing and secure storage
- Entrance screening
- Campus-owned surface parking lots and campus-owned parking garage security



In February 2021, UT Police acquired three low-speed electric vehicles which are primarily used by the Security Operations team to patrol off-road locations on campus. The EVs augment a fleet of five electric bicycles acquired in 2016.

- Preventive interior and exterior patrols
- Unlocking of office and building door

The Risk Protection Services function of the UT Police Risk Operations Center (ROC), RSOE consists of Risk Protection Operations, Risk Preparedness Services, Police Technical Support Services, and Property and Evidence.

The UT Police Risk Operations Center (ROC) is responsible for the public safety and security operational communication functions within the department. Those functions include radio communications, telephone communications, teletype and automated data communications, as well as the monitoring of institutional fire alarms, hospital medical emergency activations, campus alarms, badge access and

Code Blue response calls. As part of its threat risk-monitoring and communication responsibility, the ROC issues emergency notification alerts on behalf of MD Anderson. As an integral part of our Combined Protection Model, the ROC also coordinates virtual and physical escorts, and provides real-time support for other department programs.

Risk Protection Operations oversees the department's technology operations readiness, Access Management System and Video Management System for MD Anderson, as well as the Criminal and Security Data Analysis. This function ensures that personnel have proper access to all buildings, properties and operations within restricted or security-sensitive areas. The team works closely with Human Resources to ensure that personnel are authorized immediate access when hired and immediately



removed from the system upon termination of employment. This office works closely with the information technology professionals to ensure the system is compliant with institutional mandates and implementation of technology initiatives.

Risk Preparedness Services is responsible for threat and risk assessments, security design and engineering endeavors. This team of design specialists provides assessments of major and minor construction projects, and implements the standards and specifications of electronic security and access controls systems. It

conducts risk assessments to identify assets, security threats and vulnerabilities in security systems and operations to score and rank risks with recommendations for mitigation. These assessments represent a first step in the department's focus on prevention.

The Police Technical Support Services team provides technical support for the planning, installation and maintenance of electronic security and access management systems. It also provides performance testing of devices installed and connected to the existing systems.

Property and Evidence oversees fleet maintenance and asset accountability. An individual assigned to this team is designated as the custodian of institutional property and is responsible for property inventory. The Asset, Fleet and Evidence Management team oversees all departmental evidence to ensure it's accounted for, contained, controlled and ultimately disposed of in accordance with criminal justice requirements.

## ADMINISTRATIVE INVESTIGATIONS

The Administrative Investigations team consists of Public Integrity, Accreditation, and Police Records.

It reinforces public trust by overseeing the investigations of complaints, police records and accreditation. Through tracking of disciplinary and corrective actions, the Public Integrity unit works toward early intervention in personnel matters. Complaints received by the Chief of Police alleging substantive misconduct are assigned to Administrative Investigations, which conducts full investigations of any allegations. Investigators assigned to this office are especially trained in interviews, interrogation and internal affairs investigations.

The Accreditation function of Administrative Investigations

facilitates departmental policies and manages departmental efforts to maintain accredited status with the Commission on Accreditation for Law Enforcement Agencies, International Association for Campus Law Enforcement Administrators and the Texas Police Chiefs Association's Texas Law Enforcement Best Practices Recognition Program.

The Police Records unit's responsible for management and control of all legal processes submitted to UT Police, such as subpoenas, writs, warrants, open records requests, criminal report reviews, records maintenance (criminal, training and personnel), records retention, records retrieval, forms control, and regulatory and statutory records compliance.

The team also is responsible for submitting annual reports to the U.S. Department of Education (The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), the U.S. Department of Justice (Federal Bureau of Investigation Uniform Crime Reporting Program), the UT System Police Annual Report, as well as other reports required or requested by MD Anderson.

## CONVERGED THREAT/RISK PROTECTION AND INVESTIGATIONS

The Converged Threat/Risk Protection and Investigations team consists of the Threat Management Team and the Investigative Services Team. It provides effective and supportive intervention of behaviors of concern, completes the follow-up investigations of criminal activities, and performs complex administrative investigations.

The team also monitors classified intelligence and protective information, conducts security sensitive background investigations to protect the institution and the greater campus community, and utilizes forensic science with certified personnel.

The Threat Management Team oversees the department's threat mitigation, behavioral intervention, employee background screening and security sensitive investigations. Threat management investigators receive specialized training in interviews, interrogation, behavior recognition, behavior intervention processes and techniques, suicide prevention and intervention, workplace violence, violent behavior indicators, intelligence and background investigations, depending on their assignment.

The Threat Management Team collaborates with the institutional multidisciplinary Behavioral Intervention Teams (2-STOP and Employee Assistance Programs), and serves as the rapid response portion of both intervention teams.

The Threat Management Team gathers, processes, analyzes and disseminates criminal intelligence to proper units within the department.

The Investigative Services Team is responsible for criminal follow-up investigations, juvenile investigations, fraud investigations, computer forensics and crime scene investigations and liaison. This team also partners with Institutional Compliance and other regulatory groups on a variety of internal and external investigations. Criminal investigators receive specialized training in interviews, interrogation, fraud, juvenile,

and forensics or computer investigations, depending on their assignments.

Through intelligence, UT Police partners with federal, state, county and local criminal justice agencies to exchange criminal intelligence information, as well as to serve as a member of the Joint Terrorism Task Force while maintaining a close relationship with the area fusion center. The Threat Management Team oversees security sensitive investigations and works to verify the backgrounds of persons who work in security sensitive positions throughout our campus community.



During the COVID-19 global pandemic, protecting our workforce members, students and patients has been paramount. Assistant Chief Vicki King poses here with bobbleheads of Chief Medical Advisor to the President Dr. Anthony Fauci and former White House Coronavirus Response Coordinator Dr. Deborah Birx.

## UNIFORMED POLICE OPERATIONS



Captain Michael Redmond (right) is seen here using his police radio to communicate with staff. Special Response and Major Event Planning Sergeant Scott Barnwell, shown at his desk (left).

The Uniformed Police and Security Operations team serves as MD Anderson's first line of defense against risk and threat.

The Uniformed Police Operations function involves sworn law enforcement officers who serve through mobile staff assignments and includes Special Response and Major Event Planning.

Uniformed Police Operations is designed to offer deliberate and caring services to patients, visitors, workforce members and students.

Our uniformed officers utilize industry standard tools and techniques not only to respond to and investigate crime and disorder on campus, but also to actively prevent problems before a crime occurs. This focus on prevention is through an individual health and institutional wellness approach to threat management.

Through threat management, officers seek to educate workforce members and students about early indicators of behaviors of concern, to then follow up on these reports and to extend the benefits from prevention opportunities while focusing on the health and wellness approach.

The Special Response and Major Event Planning team provides dignitary protection for MD Anderson administration and select visitors, and provides protection support services for large-scale or major events.

As part of the department's Combined Protection Model, Uniformed Police Operations services include the following:

- Emergency preparedness and emergency response
- All-hazards risk management
- The Joint Commission's

Environment of Care and Emergency Management standards

- Special event coordination
- Police officer liaison program
- Emergency motorist assistance; vehicular and pedestrian traffic control and enforcement
- Frontline field investigations
- Non-criminal fingerprinting
- Community town halls

Periodic reviews of the Uniformed Police Operations structure and staffing are utilized as a continuous improvement program incorporating risk-based analysis to meet the changing law enforcement needs of our campus community.

# About the Institution We Serve

## MD Anderson



[MD Anderson](#) is one of the world's largest and most respected centers devoted exclusively to cancer patient care, research, education and prevention.

The Texas Legislature created MD Anderson in 1941 as part of The University of Texas System. It's one of the nation's original three comprehensive cancer centers as designated by the National Cancer Act of 1971.

MD Anderson employs 22,262 people, including 1,788 faculty members. A volunteer workforce of 1,360 myCancerConnection volunteers virtually supported patients, caregivers and survivors. On-site volunteers were on hiatus due to campus access restrictions put in place as part of the institution's COVID-19 response. Together, they work to fulfill MD Anderson's mission of eliminating cancer as a major health threat.

In Fiscal Year 2020, MD Anderson provided care for 151,133 people. The institution offered 1,412 clinical trials with 8,279 participants enrolled in clinical trials exploring innovative treatments.

MD Anderson provides cancer care at convenient locations in the greater Houston area. Services outside the Texas Medical Center vary and include locations in Katy, League City, Sugar Land, The Woodlands, Bellaire (imaging and bloodwork), West Houston, The Woman's Hospital of Texas (gynecologic cancer care), and Lyndon B. Johnson Hospital (a team of MD Anderson doctors provides multidisciplinary care to underserved Texans in collaboration with Harris Health System).

Also in FY20, 5,161 trainees, including physicians, scientists, nurses and allied health professionals, took part in educational programs at MD Anderson. The institution's

School of Health Professions awards degrees in 10 bachelor's programs and two master's programs in allied health disciplines.

Approximately 1,796 clinical residents and fellows received specialized training in the investigation and treatment of cancer. Graduate students pursued advanced degrees at the The University of Texas MD Anderson Cancer Center UTHealth Graduate School of Biomedical Sciences, which MD Anderson operates with The University of Texas Health Science Center at Houston. 1,329 research trainees received training.

In addition, thousands of health professionals participated in continuing education and learning opportunities virtually due to the pandemic. MD Anderson also provided virtual public education programs for patients, survivors, caregivers, healthy people and those at an elevated risk of cancer.

## Campuses Outside the Houston Area

In addition to providing cancer care in the greater Houston area, MD Anderson has two research campuses located in Central Texas: The Virginia Harris Cockrell Cancer Research Center at Science Park and The Michale E. Keeling Center for Comparative Medicine and Research. These campuses are considered “separate campuses” for the purposes of the Clery Act.

### The Virginia Harris Cockrell Cancer Research Center at Science Park

Science Park is a basic science research campus located in the Lost Pines forest of Central Texas near Smithville, Texas. Research is multidisciplinary and falls under three areas: cellular and molecular mechanisms of carcinogenesis, DNA damage, repair and mutagenesis, and cancer epigenetics. Cancer biology research training at the graduate and postdoctoral levels, as well as undergraduate student summer internship opportunities is offered.

### The Michale E. Keeling Center for Comparative Medicine and Research

The Keeling Center is located on 381 acres near Bastrop, Texas. The center employs workforce members, which include veterinarians, animal care workforce members, basic scientists, research technicians and administrative workforce members. The facility offers education and training opportunities for undergraduate, graduate and veterinary medical students from several universities throughout the United States.

The major activity areas at the center include veterinary services supporting MD Anderson faculty research programs, federally supported national biomedical research resources of squirrel monkeys, owl monkeys and chimpanzees, a breeding resource of rhesus monkeys for pharmaceutical research and testing, investigator-initiated grants and contracts in cancer and cancer-related diseases, investigator-initiated research projects in primate behavior, and GLP testing in support of MD Anderson’s translational research programs. Extramurally supported programs facilitate research in cancer, Alzheimer’s disease, HIV, Zika virus, Chagas disease and more.

## NOTEWORTHY

- MD Anderson is ranked the nation’s leading cancer care hospital by the U.S. News & World Report’s annual “Best Hospitals” survey. The institution has been named one of the nation’s top two cancer centers every year since the survey began in 1990.
- MD Anderson’s faculty is one of the most esteemed in the nation, including one Nobel Laureate, seven National Academy of Medicine members, six National Academy of Sciences members, five American Academy of Arts and Sciences members, 49 American Association for the Advancement of Science fellows, 10 Association of American Physicians members, and 26 American Society of Clinical Investigation members.
- MD Anderson provided \$254 million in uncompensated care to Texans with cancer.
- MD Anderson is No. 1 in cancer research funding through both the National Institutes of Health and grants by the Cancer Prevention and Research Institute of Texas.

# Public Safety Programs and Services



In October 2020, Community Outreach Officer Manuel Leston accepted the UTHealth President's Awards for Leadership in a small, socially-distanced award presentation led by Police Chief William Adcox. Leston was selected for the Outstanding Classified Staff category. In September 2020, Leston also accepted the MD Anderson Staff Educator of the Year award at the MD Anderson's Educators' Forum online meeting.

## Security Awareness and Community Outreach Programs

One of the essential elements of any successful crime prevention program is an informed public. It's the intent of UT Police to inform students of good crime prevention and security awareness practices. UT Police offers several safety programs to reduce or minimize the risk of becoming a victim of crime. UT Police believes the actions and awareness of the workforce members and students on the MD Anderson campus are the best methods to eliminate the opportunity of potential crime.

During 2020, the Community Outreach team adjusted to institutional COVID-19 social

distancing restrictions by offering virtual safety classes. UT Police offered to the MD Anderson community over 28 virtual safety classes, reaching an audience of more than 2,000 workforce members and students. An additional 81 virtual safety classes were offered to MD Anderson and UTHealth audiences, and jointly those classes served 4,500 attendees. Topics included personal safety, building or property safety, workplace violence prevention and domestic violence prevention, among others.

All safety classes encourage workforce members and students 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 to call UT Police

to report suspicious activity and behavior.

Safety classes are regularly offered to all workforce members and students, with class schedules announced through [our departmental website](#) and through our community newsletter KnightLine. In partnership with our MD Anderson Strategic Communications partners, class announcements may also be included in internal communications channels such as the intranet and internal newsletters.

Departments and work groups within MD Anderson also can request safety classes by contacting Community Outreach at 713-563-7794 or [utphoutreach@mdanderson.org](mailto:utphoutreach@mdanderson.org). Classes include:

## Active Shooter Prevention and Response/Behaviors of Concern

The course provides workforce members and students with critical guidance on how to recognize and survive an active shooter situation. The course helps attendees identify behaviors of concern that may signal the need for intervention to prevent a violent incident from occurring. With an emphasis on providing people in duress the support services they need, the class also provides information about the institutional resources available and the 2-STOP program. UT Police also offers Active Shooter Prevention and Response training for clinical staff emphasizing Avoid, Deny, Defend in a patient care setting. (One-hour course)

## Bike and Pedestrian Safety

The course teaches attendees about the importance of being safe while walking, driving in your car or riding your bike. This course aims to increase awareness and understanding of safety issues and compliance with traffic laws and regulations related to pedestrians and bicyclists. (One-hour course)

## Conflict in Relationships: Breaking the Cycle of Abuse

The course familiarizes attendees with Texas laws associated with family violence, dating violence, sexual assault and stalking. Guidance is provided on how to recognize the signs of intimate partner violence, the significance of early action and reporting options. (One-hour course)

## Don't Fall For It: Scams and How to Spot Them

The course familiarizes attendees with Texas laws associated with common scams. Guidance is provided on how to spot scams, tips to protect yourself and how to report a scam. (One-hour course)

## General Campus Safety

The course provides general safety tips on how to minimize the risk of being a potential target or victim, and community resources that aim to curtail crime. (One-hour course)

## Identity Theft

The course teaches attendees about various kinds of identity theft, ways to protect against identity theft and the impact identity theft can have on its victims. The course also discusses action steps and resources for identity theft victims. (One-hour course)

## Speaking Up: Breaking the Silence on Sexual Violence

This presentation examines the impacts of sexual violence and outlines protective factors to help prevent it. (30-minute course)

## Travel Safety

The course provides guidance and best practices for safe travels. The individual will learn how to pack, increase their security during hotel stay, avoid scams and minimize the risk of being a potential target. (One-hour course)

## Verbal Defense and Influence

The course teaches individuals to defend and deflect words with proven strategies that can turn a heated conversation to their advantage while keeping tension to a minimum. This technique has been taught to thousands worldwide over the last 30+ years and has been shown to reduce complaints, liability and injuries, while improving team performance, morale and overall safety. (Four-hour course)

Introduction to Verbal Defense and Influence (VDI) provides an abbreviated review of VDI principles, tactics and objectives. (One-hour course)

# Special Programs

## AWARE Team

AWARE Team members Assist in Well-being, Awareness, Readiness and Engagement during crisis events and reporting of behaviors of concern. AWARE Team members take an active role in the safety and security of the campus community.

The program provides members important safety bulletins, special alerts and upcoming safety class information which can be further shared with their colleagues. Ultimately, members can be advocates for the safety and security of our campus.

The program also aims to provide members training on how to assist during a critical incident, the opportunity to engage one-on-one with officers, and to attend safety meetings.

For questions regarding this program, contact UT Police Community Outreach at 713-563-7794 or [utphoutreach@mdanderson.org](mailto:utphoutreach@mdanderson.org).



# Safety Measures and Assistance

UT Police is responsible for the physical protection of personnel and assets across MD Anderson. This protection framework is inclusive of manpower resources (law enforcement, public safety staff, and risk/threat professionals), security policy and procedure, and all technological countermeasures.

Security measures are layered to provide consistent, overlapping protection at all levels of the institution. Beginning at the outer edge of the organizational sphere, UT Police works in conjunction with MD Anderson's Human Resources to ensure all workforce members undergo stringent background investigation prior to being given unescorted access to institutional facilities.

## Reporting Crimes and Other Emergencies

When an incident is reported, UT Police will take the required action by either dispatching an officer or asking the victim to report to UT Police headquarters to file an incident report. All reported crimes will be investigated by UT Police and may become a matter of public record. UT Police Investigators will investigate a report when it's deemed appropriate. If assistance is required from the local police department or the local fire department, UT Police will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including UT Police, will offer the victim a wide variety of services.



Public Safety Officer Elson Ayoub was selected as the recipient of the prestigious Heart of MD Anderson Outstanding Employee Award for the month of April 2021.



## Identification Badges

Workforce members and students are always required to have an MD Anderson ID badge in their possession and display it properly while on our campuses. MD Anderson ID badges are integrated into the electronic access controls across the enterprise. Persons on our campuses without proper identification are subject to inspection by any institutional authority.

## Public Safety Officers

UT Police public safety officers operate as mobile units that patrol MD Anderson buildings and properties. These mobile units move by walking, bike patrol and vans. While at fixed posts at strategic entry positions, public safety officers actively screen all persons entering MD Anderson facilities and challenge persons without appropriate identification and all suspicious persons. Through observation and patrol, public safety officers safeguard institutional property and identify security issues. Their high visibility deters crime and promotes greater interaction with the community.

## Access to Campus Buildings, Properties and Facilities

During the pandemic, MD Anderson restricted access to its campuses in order to protect our patients, team members and community. Of the range of COVID-19 safety protocols used, it included reducing the number of entry points for employees and patients, and establishing screening procedures at each. Campus access was restricted to these specific entry points and passing screening requirements.

The access control system utilizes over 6,000 card readers to control and monitor these areas, and is supported by the UT Police security surveillance system for camera monitoring and recording. Sensitive areas are monitored for unauthorized access via intrusion detection sensors. Access control programming is managed by the UT Police Risk Protection Operations team. For questions about building, property and facility access at MD Anderson, call 713-792-8690 or email [badgeaccess@mdanderson.org](mailto:badgeaccess@mdanderson.org).

## Ground Safety and Maintenance

MD Anderson maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Outdoor lighting illuminates campus pathways and building or property entrances. Efforts are made to trim shrubbery and trees to minimize shadowed areas. Reports of any related safety concerns can be directed to UT Police at 713-792-2890.

## Blue Light Phones

Emergency, direct-ring telephones are strategically located throughout the campus and in parking garages on campus. Each blue light phone can be easily identified by its blue pedestal and are clearly marked “Emergency”. When the red alert button is pressed, an individual can speak directly to the UT Police Risk Operations Center (ROC). If necessary, the ROC will dispatch an officer or emergency team to respond.



Blue light emergency phones provide direct access to UT Police.

## Bias-Based Profiling

Racial profiling is specifically prohibited in Texas under the provisions of the Criminal Code of Procedure Articles 2.131-2.137. UT Police officers are prohibited from engaging in bias-based profiling in traffic contacts, field contacts and in asset seizure and forfeiture.

For those who believe they've been stopped or searched based on racial or bias-based profiling, complaints should be directed to UT Police at 713-792-2890 or [utpdia@mdanderson.org](mailto:utpdia@mdanderson.org). Complaints of discrimination may also be reported to MD Anderson's EEO and HR Regulations Department at 713 745-6174.

All complaints determined to warrant an investigation will be investigated in a thorough and timely manner. If racial or bias-based profiling occurs and is proven in sustained complaints, corrective action including termination of employment and criminal prosecution may result. If bias-based profiling behaviors are suspected, early intervention to correct such behavior may be appropriate and could include counseling, training and education.

## Voluntary Confidential Reporting and Anonymous Reporting

If you are the victim of a crime and don't want to pursue action within MD Anderson's system or the criminal justice system, you may still want to consider making a voluntary and confidential report to UT Police. With your permission, a UT Police officer can file a report on the details of the incident without revealing your identity. Confidential reports will comply with your desire to keep the matter confidential while giving UT Police the ability to take steps to ensure the future safety of yourself and others. Confidential reporting allows the institution to keep an accurate record of the number of incidents involving workforce members, students and visitors; determine where there is a pattern of crime with regard to a particular location, method or assailant; and alert the campus community to potential danger.

UT Police gathers reports of Clery Act reportable crimes for inclusion in the Annual Security Report (ASR) from Campus Security Authorities (CSAs) and local law enforcement agencies. Pastoral and professional counselors, when acting as such, are not considered CSAs, but as a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled on the procedures to report crimes on a voluntary basis for inclusion into official responses by law enforcement and inclusion into the ASR.

Individuals also can report anonymously at [www.mdanderson.org/campussafety](http://www.mdanderson.org/campussafety).

Reports of this nature will be honored to the extent permitted by state law, criminal investigatory requirements and institutional proceedings. These anonymous reports are counted and disclosed in the crime statistics for MD Anderson, but, as with all other crimes included in the ASR, no personally identifiable information is disclosed or included.

MD Anderson also offers a Compliance Hotline to report suspected violations or suspected violations: 800-789-4448. All discussions and reports to the Compliance Hotline are treated confidentially and may be made on an anonymous basis.

## Reporting Emergencies

Police, fire or medical emergencies occurring on campus can be reported by:

- Dialing 911 from any campus telephone.
- Dialing 911 from a pay phone or cell phone. The call is answered by the Houston Emergency Center and will be routed to the appropriate emergency resource (police, fire or EMS).
- Using one of the emergency Blue Light phones located throughout campus.
- When calling 911 while on campus, advise 911 that you're calling from MD Anderson.
- When calling 911 while

off-campus, emergency assistance will be directed to the nearest local law enforcement agency that has jurisdiction.

- Using the MD Anderson Employee App.

Remember to always provide your name, phone number and location. When possible, provide your exact location, as the operator may not recognize MD Anderson building and property names or acronyms. Describe the incident clearly and accurately, and allow the dispatcher to end the call. Don't hang up.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate

threat to the health or safety of MD Anderson workforce members, students, patients and/or visitors, MD Anderson will immediately, without delay, and taking into account the safety of the community, determine the content of emergency notifications and initiate the notification system to the appropriate segments of the MD Anderson community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## Reporting Non-Emergencies

Non-emergency reports should be directed to UT Police at 713-792-2890.

## Reporting Criminal Activity

All workforce members, students and community members are strongly urged to immediately report criminal activity, violence, threats of violence, hate- or bias-motivated incidents and all suspicious activity or persons to UT Police at 713-792-2890. Incidents of violence or threats of violence can also be reported to 2-STOP at 713-792-7867.

## Submitting a Complaint

UT Police is committed to providing the MD Anderson community with the highest quality of police services. Therefore, we take allegations of misconduct or inadequate service very seriously. UT Police will investigate all allegations thoroughly to resolve complaints in a fair and unbiased manner. Complaints may be submitted through the UT Police website at [www.utph.org](http://www.utph.org), via email to [utpdia@mdanderson.org](mailto:utpdia@mdanderson.org), or by phone at 713-792-2890.

# Campus Security Authorities

The Clery Act recognizes certain individuals and organizations, including campus police and security departments, as Campus Security Authorities (CSAs). While it's preferred that community members promptly report all crimes and other emergencies directly to UT Police at 713-792-2890 or to 911, it's recognized that some may prefer to report incidents to other individuals or school officials who have been designated as CSAs. The Clery Act defines these individuals as:

- Any individual or individuals who have responsibility for campus security but who don't constitute a campus police department or a campus security department.

- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs are responsible for reporting to UT Police and MD Anderson's Clery Act Coordinator those allegations of Clery Act reportable crimes that are reported to them in their capacities as CSAs. CSAs are not responsible for determining

authoritatively whether a crime took place, or trying to apprehend the alleged perpetrator of the crime—that is the function and responsibility of UT Police. Additionally, CSAs should not try to convince a victim to contact law enforcement if the victim chooses not to do so.

A comprehensive list of MD Anderson's CSAs may be found online at: [www.utph.org/index/docs/MDAnderson-CSA.pdf](http://www.utph.org/index/docs/MDAnderson-CSA.pdf).



As 2020 came to a close, Public Safety Officer Tony Nzeagwu continued serving our community from his post at MD Anderson in Sugar Land.

# Crime Statistics

## Methodology

UT Police is charged with identifying reportable crimes and collecting and reporting crime statistics annually to the U.S. Department of Education.

This report contains crime statistics that have been compiled for the three previous calendar years. The crime statistics reported have been compiled from data collected from a number of reporting sources including UT Police, the state of Texas, municipal and county law enforcement agencies, and non-commissioned CSAs.

Any reportable crime made to a CSA can be immediately transmitted to UT Police online at [www.utph.org](http://www.utph.org); mail to 7777 Knight Road, Houston, Texas 77054; by email to [policerecords@mdanderson.org](mailto:policerecords@mdanderson.org); or by fax to 713-745-8509.

## Arrests and Disciplinary Referrals

The Annual Security Report provided by UT Police includes all reported arrests and referrals for disciplinary action for weapons, drug abuse and liquor law violations provided by CSAs to the police department during the reporting period.

## Working Relationships with State and Federal Law Enforcement Agencies

UT Police maintains excellent working relationships with all area law enforcement agencies, including the Houston Police Department, the Texas Medical Center Police and Security Services Department, the Bastrop County Sheriff's Office, the Smithville Police Department, the Texas Department of Public Safety, the Federal Bureau of Investigations, and law enforcement agencies in regional jurisdictions. These working relationships are maintained through memorandums of understanding (MOUs), communications among agency administrators and frequent contact between line officers and investigators cooperating on specific cases and trainings.

## Non-Campus Criminal Activity

UT Police does not track law enforcement proceedings for offenses that occur off campus. UT Police does however collect from area law enforcement agencies the required statistics on crimes that occur at specified non-campus locations as required by the Clery Act for inclusion in the Annual Security Report. Students visiting off-campus locations that have not been designated as non-campus locations should promptly report all crimes to the local police department or county sheriff's office.

In the event that reports of off-campus criminal offenses committed by workforce members or students are received by UT Police or a designated CSA from an outside law enforcement agency, they may be referred for appropriate corrective action.

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## The University of Texas MD Anderson Cancer Center

### TEXAS MEDICAL CENTER CAMPUS

#### (2018-2020 Calendar Year Crime Statistics)

MD Anderson doesn't have any on-campus student housing and therefore, the statistics shown below only reflect criminal incidents that occurred on on-campus buildings and property, non-campus buildings and property, and on public property within and immediately adjacent to the campus that were reported to Campus Security Authorities (including campus police) and/or other law enforcement agencies.

CRIMINAL OFFENSES	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0*	0	0
	2019	4*†	0	0
	2018	2*	0	0
Fondling	2020	5*	0	0
	2019	9*	1	1
	2018	7*	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	1	0	0
	2019	0	0	0
	2018	0	0	3
Aggravated Assault	2020	0	0	1
	2019	0*	1	0
	2018	3	0	1
Burglary	2020	3	2	0
	2019	3	2	0
	2018	6*	2	0
Motor Vehicle Theft	2020	21	2	1
	2019	7	4	0
	2018	1	0	3
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

VAWA OFFENSES	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2020	4	0	0
	2019	13	1	0
	2018	6	1	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	1
Stalking	2020	0	0	0
	2019	1	0	0
	2018	2	0	0

ARRESTS AND DISCIPLINARY REFERRALS	Year	On-Campus Property	Non-Campus Property	Public Property
<b>Weapons Violations: Carrying, Possessing, etc.</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	1	0	0
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Drug Law Violations</b>				
Arrests	2020	1	0	0
	2019	1	2	0
	2018	1	2	1
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Liquor Law Violations</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

**HATE CRIMES:**

2018: No HATE CRIMES were reported.  
 2019: One on-campus incident of SIMPLE ASSAULT (Assault by Contact) characterized by race bias was reported.  
 2020: No HATE CRIMES were reported.

† One on-campus RAPE is included in the statistical data for on-campus DOMESTIC VIOLENCE.

**\*UNFOUNDED CRIMES:**

2018: Four (4) alleged on-campus incidents were investigated and determined to be UNFOUNDED: One (1) RAPE; Two (2) FONDLING; and one (1) BURGLARY.  
 2019: Three (3) alleged on-campus incidents were investigated and determined to be UNFOUNDED: One (1) RAPE; One (1) FONDLING and one (1) AGGRAVATED ASSAULT.  
 2020: Two (2) alleged on-campus incidents were investigated and determined to be UNFOUNDED: One (1) RAPE; and one (1) FONDLING.

**NOTES:**

Statistical data provided by the Houston Police Department, Sugar Land Police Department, Montgomery County Sheriff's Department, League City Police, and The University of Texas Medical Branch at Galveston Police Department for 2018, 2019 and 2020 are included in this report. The data provided by Harris County Precinct 5 for 2019 and 2020 are included in this report. The data provided by Nassau Bay Police Department for 2018 are included in this report. The data provided by League City Police for 2018 and 2019 are included in this report. The data provided by Texas Medical Center Police Department for 2020 are included in this report.

## The University of Texas MD Anderson Cancer Center

**MICHALE E. KEELING CENTER FOR COMPARATIVE MEDICINE AND RESEARCH IN BASTROP****(2018-2020 Calendar Year Crime Statistics)**

MD Anderson doesn't have any on-campus student housing and therefore, the statistics shown below only reflect criminal incidents that occurred on on-campus buildings and property, non-campus buildings and property, and on public property within and immediately adjacent to the campus that were reported to Campus Security Authorities (including campus police) and/or other law enforcement agencies.

<b>CRIMINAL OFFENSES</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0



VAWA OFFENSES	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS	Year	On-Campus Property	Non-Campus Property	Public Property
<b>Weapons Violations: Carrying, Possessing, etc.</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Drug Law Violations</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Liquor Law Violations</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

HATE CRIMES: No HATE CRIMES were reported for 2018, 2019 and 2020.

UNFOUNDED CRIMES: No crimes were reported UNFOUNDED for 2018, 2019 and 2020.

NOTES: The Bastrop County Sheriff's Department provided statistical data for 2018, 2019 and 2020.

## The University of Texas MD Anderson Cancer Center

**THE VIRGINIA HARRIS COCKRELL CANCER RESEARCH CENTER AT SCIENCE PARK IN SMITHVILLE**

## (2018-2020 Calendar Year Crime Statistics)

MD Anderson doesn't have any on-campus student housing and therefore, the statistics shown below only reflect criminal incidents that occurred on on-campus buildings and property, non-campus buildings and property, and on public property within and immediately adjacent to the campus that were reported to Campus Security Authorities (including campus police) and/or other law enforcement agencies.

<b>CRIMINAL OFFENSES</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Fondling	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Incest	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Statutory Rape	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Robbery	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Aggravated Assault	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Burglary	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Arson	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

VAWA OFFENSES	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Dating Violence	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
Stalking	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS	Year	On-Campus Property	Non-Campus Property	Public Property
<b>Weapons Violations: Carrying, Possessing, etc.</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	1
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Drug Law Violations</b>				
Arrests	2020	0	0	0
	2019	0	0	0
	2018	0	0	8
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>Liquor Law Violations</b>				
Arrests	2020	0	0	1
	2019	0	0	0
	2018	0	0	13
Disciplinary Referrals	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

HATE CRIMES: No HATE CRIMES were reported for 2018, 2019 and 2020.

UNFOUNDED CRIMES: No crimes were reported UNFOUNDED for 2018, 2019 and 2020.

NOTES: The Bastrop County Sheriff's Department and Texas Parks and Wildlife Department provided statistical data for 2018, 2019 and 2020.



Sergeant Erica Bennett and Officer Michael Milner with boxing legend George Foreman at an MD Anderson Vaccination Clinic.



Police Officer Eliseo Alvarado



Senior Police Telecommunicator Josselyn Alvarez



Public Safety Officer John Berlinger

# Policies and Regulations

## Campus Policy Statements and Regulations

A listing of relevant policies for MD Anderson can be found in Appendix B and on the websites below. Please note that all policy statements in this Annual Security Report apply to all MD Anderson campuses and non-campus locations. Individual institutional policies outline procedures that are unique to specific campuses.

## Standards of Conduct

### Rules and Regulations of the UT System Board of Regents

[Rule 30103: Standards of Conduct](#), Sec. 1, Statutory Compliance states: Every employee is expected to obey all federal, state and local laws, and particularly Texas Penal Code, Chapter 42 and Sec. 46.03 and Texas Education Code, Sec. 51.935. Any employee who violates any provision of these statutes is subject to corrective action, including dismissal, notwithstanding any action by civil authorities on account of the violation.

[Rule 50101: Student Conduct and Discipline](#), Sec. 1, Standards of Conduct states: All students are expected and required to obey

federal, state, and local laws; to comply with the Regents' Rules and Regulations, with The University of Texas System and institutional rules and regulations, and with directives issued by administrative officials of UT System or UT System institutions in the course of their authorized duties; and to observe standards of conduct appropriate for an academic institution.

[Rule 50101: Student Conduct and Discipline](#), Sec. 2, Institutional Rules states: Each UT System institution shall adopt rules and regulations concerning student conduct and discipline. Such rules

shall be in accordance with a model policy developed by the Office of General Counsel that complies with state and federal law, Regents' Rules and UT System policies. Institutional rules shall become effective upon review and approval by the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as appropriate, and by the Vice Chancellor and General Counsel. Each student is deemed to have notice of the provisions of the Regents' Rules and Regulations and institutional policies.

### MD Anderson Corrective Actions

Workforce members and students are subject to corrective action up to and including termination or dismissal for conduct related to the use, possession or distribution of drugs that are prohibited by state, federal or local law. For more information on MD Anderson penalties, refer to:

[MD Anderson Institutional Policy ADM0309, Drug Detection and Deterrence Policy](#); and

[MD Anderson Institutional Policy ADM0278, Drug-Free Campus & Workplace Policy](#).

Any student who engages in conduct that violates the Regents' Rules and Regulations, MD Anderson or UT System rules and policies, or federal, state, or local laws is subject to corrective action whether the conduct takes place on or off institutional property, and whether or not civil or criminal penalties may

be imposed for such conduct. A student also is subject to corrective action for prohibited conduct that occurs while participating in any activities sponsored by the institution or UT System, including, but not limited to, field trips, study abroad programs, inter- or intra-mural athletic activities, student organizations registered with the institution, and laboratory and other rotations or clinical assignments, whether on or off institutional property.

## State & Federal Criminal Penalties

MD Anderson prohibits the unlawful possession, use and sale of alcoholic beverages and illegal drugs on campus. State and federal laws regarding the possession, use and sale of alcoholic beverages and illegal drugs are strictly

enforced by UT Police. Violators are subject to not only corrective action by the institution, but also criminal prosecution by law enforcement authorities, fines and imprisonment.

## Prohibited & Illegal Weapons

With limited exceptions, MD Anderson bans firearms from its facilities and properties. Two such exceptions apply only to persons who hold a valid and appropriate state-issued handgun license. The first is found in Sec. 52.061 of the Texas Labor Code and involves firearms being stored in personally owned, locked vehicles in employer-provided parking lots and parking garages. The second, known as Campus Carry (Tex. Govt Code, Sec. 411.2031), allows concealed carriage of handguns in certain areas on campus. As an institution of higher education, MD Anderson is obliged to adhere to these laws and is not at liberty to enact policies or provisions that violate them.

Those who hold a valid and appropriate state-issued handgun license may carry their handguns in a concealed manner, in accordance with the laws and MD Anderson institutional policy. Other than the exceptions cited above, only law enforcement officials may carry firearms on MD Anderson's campus.

Other than the exceptions stated above or as otherwise provided by applicable law, the possession or control of any firearm, deadly weapon, explosive device, fireworks, nunchakus, metal knuckles, billy clubs or any other deadly weapon or prohibited knife, while on MD Anderson property, is prohibited except

as required in the lawful course of business or as authorized by the Chief of UT Police. As of Sept. 1, 2017, state law prohibits "location restricted knives." Contact UT Police at 713-792-2890 or law enforcement at 911 to report potential violations of these laws on MD Anderson property or facilities. For more, see [MD Anderson Institutional Policy ADM1254](#), [Policy on Concealed Handgun Carriage on MD Anderson's Campus](#).

## Substance Abuse

MD Anderson is a "Drug Free Campus and Workplace", which prohibits the unlawful manufacture, sale, distribution, dispensation, possession or use of alcohol or a controlled substance in or on premises or property owned or controlled by the institution, regardless of whether such activity results in the imposition of a

penalty under a criminal statute. Individuals who violate this policy are subject to appropriate corrective action, up to and including termination.

It's unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 in a

public place or a place open to the public is illegal.

Although the use of alcoholic beverages is prohibited on property and in buildings owned or controlled by UT System or any of its institutions, the Chancellor of UT System or the president of an institution may waive this

prohibition with respect to any event sponsored by UT System or any of its institutions. This doesn't apply to areas that are licensed under state law for the sale and service of alcoholic beverages, to a special use facility during use by a non-institutional individual, group, association or corporation for purposes permitted by [Regents' Rules and Regulations Rule 80106: Special Use Facilities](#), or to property, buildings or facilities that are occupied by a third party pursuant to a written lease or occupancy agreement that doesn't specifically exclude alcoholic beverages.

## Counseling and Treatment Options

### Employee Assistance Programs (EAP)

MD Anderson's Employee Assistance Program (EAP) encourages individuals seeking treatment for a substance abuse or dependence problem to pursue the least restrictive environment when seeking treatment. EAP will assess any person considering a substance abuse or dependence program and will make appropriate recommendations. Treatment options include detoxification, residential, partial-day hospitalization, intensive outpatient, supportive outpatient, chemical dependence education and aftercare programming.

EAP contributes to a healthier and more productive work environment by assisting employees and their families with problems that affect

Anyone violating alcohol or substance policies may be subject to sanctions by MD Anderson. For more information on MD Anderson penalties regarding alcohol use, refer to the following:

[MD Anderson Institutional Policy ADM0108, Alcoholic Beverages Policy](#); and

[MD Anderson Institutional Policy ADM0278, Drug-Free Campus & Workplace Policy](#).

MD Anderson also [provides online information](#) regarding alcohol and other drug possession, use,

their lives both on and off the job. This includes, but is not limited to, services for individuals who are concerned about the use of alcohol or drugs or who need help with addictive behaviors as well as mental and emotional wellness challenges. EAP also conducts various presentations, including, "Alcohol and Substances – What to Look For" and "Substance Abuse in the Workplace." Any employee, faculty member, designated trainee, student or retiree in Bastrop/Smithville and Houston is eligible to use EAP services at no cost. Immediate family members of employees and faculty are also eligible to benefit from these same services at no cost. Information regarding MD Anderson's EAP can be found on the [MD Anderson Employee Assistance Program](#) site (credentials required).

abuse and distribution, including standards of conduct and penalties for policy and law violations.

State and federal laws regarding the possession, use and sale of alcoholic beverages and illegal drugs are strictly enforced by UT Police. Violators are subject to criminal prosecution by law enforcement authorities, fines and imprisonment.

### Wellness Programs

[UT System's Living Well](#) program enables UT System employees, retirees and dependents to take charge of their health and develop their own personal wellness programs.

MD Anderson's Employee Health and Well-being programs provide a wide variety of occupational health services to MD Anderson employees in Houston, Bastrop and Smithville. Employee Health and Well-being collaborates closely with Environmental Health and Safety, Sustainability and Emergency Management (EHSSEM) and other departments to ensure a safe work environment for all employees; monitor employee infection control issues; and provide input on ADA accommodations and eligibility for reduced paid leave. Further

information can be found on the [MD Anderson Employee Health site](#) (credentials required).

Note: Counselors with Health Services and other groups providing professional counseling

services are not considered CSAs, when acting in such capacity, but, as a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary

basis for inclusion into official responses by law enforcement and inclusion into the annual crime statistics.

## Violence and Behaviors of Concern

MD Anderson defines violence and behaviors of concern in the workplace as behaviors that cause concern for the safety and well-being of an individual or the institution as a whole. These behaviors include, but are not limited to: intimidating, threatening or hostile behavior; physical or verbal abuse; harassment; stalking; vandalism; arson; sabotage; and use, possession or display of weapons. See [MD Anderson Institutional Policy ADM0257, Violence Prevention Policy, ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#); and [ADM0285, Sexual Misconduct Prevention Policy](#).

Workplace violence is categorized into three areas: stranger violence, client violence and workforce member violence. In an effort to provide a safe and secure workplace free from violence or threats for MD Anderson workforce members and students, MD Anderson has developed policies against violence in the workplace. UT System recognizes the high cost of violent incidents and the disruptive effect they have on workforce members and students as well as productivity. Personal harassment, including

stalking, abusive behavior, threats and acts of violence are not tolerated. Complaints of workplace violence should be reported to UT Police by calling 713-792-2890 or 713-792-7867 (713-792-STOP) and MD Anderson's Title IX Coordinator/Director of EEO and HR Regulations at 713-745-6174. If violence is occurring or the threat of violence is imminent, call 911.

In the event an interaction that may escalate into workplace violence is reported, a campus threat assessment committee, or Behavioral Intervention Team (BIT), is convened. The committee, called 2-STOP, consists of a team of professionals who are authorized to investigate, deliberate on available information, make determinations, and take action to assist in resolving incidents of violence and threats of violence. The committee has the authority to invite, as needed, representatives from other areas to participate in committee activities (e.g., Academic & VISA Administration — Faculty, Office of Graduate Medical Education, Research Trainee Programs, Patient Advocacy).

The committee includes representatives from UT Police,

Human Resources - EEO & HR Regulations/Title IX Office, Risk Management, Occupational Health, Employee Health and Well-being, the Employee Assistance Program, Human Resources, Legal Services, Academic Affairs, and Off-Shift Administration. The committee is authorized to investigate, make determinations and recommendations, and take action to resolve incidents of violence. Committee recommendations may include counseling services through the Employee Assistance Program, corrective actions, administrative leave or termination of employment.



## Hate Crimes

Hate crime reporting requirements include the following offenses: arson; murder; negligent and non-negligent manslaughter; sex offenses (including rape, fondling, incest, and statutory rape); robbery; aggravated assault; simple assault; burglary; motor vehicle theft; larceny (theft); intimidation and destruction; and damage or vandalism of property in which the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, national origin, gender identity, ethnicity or disability.

MD Anderson places great emphasis on the value of diversity. However, there may be occurrences when someone may be the target of a hate crime or a bias-motivated incident. Hate crimes and bias-motivated incidents negatively affect the entire campus community. While our campuses are not immune to such opportunistic acts, the low number of reported occurrences provides some anecdotal information that great strides have been made toward the creation of a campus environment that is more tolerant of diverse individuals, groups, cultures and ideas.

Reporting hate crimes is a crucial component in developing a more tolerant society and a hate-free campus environment. If you have been the target of a hate crime or bias-motivated incident, you're encouraged to report the occurrence to UT Police or to any [designated CSA](#).

For more information, see [MD Anderson Institutional Policy ADM1104, Clery Act Policy on Reporting Criminal Activity](#).

## Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by The Violence Against Women Reauthorization Act of 2013

MD Anderson is committed to providing a working and learning environment that is free from inappropriate conduct, including sexual misconduct. MD Anderson prohibits the crimes of dating violence, domestic violence, sexual assault and stalking. MD Anderson issues this statement of policy to

inform the campus community of our programs and procedures to address domestic violence, dating violence, sexual assault and stalking, which will be followed regardless of whether the incident occurs on or off campus when it's reported to a MD Anderson official.

For more information, see MD Anderson Institutional Policy [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#); [ADM0285, Sexual Misconduct Prevention Policy](#); and [ADM1104, Clery Act Policy on Reporting Criminal Activity](#).

## Violence Against Women (VAWA) Offenses

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship.

For the purpose of this definition:

- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating Violence doesn't include

acts covered under the definition of domestic violence.

**Domestic Violence** – A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with or

has cohabitated with the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** – Engaging in a course of conduct of two or more acts including, but not limited to, directly or indirectly or through third parties, by any action, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a specific person or intervenes with that specific person's property and that would cause a reasonable

person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purpose of this definition:

- a. Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
- b. Substantial Emotional Distress means significant mental suffering or anguish that may, but doesn't necessarily, require medical or other professional treatment or counseling.

**Sexual Assault** – An offense that meets the definition of rape, fondling, incest or statutory rape.

- a. **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.

- b. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c. **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent (17).

## Jurisdictional Definitions (State Law Definitions)

**Family Violence (Domestic Violence)** – TX Family Code, Sec. 71.004. FAMILY VIOLENCE. "Family violence" means: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but doesn't include defensive measures to protect oneself; (2) abuse, as that term is defined by Secs. 261.001(1)(C), (E), (G), (H), (I), (J) and (K), by a member of a

family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Sec. 71.0021.

**Abuse** – TX Family Code, Sec. 261.001

- (1) "Abuse" includes the following acts or omissions by a person:
  - (B) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident

or reasonable discipline by a parent, guardian, or managing or possessory conservator that doesn't expose the child to a substantial risk of harm;

(C) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(D) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(E) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(F) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(G) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; or

(H) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

**a. Family** – TX Family Code, Sec. 71.003. FAMILY. “Family” includes individuals related by consanguinity or affinity, as determined under Secs. 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.

**b. Household** – TX Family Code, Sec. 71.005. Household. “Household” means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

**c. Member of a Household** – TX Family Code, Sec. 71.006. Member of a Household. “Member of a household” includes a person who previously lived in a household.

**Dating Violence** – TX Family Code, Sec. 71.0021. DATING VIOLENCE. (a) “Dating violence” means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim or applicant for a protective order; (A) with whom the actor has or has had a dating relationship; or (B) because of the victim’s or applicant’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim

or applicant in fear of imminent physical harm, bodily injury, assault or sexual assault. (b) For purposes of this title, “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintanceship or ordinary fraternization in a business or social context doesn’t constitute a “dating relationship” under Subsec. (b).

**Stalking** – TX Penal Code, Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense under Sec. 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) bodily injury or death for a member of the other person’s family or household or for an individual with whom the other person has a dating relationship; or (C) that an offense will be committed against the other person’s property; (2) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating

relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section: (1) the laws of another state; (2) the laws of a federally recognized Indian tribe; (3) the laws of a territory of the United States; or (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsec. (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section: (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code. (2) "Property" includes a pet, companion animal,

or assistance animal, as defined by Sec. 121.002, Human Resources Code.

**Sexual Assault** – TX Penal Code.

Sec. 22.011. (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.

**a. Consent** – TX Penal Code,

Sec. 22.011. (b) A sexual assault under Subsec. (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. (c) In this section: (1) "Child" means a person younger than 17 years of age. (2) "Spouse" means a person who is legally married to another. (3) "Health care services provider" means: (A) a physician licensed under Subtitle B, Title 3, Occupations Code; (B) a chiropractor licensed under Chapter 201, Occupations Code; (C) a physical therapist licensed under Chapter 453, Occupations Code; (D) a physician assistant licensed under Chapter 204, Occupations Code; or (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code. (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a: (A) licensed social worker as defined by Sec. 505.002, Occupations Code; (B) chemical dependency counselor as defined by Sec. 504.001, Occupations Code; (C) licensed professional counselor as defined by Sec. 503.002, Occupations Code; (D) licensed marriage and family therapist as defined by Sec. 502.002, Occupations Code; (E) member of the clergy; (F) psychologist offering psychological services as defined

by Sec. 501.003, Occupations Code; or (G) special officer for mental health assignment certified under Sec. 1701.404, Occupations Code. (5) "Employee of a facility" means a person who is an employee of a facility defined by Sec. 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer. (d) It's a defense to prosecution under Subsec. (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party. (e) It's an affirmative defense to prosecution under Subsec. (a)(2): (1) that the actor was the spouse of the child at the time of the offense; or (2) that: (A) the actor was not more than three years older than the victim and at the time of the offense: (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and (B) the victim: (i) was a child of 14 years of age or older; and (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Sec. 25.01. (f) An offense under this section is a felony of

the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry, or with whom the actor was prohibited from living under the appearance of being married under Sec. 25.01.

**b. Indecent Assault (Fondling) – TX**  
Penal Code, Sec. 22.012.

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
- (2) touches the anus, breast, or any part of the genitals of another person;
  - (3) touches another person with the anus, breast, or any part of the genitals of any person;
  - (4) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (5) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

## Reporting Procedures

Reports of dating violence, domestic violence, sexual assault and stalking should be made as soon as possible after the alleged incident occurs as a delay may impede the ability to collect evidence, conduct an investigation and/or take appropriate remedial actions.

Workforce members and students impacted by sexual misconduct have many resources and options available for support. Anyone in immediate danger or in need of emergency assistance should call 911. Non-emergency situations can be reported to UT Police by dialing 2-2890 (from an MD Anderson telephone) or 713-792-2890 (from an external telephone). Non-emergency situations can be reported to the Houston Police Department by dialing 713-884-3131. Incidents should also be reported to the Title IX Office/EEO and HR Regulations Department at 713-745-6947, or MD Anderson's Title IX Coordinator/Director of EEO and HR Regulations at 713-745-6174 or 832-750-0550.

Complaints against the Title IX Coordinator/Director of EEO and HR Regulations or a workforce member of the Title IX Office/EEO and HR Regulations Department may be filed with the Vice President & Chief Compliance and Ethics Officer at 713-745-6636.

Although victims are encouraged to notify UT Police, CSAs, other campus authorities and local law enforcement of a crime of domestic violence, dating violence, sexual assault or stalking, the victim may

decline to notify such authorities if they so choose, or may notify such authorities anonymously. If requested, MD Anderson's Title IX Office/EEO and HR Regulations Department will assist victims in contacting law enforcement agencies.

A Responsible Workforce Member is a Workforce Member (excluding Students) who has the duty to report incidents of and information reasonably believed to be Sexual Misconduct to the Title IX Coordinator. All Workforce Members are Responsible Workforce Members except Confidential Workforce Members or police officers when a victim uses a pseudonym form. Responsible Workforce Members include all administrators, faculty, staff, and graduate teaching assistants. Responsible Workforce Members must report all known information concerning the incident to the Title IX Coordinator and must include whether a Complainant has expressed a desire for confidentiality in reporting the incident.

Before a complainant reveals information they may wish to keep confidential, a responsible workforce member should make every effort to ensure that the complainant understands: (i) the responsible workforce member's obligation to report the names of the respondent and complainant, as well as relevant facts regarding the alleged incident (including the date, time and location) to the Title IX Office/EEO and HR Regulations Department; (ii) the complainant's ability to share the information confidentially with confidential workforce members;

and (iii) the right to file a complaint with MD Anderson and to report a crime to UT Police or local law enforcement.

Once notified of one of these crimes, MD Anderson and UT Police (if applicable) will work collaboratively to care for the physical needs of the victim and preserve any forensic evidence associated with the offense. In most cases, uniformed first responders will make the initial contact with the victim. Police will listen to the victim's account, identify potential witnesses, develop suspect(s) and preserve/collect evidence from the crime scene. EMS may be called to treat the victim's physical injuries. A sexual assault victim will also have an opportunity to have a crime victim liaison, counselor, advocate, or police officer with specialized training be present with the victim during police investigative interviews.

## Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and/or Stalking Occurs

Victims will be encouraged to immediately seek medical treatment and have a free Sexual Assault Forensic Exam (SAFE) performed at an area hospital by a specially trained Sexual Assault Nurse Examiner (SANE) within five days (120 hours) of the incident. These health care professionals help begin the recovery process. They also document injuries and preserve evidence should the victim wish to prosecute an identified suspect. When appropriate, UT Police will file charges and arrest offenders. In Texas, evidence may be collected even if the victim chooses not to make a report to law enforcement.<sup>1</sup>

It's important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 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 victims don't 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. Victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to 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 MD Anderson investigators and/or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, corrective action proceedings, or obtaining protection from abuse

orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with UT Police or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or MD Anderson at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. The police may share a report with the Title IX Office, with the exception of when a victim uses a pseudonym form under the Code of Criminal Procedure for incidents of sexual assault, stalking, family violence, and human trafficking. In those instances, where a pseudonym form is used, the police will only report the type of incident to the Title IX Coordinator but not any information identifying the victim.

<sup>1</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they don't "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

### Survivor's Rights

A sexual assault survivor has the legal right to:<sup>2</sup>

- Make the decision whether to file a police report or information report.
- Use a pseudonym and have their name, address and phone number kept out of court files relating to their case.
- Upon meeting certain eligibility requirements, maintain a confidential address through the Texas Address Confidentiality Program.
- Sensitive and skilled treatment in Texas emergency rooms.
- Reimbursement through the Crime Victims' Compensation Program for financial losses resulting from the criminal conduct, including medical costs, moving costs and lost wages.
- Have themselves tested for HIV and receive notice of the test results after indictment.
- Have their safety considered when bail is set.

<sup>2</sup> C.C.P., Chapters 56 and 57.

- Be notified of all legal proceedings, including parole proceedings, after making a written request for notification.
- A private waiting area, separate from other witnesses, before testifying in court.
- Write a victim impact statement and have the statement considered during punishment and parole proceedings.
- Be provided with written notice of crime victims' rights

and information and referrals, including a referral to a sexual assault program, at initial contact with law enforcement.

UT Police will provide victims information regarding the Crime Victim Compensation program, which provides financial assistance for unreimbursed expenses incurred by the victim and/or certain qualified family members as a result of the crime. Additionally, the UT Police Threat Management

Team (TMT) will work with the victim and MD Anderson officials on a safety plan designed to keep the victim and others safe. If the offender is known, the TMT will work to mitigate any ongoing risk, including but not limited to collaborations with other law enforcement agencies, prosecutors, mental health officials, and the courts.

## Procedures MD Anderson

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

When an incident of domestic violence, dating violence, sexual assault or stalking is reported, MD Anderson will engage in the following procedures as appropriate:

- Assess immediate safety needs.
- Provide the complainant with information regarding access to medical care.
- Assist the complainant with contacting the police (if they would like to do so) and provide contact information.
- Provide referrals to on and off campus mental health providers.
- Assess the need to implement interim or long-term protective measures.
- Provide a written explanation of the complainant's rights and options, including procedures complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
- Provide information regarding how MD Anderson will protect the confidentiality of complainants and other necessary parties.
- Provide a statement that MD Anderson will provide written notification to workforce members and students about victim services within the institution and in the community; a statement regarding MD Anderson's provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional corrective action.
- Provide written information to the complainant on how to preserve evidence.
- Coordinate with UT Police to issue a No Trespass Directive to the accused party when appropriate.
- Provide written instructions on how to apply for a Protective Order when appropriate.
- Provide a copy of MD Anderson Institutional Policy [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#) and/or [ADM0285, Sexual Misconduct Prevention Policy](#) and inform the complainant regarding timeframes for inquiry, investigation and resolution.
- Conduct an investigation when appropriate.
- Provide notification of the outcome of the investigation and whether the accused will be administratively charged.
- Enforce MD Anderson Institutional Policy [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#), [ADM0285, Sexual Misconduct Prevention Policy](#) and [ADM0254,](#)



[Non-Retaliation Policy](#) and take immediate and separate action against parties that retaliate for complaining of sex-based discrimination or for assisting in the investigation.

Workforce members and students who may wish to seek external help with respect to domestic violence, dating violence, stalking or sexual assault may contact the Houston Area Women's Center through its domestic violence crisis hotline at 713-528-2121, the rape crisis hotline at 713-528-7273, or online at [www.hawc.org](http://www.hawc.org). Additional resources include the Domestic Violence Hotline at 713-528-2121; the National Domestic Violence

Hotline at 800-799-7233 or 800-787-3224; the United Way at 713-957-4357; the Aid to the Victims of Domestic Violence at 713-224-9911; and the National Coalition Against Domestic Violence at 303-839-1852.

Workforce members and students alleging a sexual offense may seek orders of protection through the appropriate judicial tribunals. UT Police may assist in the enforcement of any lawful orders issued by a criminal, civil or tribunal court for the protection of workforce members and students when requested by the complainant or deemed necessary by MD Anderson.

MD Anderson Institutional Policies [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#), [ADM0285, Sexual Misconduct Prevention](#) and [ADM1104, Clery Act Policy on Reporting Criminal Activity](#) inform campus members of their available rights, options and procedures following the report of an alleged sexual offense, including dating violence, domestic violence, sexual assault or stalking. These policies will be available or provided to workforce members and students who report these crimes.

## Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking under MD Anderson Institutional Policy ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy and ADM0285, Sexual Misconduct Prevention Policy

### 1. How to File a Complaint Under these Policies

Reports should be made as soon as possible after the alleged conduct occurs as a delay may impede the ability to collect evidence, conduct an investigation and/or to take appropriate remedial actions. MD Anderson workforce members and students should report the incident to the Title IX Office/EEO and HR Regulations Department at 713-745-6947 or [EEOGroup@mdanderson.org](mailto:EEOGroup@mdanderson.org), or directly to MD Anderson's Title IX and Clery Act Coordinator/ Director of EEO and HR Regulations at

713-745-6174 or [sbrownlo@mdanderson.org](mailto:sbrownlo@mdanderson.org).

Cases of sexual violence may be reported by:

- Calling from an MD Anderson telephone – 2-2890 (UT Police non-emergency) or 911 (UT Police emergency); or
- Calling from an external telephone – 713-792-2890 (UT Police non-emergency); 713-884-3131 (City of Houston non-emergency) or 911 (City of Houston emergency); or

- Calling other local law enforcement authorities.

Although workforce members and students alleging a sexual offense are encouraged to notify UT Police, CSAs, other campus authorities and local law enforcement of a crime of domestic violence, dating violence, sexual assault or stalking, the workforce member or student may decline to notify such authorities if they so choose, or may notify such authorities anonymously. Visit the Campus Safety: Crime Statistics, Crime Reporting to learn more at [www.mdanderson.org/campusafety](http://www.mdanderson.org/campusafety).

**2. How MD Anderson Determines Whether These Policies Will Be Used**

The purpose of these policies is to inform persons covered that MD Anderson will not tolerate sexual misconduct in the workplace and learning environment; to identify resources available to those subjected to sexual misconduct; and to outline options for addressing concerns about sexual misconduct.

These policies apply to all full-time and part-time workforce members and students. The policy applies regardless of gender, sexual orientation or gender identity or expression, and to individuals affected directly or as a third-party. It also applies to incidents involving parties of the same sex. Applicants may file a complaint under this policy. Compliance with this policy is the responsibility of all workforce members and students.

Any person may report an incident, whether or not the person reporting is the person alleged to be the victim of the incident, and it can be a verbal or written report to the Title IX Office/EEO and HR Regulations Department. Responsible Workforce Members are required to report known incidents and information of Sexual Misconduct promptly to the Title IX Coordinator. The Title IX Office/EEO and HR Regulations Department will determine whether this policy is applicable to the alleged misconduct.

**3. Steps in the Process for a Title IX Complaint**

The Title IX Process in Institutional Policy [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#) applies only where all of the following conditions are met; in all other instances, allegations of Sexual Misconduct will be handled in accordance with Institutional Policy ADM0285, Sexual Misconduct Prevention Policy:

- i. A Formal Complaint is signed by the Title IX Coordinator or filed by a Complainant who, at the time of filing the Formal Complaint with MD Anderson, is participating in or attempting to participate in an MD Anderson education program or activity;
- ii. The Respondent is a Workforce Member or Student at MD Anderson at the time of the alleged conduct;
- iii. The conduct alleged includes Sexual Harassment under this Policy;
- iv. The alleged conduct occurred against a person in the United States; and
- v. Where the alleged Sexual Harassment occurred within MD Anderson’s education program or activity. This element is met if the conduct occurred in any of the following: on any MD Anderson property; during any MD Anderson activity; in a building owned or controlled by a student organization that is officially

recognized by MD Anderson; or in instances where MD Anderson exercised substantial control over the Respondent and the context in which the alleged conduct occurred.

To begin the Title IX Process, the Complainant must sign a Formal Complaint (requesting an investigation) and submit it to the Title IX Coordinator. The Complainant must submit a written statement setting out the known details of the alleged conduct that is the subject of the Formal Complaint, including the following:

- Complainant’s name and contact information;
- Respondent’s name;
- Detailed description of the alleged conduct or event that is the basis of the alleged violation under this Policy;
- Date(s) and location(s) of the alleged occurrence(s);
- Names of any witnesses to the alleged occurrence(s); and
- The resolution sought.

The Complainant may also submit any documents or information that is relevant to the Formal Complaint. The Title IX Coordinator may also sign a Formal Complaint against a Respondent (requesting an investigation) and in doing so will initiate the Title IX Process.

- a. Under Title IX, the Institution must dismiss a Formal Complaint or the part of

the allegations in a Formal Complaint, if applicable, where:

- Sexual Harassment is alleged and where:
  1. The conduct alleged doesn't meet the definition of Sexual Harassment;
  2. The alleged conduct did not occur in the Institution's education program or activity; or,
  3. The alleged conduct did not occur against a person in the United States.

b. MD Anderson may dismiss a Formal Complaint, at its discretion, under this Policy's Title IX Process for any of the following circumstances:

- If the Complainant requests in writing to dismiss a Formal Complaint (e.g. withdraws the Formal Complaint or any allegations therein), as outlined in Section 2.0 of [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#);
- If the Respondent is no longer enrolled at or employed by MD Anderson at the time the Formal Complaint is filed;
- Any specific circumstances that prevent MD Anderson from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or
- The conduct alleged doesn't meet the definition of any

prohibited conduct under [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#).

c. If MD Anderson dismisses a Formal Complaint in accordance with [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#), MD Anderson must provide both parties a written notice of the dismissal and the reason(s) for the dismissal. MD Anderson may still investigate allegations of Sexual Misconduct under Institutional Policy ADM0285, Sexual Misconduct Prevention Policy.

After receiving a Formal Complaint, the Title IX Office will provide a written notice to the Parties of the Formal Complaint along with available Institutional resources and assistance. The written notice of the Formal Complaint will include the following:

- A notice of the Title IX Process, as outlined in [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#);
- A notice of the allegations that potentially constitute prohibited conduct under [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#), including sufficient details about the alleged conduct, including the identity of the parties, if known, and the date(s), time(s), and

location(s) of alleged conduct known by MD Anderson at the time of the Formal Complaint;

- A statement of the potential policy violations being investigated;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Title IX Process;
- Both parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence;
- A statement that the parties may review evidence gathered as part of any investigation;
- Provision of [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#) that knowingly making false statements or knowingly submitting false information during the Title IX Process is prohibited and subject to corrective action; and
- Any other relevant information for the written notice.

After MD Anderson provides written notice of a Formal Complaint to the parties, the Respondent will be allowed 5 Business Days to respond in writing and will also be allowed to respond through an interview with the investigator.

MD Anderson will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all meetings, investigative interviews, or other proceedings in the Title IX Process.

The parties in the investigation may present any information and evidence that may be relevant to the Formal Complaint, and may have an advisor of their choice attend any related interview, meeting, or proceeding in the Title IX Process. Advisors are not permitted to actively participate in meetings or proceedings in the Title IX Process, unless explicitly outlined in Section 4.6(J) of [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#). The parties may present the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the Formal Complaint. The parties may submit to the investigator any questions they would like asked of any known potential witnesses or parties.

The investigators will interview relevant and available witnesses. Neither the Complainant nor the Respondent will normally attend these interviews; however, if either one is permitted to attend, the other shall have the same right.

A Respondent may be removed from MD Anderson's education program or activity on an emergency basis if, after an individualized safety and risk

analysis conducted by the Associate Director of Academic and Student Affairs, it's determined that such a removal is justified because the Respondent poses an immediate threat to the physical health or safety of an individual arising from the allegations of Sexual Misconduct. Under these circumstances, the Respondent will be notified in writing of the emergency removal from the Institution's education program or activity, and the Respondent will have an opportunity to immediately challenge the decision following the emergency removal. In order to challenge the emergency removal, the Respondent must submit a written challenge to the Dean of the School of Health Professions within 5 Business Days of notification of the emergency removal. The challenge must outline the reasons for the challenge. A written determination will be released to the Respondent within 5 Business Days of receipt of the challenge. The written determination will state whether the emergency removal is upheld or reversed and the reason for the determination. A Respondent who is a Workforce Member may be placed on administrative leave during the pendency of a Title IX Process, as outlined in [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#).

The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties

should be provided updates on the progress of the investigation, as needed. This timeframe may be extended or delayed for good cause with written notice to the Complainant and Respondent of the extension or delay and the reasons for the action. Good cause may include but is not limited to absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Prior to the completion of the investigation report, the investigators will provide access to all evidence obtained (whether relevant or not) as part of the investigation to both parties (and the party's advisor, if any, upon a party's signed information release for their advisor of choice). Both parties will have 10 Business Days to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the investigator. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.

The completed investigation report will outline each of the allegations that potentially constitutes prohibited conduct under this Policy, provide the procedural steps of the investigation and fairly summarize relevant evidence. The investigator will provide a completed investigation report concurrently to both parties and

each party's advisor, if any, upon a party's signed information release for their advisor of choice at least 10 Business Days prior to the date of the scheduled hearing to review and provide a written response at the hearing. A copy of the completed investigation report will be issued to the Title IX Coordinator, and to the hearing officer(s) assigned for the hearing. By law, it's presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the Title IX Process.

Absent a Formal Complaint dismissal, MD Anderson will provide a live hearing for all Formal Complaints subject to the Title IX Process as outlined in [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#).

MD Anderson will provide at least 10 Business Days written notice to parties of the hearing (and the parties' advisors, if any, upon a party's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the hearing officer(s), and all parties and participants in the investigation report), purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered. The hearing notice may also provide a deadline by which the Parties have an opportunity to disclose (1) the names of any witnesses they intend

to call to testify at the hearing, if any, and (2) a copy of any documents they intend to use as exhibits at the hearing, not already included in the investigation report, if any.

Either party may challenge the fairness, impartiality or objectivity of the hearing officer(s). The challenge must be submitted in writing to the hearing officer(s) within 4 Business Days after notice of the identity of the hearing officer(s), and must state the reasons for the challenge. The hearing officer(s) will be the sole judge(s) of whether he or she can serve with fairness, impartiality, and objectivity. In the event that the hearing officer(s) recuses themselves, an alternative hearing officer will be assigned in accordance with the Institution's procedures.

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

Each party will have access to all of the evidence from the investigation, including a copy of the completed investigation report, as outlined in Section 4.4(F) in [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#).

At the request of either party, MD Anderson will provide the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually, and are not required to be physically present at the same physical location of the hearing. Each party may make opening and closing statements.

No person will be required to disclose information protected under a legally recognized privilege. The hearing officer(s) must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

Each party may have an advisor of their choice at the hearing. If a party doesn't have an advisor, MD Anderson will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.

The hearing officer(s) may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity

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

- The advisor will ask a question of the applicable participant.
- Before the participant answers a question, the hearing officer(s) will rule as to whether the advisor's question is relevant to the alleged conduct charges.

If the hearing officer(s) rules the advisor's question as not relevant, then the hearing officer(s) must explain any decision to exclude a question as not relevant. If the hearing officer(s) allows the question as relevant, the participant will answer it. A Complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent

and are offered to prove the Complainant's consent of the alleged conduct.

The hearing officer(s) will issue a written determination, which must include the following:

- The allegations that potentially constitutes prohibited conduct under [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#);
- A description of all of the procedural steps of the Title IX Process under [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#) (from receipt of a Formal Complaint to the determination regarding responsibility of the Respondent, including any notifications of the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held);
- The findings of fact supporting the hearing officer's determination;
- The conclusion(s) and a rationale as to whether the Respondent is responsible for each allegation;
- The corrective actions, if applicable;
- Whether additional remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and
- The Institution's procedures and

permissible bases for the parties to appeal, if applicable

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

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

Either party may appeal in writing the hearing officers' determination regarding a Respondent's responsibility under the Title IX Process or from the Institution's dismissal of a Formal Complaint (or any allegations in the Formal Complaint) within 10 Business Days of notification of such a determination, on the following bases:

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

matter) that affected the outcome of the matter.

Both parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both parties. Any non-appelling party (or the Institution) will have 7 Business Days from the notification of an appeal to submit a written statement in support of the outcome. The appellate officer will release a written decision within 21 Business Days from the date of the appeal to:

- Affirm the hearing officers' determination regarding the Respondent's responsibility and affirm the sanctions and remedies, if applicable;
- Affirm the hearing officers' determination regarding the Respondent's responsibility and amend the sanctions and remedies, if applicable;
- Affirm the Institution's dismissal of a Formal Complaint (or any allegations in the Formal Complaint);
- Remand the process back to the investigation or hearing stage for the investigator or hearing officer(s) (or applicable equivalent) to remedy any procedural irregularity or consider any new evidence; or
- Reverse the hearing officers' determination of the Respondent's responsibility and amend the sanctions and remedies, if applicable

MD Anderson's Title IX Office will retain all of the documentation included in the Title IX Process (outlined in Section 4 of [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#)) for seven years, in accordance with state and federal records laws and MD Anderson's policy. All documentation of records are private and confidential to the extent possible under law. Student records of the Title IX Process are disciplinary records under FERPA. Employee records of the Title IX Process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA).

The entire Title IX Process (outlined in Section 4 of [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#), including any appeal) will be completed in no more than 150 Business Days from the filing of the Formal Complaint. However, the circumstances may require a temporary delay in this timeframe and MD Anderson may extend this timeframe for good cause. In such an instance, MD Anderson will provide written notice to the parties of the delay or extension and the reason(s) for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

#### **4. Steps in the Process for a Non-Title IX Sexual Misconduct Complaint**

After a complaint is filed, the Title IX Office/EEO and HR Regulations Department will investigate the complaint of alleged sexual misconduct following a determination that an investigation is warranted. A representative from the Title IX Office/EEO and HR Regulations Department will contact the complainant as soon as reasonably possible, but no later than five working days, to acknowledge receipt of the complaint and to schedule an intake meeting to discuss the details of the alleged sexual incident.

The complaint is supported by a written statement containing information provided by the person making the complaint. Information documented usually includes: the name of the person making the complaint, the nature of the complaint, the name of the respondent, the date(s) of the alleged incident(s), and the names of any witnesses or persons having knowledge about the complaint. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. In this situation, the Title IX Office/EEO and HR Regulations Department will prepare a statement of what it understands the complaint to be and seek to obtain verification of the complaint from the complainant.

Throughout the complaint and investigation process, a complainant or respondent may be accompanied by an individual providing support except as may be limited by Family Education Rights and Privacy Act (FERPA). The supporter may not actively participate in a meeting or interview.

In its initial meeting with the complainant or the respondent, the Title IX Office/EEO and HR Regulations Department will provide a copy of the applicable policy and [MD Anderson Institutional Policy ADM1104, Clery Act Policy on Reporting Criminal Activity](#), as appropriate, discuss the contents, informal resolution, and the procedures involved in conducting an investigation of the alleged sexual incident, including confidentiality and anti-retaliation provisions; and identify additional resources available.

The Title IX Office/EEO and HR Regulations Department, in collaboration with UT Police and other administrators, will facilitate the arrangement of any interim safety measures as appropriate, pending the outcome of the complaint and investigation. These measures may include changing work or class locations, rescheduling an assignment or test, altering academic schedules, withdrawing from or retaking a class without penalty, issuing a No Contact Order, increased supervision or monitoring, security escorts, and free counseling services.

Workforce members or students alleging a sexual offense may seek orders of protection through the appropriate judicial tribunals. UT Police may assist in the enforcement of any lawful orders issued by a criminal, civil, or tribal court or the institution for the protection of a workforce member or student when requested by the party or deemed necessary by the institution.

In cases involving potential sexual violence or criminal conduct, the Title IX Office/EEO and HR Regulations Department will determine, in consultation with UT Police, if criminal authorities need to be notified and will advise the complainant of their rights in filing a criminal complaint. The Title IX Office/EEO and HR Regulations Department will consult with UT Police and law enforcement regarding the applicability and issuance of orders of protection, No Contact Orders, restraining orders, safety plans, or similar lawful orders. Upon request of law enforcement, the commencement of an investigation may be delayed temporarily until after the initial stages of criminal investigation. Police and criminal or civil justice procedures, findings, or outcomes are not determinative of either these complaint procedures or institutional corrective action procedures. Additionally, MD Anderson will not wait for criminal or civil justice outcomes to take appropriate action.

UT Police Responsibilities: In cases

where an incident of a sexual nature is reported to UT Police, the police will advise the alleged party of their right to file a complaint. The police may share your report and related records (as permitted by state and federal law to the extent such access does not compromise any criminal investigation) with the Title IX Office/EEO & HR Regulations Department, with the exception of when you use a pseudonym form under the Code of Criminal Procedure for incidents of sexual assault, stalking, family violence, and human trafficking. In those instances, where a pseudonym form is used, the police will only report the type of incident to the Title IX Coordinator but not any information identifying you.

To the extent possible, the Title IX Office/EEO and HR Regulations Department should coordinate with any other ongoing or criminal investigations of the incident and establish appropriate fact-finding roles for each investigator.

The complainant and respondent may present any document, witness or information that is believed to be relevant to the complaint. The EEO and Employment Regulations Specialist will review any relevant evidence. The EEO and Employment Regulations Specialist also will interview the complainant, the respondent, and any relevant witnesses. Prior to meeting with the respondent, the EEO and Employment Regulations Specialist will contact and provide written notification to the respondent regarding parties involved, incident



date(s), incident location(s) and a description of the sexual misconduct incident(s) reported. At least three business days after the written notification is provided, the EEO and Employment Regulations Specialist will request a meeting with the respondent.

The investigation of a complaint will be concluded as soon as possible after receipt of the complaint. The complainant, respondent and any necessary parties will be provided updates on the progress of an investigation as needed. Upon completion of an investigation, an EEO and Employment Regulations Specialist will render a finding by applying the standard of evidence described below to the information gathered during the course of the investigation. Information considered may include witness statements, applicable policies, documentation provided or gathered, photographs, emails and text messages.

If the informal resolution processes was initially utilized, the EEO and Employment Regulations Specialist may consider information obtained during that process within the course of a formal complaint investigation.

Upon completion of the investigation, the EEO and Employment Regulations Specialist will draft a report to include findings of facts and a preliminary determination of whether the policy was violated.

The Title IX Coordinator/Director of EEO and HR Regulations or

their designee may accept, reject or modify the determination or direct further investigation. If further investigation is directed, the EEO and Employment Regulations Specialist may modify the investigation report and forward it to the Title IX Coordinator/Director of EEO and HR Regulations or their designee for approval.

If it's determined that a violation did not occur, the EEO and Employment Regulations Specialist will notify the appropriate administrator with authority over the respondent (i.e., manager, Department Chairs, SHP Dean, Vice President of Education and Training) of the no violation finding. The EEO and Employment Regulations Specialist also will provide the complainant and the respondent with the determination, with any redactions required for compliance with the Family Education Rights and Privacy Act (FERPA) and Texas Education Code, Sec. 51.971.

If it's determined that a violation of the policy occurred, the Title IX Coordinator/Director of EEO and HR Regulations or their designee will forward the approved investigation report to the appropriate administrator over the respondent for action. Prior to implementing any corrective or remedial actions, the appropriate administrator will consult with the Title IX Coordinator/Director of EEO and HR Regulations or their designee and provide the complainant and the respondent

with the findings including any redactions required for compliance with the Family Education Rights and Privacy Act (FERPA) and Texas Education Code, Sec. 51.971.

The complainant and respondent will be informed concurrently in writing of the final determination.

Time limitations in these procedures may be modified by the Title IX Coordinator/Director of EEO and HR Regulations or their designee, or appropriate administrator, on a written showing of good cause. All parties will be informed of the basis of the delay.

In certain situations, an individual may wish to resolve the situation through an informal process without the need of a full, formal investigation. If informal assistance is deemed appropriate by the Title IX Coordinator/Director of EEO and HR Regulations or their designee, then the individual will be provided assistance in informally resolving the alleged sexual misconduct. Assistance may include providing the complainant with strategies for communicating with the offending party that their behavior is unwelcomed and should cease, directing an MD Anderson official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, MD Anderson may take more formal action, including corrective action, to ensure an environment free of sexual misconduct. A complainant may use this option instead of or before filing a formal complaint, but is not

required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that they have been subjected to sexual misconduct may immediately file a formal complaint or switch from an informal to a formal complaint. An individual wishing to use the informal resolution process should contact the Title IX Office/EEO and HR Regulations Department. The Title IX Coordinator/Director of EEO and HR Regulations Department will review the information provided by the Complainant, which will include the Complainant's preferred resolution method. The Title IX Coordinator/ Director of EEO and HR Regulations Department will determine whether the complaint is eligible for informal resolution. If informal resolution is deemed appropriate, the Title IX Office/EEO and HR Regulations Department will provide assistance in informally resolving the alleged Sexual Misconduct. Informal resolutions will be concluded as soon as possible. Documentation regarding the informal resolution will be maintained by the Title IX Office/EEO and HR Regulations Department.

The proceedings for sex offenses, including dating violence, domestic violence, sexual assault and stalking:

- will include a prompt, fair and impartial process from the initial investigation to the final resolution that is completed within reasonably prompt timeframes as designated by institutional policies, including a process that allows for the

extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay;

- will be conducted in a manner that is consistent with institutional policies and is transparent to the complainant and the respondent;
- will be conducted by officials with requisite training in sex offense and domestic violence related crimes, as mandated by the Clery Act (MD Anderson officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues as well as how to conduct an investigation that protects the safety of the complainant and promotes accountability.);
- will ensure the complainant and the respondent will have timely notice for meetings at which the complainant or respondent may be present;
- will provide the complainant and respondent the same opportunities to have the other present during any institutional corrective action proceeding, including the opportunity to be accompanied by an advisor of their choice;
- will not limit the choice of their respective advisor or their presence at any disciplinary action proceeding, except to the extent MD Anderson seeks

to equally restrict the advisors' participation in any proceeding;

- will ensure the complainant, the respondent and appropriate officials have timely and equal access to any information that will be used during formal and informal corrective action meetings;
- will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent; and
- will provide simultaneous notice to the complainant and respondent of the results of the proceeding, the appellate options available, any changes to the result and when such results will become final.

## 5. Standard of Evidence

The standard of evidence utilized during institutional disciplinary action proceedings arising from an allegation of dating violence, domestic violence, sexual assault or stalking is the preponderance of the evidence. This standard is satisfied if the action is deemed more likely to have occurred than not.

## 6. Possible Sanctions

Workforce members and students who engage in the prohibited behavior of dating violence, domestic violence, sexual assault or stalking under [MD Anderson Institutional Policy ADM0285, Sexual Misconduct Prevention Policy](#) are subject to corrective action.

1. Possible Sanctions and Remedies for Student Respondents:

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

2. Possible Sanctions and Remedies for Workforce Member Respondents:

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

Disciplinary action proceedings that may take place pursuant to these policies will be conducted in accordance with MD Anderson Institutional Policies [ACA0059, Termination of Employment of a Faculty Member Policy, ADM0256, Corrective Action Policy](#) and [ACA1264, The School of Health Professions Conduct and Discipline Policy](#).

UT Police may issue a No Contact Order, if deemed appropriate. If it’s determined that such order has been violated, appropriate sanctions may be imposed to the individual found responsible for violating the No Contact Order.

**7. Range of Protective and Supportive Measures Available**

MD Anderson will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of sexual misconduct with or without the filing of a formal complaint, when applicable.

Protective and supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related

adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, mutual restrictions on contact between the parties, change in work locations, leaves of absences, increased security and monitoring of certain areas of the Institution, or other similar measures tailored to the individualized needs of the parties.

Supportive measures are non-disciplinary and non-punitive measures that don’t unreasonably burden the other party. Any disciplinary or punitive measures may only be implemented following the conclusion of the sexual misconduct process, unless an emergency removal is appropriate in a Title IX case.

MD Anderson will maintain the confidentiality of supportive measures provided to the parties, to the extent that maintaining such confidentiality doesn’t impair the ability of MD Anderson to provide the supportive measures.

## Protective Orders

People often use the terms “restraining orders” and “protective orders” interchangeably, however, there is a crucial distinction between the two orders.

A restraining order typically is used to dictate to parties on either side of a lawsuit or court case what they can and can’t do. Restraining orders can be written to protect a person or property; can be ordered by a court for many different types of situations; and has civil penalties if violated.

A protective order is a legal order issued by a state court which requires one person to stop

harming another. The order can also place other restrictions, such as ordering the respondent not to have any contact with the victim, the victim’s family, or any member of the victim’s household. A violation of a protective order can result in criminal charges and arrest.

In Texas, there are protective orders based on family violence and based on sexual assault or abuse, stalking or trafficking.

MD Anderson complies with Texas law in recognizing restraining orders and protective orders. Any person who obtains restraining orders or protective orders from

Texas or any reciprocal states should provide a copy to UT Police and MD Anderson’s Title IX Office/EEO and HR Regulations Department.

A victim may meet with UT Police to develop a Safety Plan to reduce the risk of harm. This may include but is not limited to schedule changes, alternative locations or safety escorts. MD Anderson can’t apply for a restraining order or a protective order for a complainant. The victim is required to apply directly for these orders.

## Family Violence Protective Orders (Tex. Fam. Code Title 4)

A protective order is a lawsuit that is filed in family court (like a divorce) and must be reviewed and issued by a judge.

A protective order can require the respondent to: stay away from the victim’s home, school, or childcare facility, workplace or business; stop communicating directly or indirectly (through another person) with the victim, the victim’s family or any member of the victim’s household in a threatening or harassing manner; not remove, harm, threaten or interfere with the care, custody, or control of a pet, companion animal or assistance animal from the possession of the victim, the victim’s family, or any member of the victim’s household.

If the respondent violates the order, the respondent can be charged with a criminal offense and arrested.

In Harris County, a protective order can be obtained through the Office of the District Attorney (DA’s Office). When applying for the order through the DA’s Office, the victim can then meet with a specially trained family violence caseworker or social worker to assist in the process. Once the filing of the order is approved by the prosecutor, the application is filed in family court and a court date will be set.

There are several things that must be proved to obtain a protective order through the DA’s Office: that

the DA’s Office has jurisdiction (meaning that either the victim or the respondent lives in Harris County, or that the violence occurred in Harris County); that the victim had a dating, family or household relationship with the respondent; that the respondent was personally served (The respondent can be served at home, at work, at a probation or parole appointment, or during a court date.); that family violence occurred; that family violence is likely to continue in the future; and that a divorce or custody case is not pending (meaning that in order to be represented by the DA’s Office, no divorce or custody case can actually be filed).

## Temporary Protective Ex Parte Order

A temporary ex parte order is a court order designed to provide the victim, the victim's family or any member of the victim's household with immediate protection from the respondent. A temporary ex parte order can be obtained without the respondent present in court. To get a temporary ex parte order,

the judge has to believe that the respondent presents a clear and present danger to the victim, the victim's family, or any member of the victim's household. The judge will make this decision based upon the information included in the application for a protective order.

A temporary ex parte order lasts for the period stated in the order, usually up to 20 days. If requested or if the judge decides to extend, the temporary ex parte order can be extended for additional 20-day periods.

## Final Protective Order

A final protective order is effective for the period stated in the order, which generally may be up to a maximum of two years. If there is no time period written on the order, then it expires on the second anniversary of the date the order was issued.

## Magistrate's Order (Emergency Protection Order)

A magistrate's order for emergency protection is issued by the criminal court after the respondent is arrested for committing family violence, sexual assault, sexual abuse, stalking or trafficking.

The victim doesn't need to be present in the courtroom for this type of order to be issued. The magistrate can decide to issue this order based upon the request of the victim, if present; or upon the

request of the victim's guardian, a police officer or the state attorney/prosecutor; or upon the magistrate's own decision. However, if the crime involved family violence that resulted in serious physical injury or if the respondent used or displayed a deadly weapon while committing a family violence assault, the magistrate must issue this order even if no one specifically requests it.

A magistrate's order for emergency protection is usually good for 31-61 days. However, if the respondent was arrested for a crime that involves family violence where the respondent used or displayed a deadly weapon when committing the assault, the order would be good for between 61-91 days.

## Protective Orders for Victims of Sexual Assault or Abuse, Stalking or Trafficking

### (Texas C.C.P. Art. 7A)

This order is a court order that is designed to protect a victim of sexual assault or other sexual offenses, stalking or trafficking, regardless of the relationship between the victim and the offender. An application for a protective order can be filed in district court, juvenile court, statutory county court or constitutional county court. It can be filed in the county where the victim resides, where the offender resides, or any county where an element of the crime occurred. In addition, if there is a current family violence protective order between the same parties that would be involved in this protective order, the victim has the option of filing it in that court as well.

A sexual assault or abuse, stalking, or trafficking protective order can require the offender to:

- stop doing anything that is reasonably likely to harass, annoy, alarm, abuse, torment or embarrass the victim, the victim's family or any member of the victim's household;
- stop communicating directly or indirectly (through another person) with the victim, the victim's family or any member of the victim's household in a harassing manner;
- stay away from the victim's home, school, childcare facility, workplace or business;
- turn over any firearms in their

possession to law enforcement (unless the person is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency) and the judge can suspend their license to carry a concealed handgun; and/or

- take other actions that the judge decides are necessary to reduce the likelihood of future harm to the victim, the victim's family, or any member of the victim's household.

The same restrictions can be applied to the victim's family, or any member of the victim's household.

### Temporary Ex Parte Order

The court can grant a temporary ex parte (emergency) protective order for sexual assault or abuse, stalking or trafficking that would last until a full court hearing. An ex parte order may be granted if there is a clear and present danger to the victim of sexual

assault or abuse, stalking, trafficking or other harm. The order can protect the victim, the victim's family, or any member of the victim's household.

### Protective Order (After a Hearing)

The judge will hold a hearing where both the victim and the offender have the right to attend, offer evidence, testimony, witnesses, etc. At this hearing, the judge will decide whether there are reasonable grounds to believe that the requestor is the victim of sexual assault or abuse, stalking, or trafficking.

If the judge grants a protective order after a hearing, the order can last for as long as the lifetime of the offender or the victim, or for any shorter period specifically stated in the order. If the order doesn't state the termination date, the order ends two years after the date it was issued.

## Where to Obtain Protective Orders in Harris County:

### Harris County District Attorney's Office - Family Criminal Law Division

Monday-Friday, 7 a.m.-5 p.m.  
1310 Prairie St.  
713-274-0212

### Aid to Victims of Domestic Abuse - AVDA

Monday-Friday, 8 a.m.-5 p.m.  
1001 Texas Ave., Suite 600  
713-224-9911

### Houston Volunteer Lawyers

Monday-Friday, 8:30 a.m.-4:30 p.m.  
1111 Bagby St., Suite FLB300  
713-228-0735  
[info@hvlp.org](mailto:info@hvlp.org)

## Criminal Trespass Warning

A criminal trespass warning is an interim protective measure issued by UT Police directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the alleged offender to leave the premises and forbids them from entering and/or remaining on certain property, which can cover either the entire campus or a

specific campus location. To request a criminal trespass warning, contact UT Police at 713-792-2890 and request to speak with an officer. The officer issues the criminal trespass warning if the alleged offender is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law. When the warning is issued, the officer is responsible for providing notice

to the requestor and the person receiving the warning.

If a criminal trespass warning is violated, UT Police should be contacted immediately. UT Police generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or a fine.

## Notification to Victims of Crimes of Violence

MD Anderson will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary or corrective action proceeding conducted by MD Anderson against a student who is the alleged respondent of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### Educational Programs and Campaigns

UT Police and MD Anderson engage in comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking which:

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

institutional, community and societal levels.

UT Police and MD Anderson have education programs to promote the awareness and prevention of domestic violence, dating violence, stalking and sexual assault. MD Anderson provides both primary prevention and awareness programs as well as ongoing prevention and awareness campaigns for workforce members and students, including:

- Sexual Misconduct Prevention Training: Annual online training for workforce members and students.
- New Student Orientation

Programs: In-person trainings administered to new students.

- Employment Laws and Practices Training: Online training required of employees and students during orientation, and thereafter on a biennial basis.
- Conflict in Relationships – Breaking the Cycle of Abuse: This course familiarizes attendees with laws associated with family violence, dating violence, sexual assault and stalking. Guidance is provided on how to recognize the signs of intimate partner violence, the significance of early action and reporting options.
- Rape Aggression Defense: The course is taught by certified instructors associated with UT Police. A lecture, discussion and demonstration of hands-on self-defense practices are provided.
- Verbal Defense and Influence Course: The course teaches individuals to defend and deflect words with proven strategies that can turn a heated conversation to their advantage while keeping tension to a minimum.
- General Campus Safety: The course provides general safety tips on how to minimize the risk of being a potential target or victim, and community resources that aim to curtail crime.
- Travel Safety: The course provides guidance and best practices for safe travels. The individual will learn how to pack, increase their security during hotel stay, avoid scams

and minimize the risk of being a potential target.

- Empowered Living Class Focused on Intimate Partner Toxicity: Session content includes aspects of toxic relationships, common mistakes/ myths, seeking love and happiness in the wrong places, and recognizing signs of abuse and learning about domestic violence indicators.
- Title IX Office Brochure distribution.
- Employee Notes articles communicating the educational programs and campaigns available.
- Presentations to various groups, including the Shared Governance Committee of the School of Health Professions, the Executive Committee of the Faculty Senate, the Steering Committee of HR, HR Business Partners, and the HR Service Center.

These primary and ongoing prevention and awareness training courses and campaigns include:

- A statement that MD Anderson prohibits domestic violence, dating violence, sexual assault and stalking;
- Definitions of “dating violence,” “domestic violence,” “sexual assault,” “stalking” and “consent”;
- A description of safe and positive options for bystander intervention;
- Information on risk reduction; and

- Education on equal opportunity laws and policies, including discrimination, workplace accommodation and retaliation.

Workforce members and students who retaliate in any way against an individual who has brought a complaint pursuant to the sexual misconduct institutional policies, or against an individual who has participated in an investigation of a complaint are subject to corrective action up to and including termination or dismissal. See MD Anderson Institutional Policy [ADM3384, Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy](#) and [ADM0254 Non-Retaliation Policy](#).

MD Anderson has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence and stalking, including informing individuals about their right to file criminal charges as well as providing written notification to workforce members and students about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

In addition, MD Anderson will provide written notification to victims about options for, available assistance in, and how to request changes in academic, living, transportation and working situations or protective measures.



MD Anderson will provide such accommodations or protective measures if the victim requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. MD Anderson will provide supportive measures related to Title IX complaints.

Workforce members and students should contact the Title IX Office/EEO and HR Regulations Department at 713-745-6947. Examples of options for a potential change to an academic situation may include a transfer to a different section of a class or withdraw if there is no option to transfer. Possible changes to work situations may include altering working hours. Possible changes in transportation may include parking in a different location or being assisted with a safety escort by UT Police. To request changes to academic, transportation and/or working situations, contact the Title IX Office/EEO and HR Regulations Department at 713-745-6947.

### Risk Reduction

MD Anderson engages in risk reduction strategies emphasizing the collective responsibility of the MD Anderson community to reduce the risk of sexual misconduct. This includes a prevention and education program about sexual misconduct that includes bystander intervention training that enables all workforce members and students to take a

role in preventing and interrupting incidents of sexual misconduct.

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

- Be aware of your surroundings. Know where you are and who is around you.
- Try to avoid isolated areas. It's more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you're going, act like you do.
- Trust your instincts.
- Try not to load yourself down with packages or bags.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or know.
- Avoid putting music headphones in both ears, especially if you're walking alone.
- When you go to a social gathering, go with a group, check in with each other and leave together.
- If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink

unattended. If you've left your drink alone, get a new one.

- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, watch it being poured and carry it yourself. Don't drink from punch bowls or other large common open containers.
- Watch out for your companions, and vice versa. If someone seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect someone (including yourself) has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give the correct tests.
- If you need to get out of an uncomfortable situation, here are some things to remember:
  - a. Don't feel obligated to do anything you don't want to do.
  - b. Have a code word with others so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. They can then come to get you or make up an excuse for you to leave.
  - c. Lie. If you don't want to hurt the person's feelings, it's better to lie and make up a reason to leave than to stay and be uncomfortable.

- Try to think of an escape route. Are there people around who might be able to help you?
- 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.

## How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual assaults, domestic violence, dating violence and stalking. MD Anderson is committed to promoting shared accountability where bystanders are engaged in the prevention and intervention of prohibited conduct. As such, all workforce members and students are responsible for protecting MD Anderson’s working and learning environment:

- Recognize the signs of potential harm.
- Understand the structures and conditions that can facilitate violence.
- Identify safe and effective intervention options, which may include: stopping an incident from occurring or continuing, providing assistance to an incapacitated individual, defusing a situation, creating a distraction and/or requesting assistance from others.
- Report it or encourage the victim to report it.
- Participate in resulting investigations.
- Don’t put yourself in harm’s way. Call UT Police at 713-792-2890 or law enforcement at 911.

## Sexual Assault Investigative Guarantee

If you have been a victim of dating violence, domestic violence, sexual assault or stalking, you have the right to report the assault to UT Police. As an encouragement to report sexual assaults, UT Police is committed to the following:

- We will meet with you privately, and you may be accompanied by a personal advocate.
- We will provide either a male or female officer to correspond with the complainant’s gender or preference to conduct the initial interview, if requested and if one is available.
- We will fully investigate your case, regardless of the gender, race, ethnicity, sexual orientation, age, national origin or religion of the parties involved.
- We will not judge you or your actions. Assault victims are not responsible for the criminal actions of others.
- We will treat you and your case with courtesy, sensitivity, respect and understanding.
- We will assist you in arranging for your medical needs and/or hospital treatment.
- We will provide you with advocate and counseling referral information.
- We will discuss and explain the criminal justice process. We will keep you informed as to the progress of the investigation, which may include the arrest and prosecution of the offender.
- We will take all necessary and available steps to protect the confidentiality of you and necessary parties. We will not release your name to the public or to the press.
- We will be available to answer your questions as the process of the investigation and prosecution unfolds.

## Confidentiality

MD Anderson will not disclose externally and will keep confidential all personally identifying information about complainants, to the extent permitted by law. In addition, MD Anderson will maintain as confidential any accommodations or protective measures provided

to a complainant of a domestic violence, dating violence, sexual assault or stalking crime, to the extent that maintaining such confidentiality would not impair MD Anderson's ability to provide the accommodations or protective measures.

MD Anderson will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in Sec. 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

## Offender Registration Requirements for Campuses

MD Anderson workforce members and students are required to disclose in writing to their supervisors any arrests for and/or criminal charges of all misdemeanor or felony offenses (other than minor traffic violations); any misdemeanor or felony convictions and/or deferrals of adjudication; community supervision and/or other pre-trial diversion or disposition (other than minor traffic violations); and whether they are registered or will be required to register as a sex offender within five business days of occurrence.

Every person who is required to register in Texas as a sex offender must register within five days with

UT Police if they:

- reside on MD Anderson campus property,
- are enrolled as an MD Anderson student (including extension classes), or
- are a full- or part-time workforce member at MD Anderson with or without compensation, including volunteers, or carries on a vocation, attends school or is a visitor to MD Anderson.

A registered sex offender who has any campus affiliation (e.g., workforce member, student, volunteer) must also notify UT Police within seven working days of ceasing to be enrolled

or employed, ceasing to carry on a vocation at MD Anderson or changing their address.

Campus-affiliated registration of sex offenders will be conducted at UT Police offices. Persons required to register must do so in person Monday through Friday (excluding holidays), between 8 a.m. and 5 p.m. Registrations will be handled by appointment only; call 713-792-4108 to schedule an appointment.



Police Officers Alvin Cameron and Lucile Santibañez.

## Public Access to Sex Offender Data

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 local law enforcement authority of the city they reside in or, if the sex offender doesn't reside in a city, with the local law enforcement authority of the county they reside in. The U.S. Department of Justice has created a publicly accessible Internet-based national sex offender database that allows users to specify a search radius across state lines. The Dru Sjodin National Sex Offender Public Website is accessible at [www.nsopw.gov](http://www.nsopw.gov). You also may search for information regarding registered sex offenders at the Texas Department of Public Safety website at <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

Upon registration of an offender, UT Police forwards a notice and identifying information to campus security officials.

Additionally, UT Police maintains links to local, county, state and

federal agency websites that provide public access to data regarding registered sex offenders.

Reminder: Information contained under laws associated with registered sex offenders may not be used to harass, discriminate or commit a crime against any person who has been identified as a sex offender. Public safety is best served when registered sex offenders are not concealing their location.

Campus-affiliated registered sex offender information is available for inspection by members of the campus community at UT Police offices by appointment during normal business hours; call 713-792-4108 for more information. Police may release sex offender information relating to campus-affiliated registered sex offenders to any member of the campus community if the requesting individual is:

- over 18;
- a member of the campus community (e.g., workforce member, student, volunteer);
- not themselves a registered sex offender;
- willing to certify in writing to the understanding that the release of registered sex offender information is for the purpose of allowing members of the campus community to protect themselves and their families from sex offenders;
- willing to certify to the understanding that it's illegal to use the registered sex offender

registration information to harass, discriminate or commit a crime against any person who has been identified as a sex offender; and

- willing to sign a "Registered Sex Offender View Form".

Registered sex offender information available for public viewing includes:

- name and known aliases;
- age, date of birth, gender and race;
- physical description (including scars, marks and tattoos);
- photograph (if available);
- crimes that were the basis for the registration requirement; and
- date of last registration.

Sec. 121 of the Adam Walsh Child Protection and Safety Act of 2006 establishes the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program to provide for notification to the Attorney General, relevant jurisdictions, law enforcement agencies, social service entities, volunteer organizations and other entities immediately after a sex offender registers or updates a registration.

## Campus Sex Offender Disclosure

UT Police may proactively or reactively release any portion of the following information when a peace officer reasonably suspects, based upon information that has come to their attention, that a child or other person may be at risk due to the presence of a high-risk registered sex offender who is in the campus community:

- name and known aliases;
- age, date of birth, gender and race;
- physical description (including scars, marks and tattoos);
- photograph (if available);
- crimes that were the basis for the registration requirement;
- residential address (must be verified by law enforcement prior to release);
- description and license plate number of offender's vehicle;
- type of victim targeted by the offender;
- relevant parole or probation conditions;
- dates of crimes resulting in classification;
- date of release from confinement; and
- offender's employment, vocation or student status with MD Anderson.

Celebrating diversity is practiced by all levels of our department. Employees are involved in the Diversity Council, the Organization for Women, and the Organization for Multicultural Employees, among others. Events celebrated department wide include those planned for the Diversity Celebration Month, Pride Month, Black History Month, and National Hispanic Heritage Month.



# Emergency Response and Evacuation

MD Anderson is committed to maintaining a safe and injury-free environment for its workforce members, patients, students and visitors through effective emergency management. Effective emergency management must address mitigation, preparedness, response and recovery from disasters that can affect the environment of care at MD Anderson.

If there is an immediate on-campus threat to the health or safety of MD Anderson workforce members or students, MD Anderson must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a Timely Warning based on the same circumstances; however, adequate follow-up information must be provided to the community as needed.

To prepare for and mitigate effects of disasters, MD Anderson has developed an institutional Emergency Operations Plan (EOP) to guide and direct personnel response during disasters. This plan employs a command structure or Incident Command System (ICS) composed of an all-hazard main plan supplemented by event- or incident-specific plans. Complementing this structure is a protocol for pre-planning emergency communications and warnings, workforce members' roles and responsibilities, post-event actions, deactivation,

threat-specific actions and procedures; and training. This plan also incorporates the principles and concepts of the National Incident Management System (NIMS) in a manner consistent with the MD Anderson community and its surroundings.

The institutional EOP addresses seven critical functional areas: communications; resources and assets; safety and security; workforce members' roles and responsibilities; utilities management; patient care; and disaster volunteer management. The institutional EOP is designed to effectively mitigate, prepare for, respond to and recover from hazards facing the institution during and after an emergency.

The institutional EOP applies institution-wide to all buildings or properties owned, operated or controlled by MD Anderson, including its Houston-area locations. The Bastrop and Smithville Science Park Campuses are not included in the institutional EOP. Those campuses have their own site-specific plans.

The institutional EOP is written in accordance with both internal and external standards and guidelines such as The Joint Commission (TJC) and the Centers for Medicare and Medicaid Services (CMS).

The institutional EOP is based on the ICS structure consisting of an all-hazard plan supported by incident-specific plans and

appendices. These plans drill down on specific processes to follow during specific incidents. The institutional EOP:

- Provides a plan for responding to an emergency incident;
- Documents preparations made for unforeseen disasters;
- Protects patients, visitors, personnel and property by establishing and testing proper response measures; and
- Maintains hospital, research and administrative operations by defining a recovery plan and actions during an emergency incident.

The institutional EOP and the incident specific plans are available on MD Anderson's intranet site.

MD Anderson also recommends that departments have a departmental emergency plan, a business continuity plan, or both, depending on the department's functions, criticality and operational needs. These plans outline actions at the departmental level that are required to maintain or resume normal operations after an emergency. Templates for a department emergency plan and business continuity plan are available on the intranet site for any department to download and complete.

Institutional incident-specific plans include:

- All Violent Threats Plan
- Chilled Water Failure Plan
- Cybersecurity Response Plan

- Flood and Rain Plan
- Freeze Response Plan
- HAZMAT Plan
- Hurricane Response Plan
- Medical Gas Failure Plan
- Natural Gas Failure Plan
- Outbreak Plan
- Personal Preparedness Plan
- Power Preparedness Plan
- Tornado and High Wind Plan

In addition to emergency plans, fire plans and evacuation procedures are located online on the Environmental Health, Safety, Sustainability and Emergency Management (EHSSEM) intranet website. Fire and evacuation plans will differ depending on the classification of the relevant space (health care, ambulatory or business).

Depending on the type of emergency, MD Anderson may activate either a defend-in-place protocol or an evacuation. Each department is required to train its workforce members on evacuation responses. If the defend-in-place strategy is not possible, departments can choose to evacuate. Evacuations can occur horizontally to a safe zone on the same floor, or vertically to a floor below the site of the emergency.

MD Anderson is a “Shelter in Place” facility with regard to an emergency in patient care buildings. While damage and impact to the facility would be isolated as much as possible,

movement away from the incident may be necessary to protect patients and visitors, as well faculty, trainees/students and other members of MD Anderson’s workforce. If horizontal movement away from the incident is not possible, movement to another floor or building may be necessary until the incident is contained.

Non-ambulatory and critical patients will be evacuated as appropriate according to their needs.

In the event a total evacuation is needed, ICS will organize, manage and direct the evacuation to ensure the safety of workforce members, students and patients. Depending on its condition, Mays Clinic may function as a secondary treatment site or a secondary evacuation location.

Non-patient-care areas should follow evacuation procedures specific to their department’s emergency plan. Building- or property-specific instructions related to emergency evacuations are available on [MD Anderson’s intranet site](#) (credentials required).

Smithville and Bastrop Campuses may evacuate due to wildfires or other hazards. Their emergency plans are tested annually and are housed at their specific campus locations.

The evacuation process is publicized on emergency badge cards that are provided to all employees. New employees receive the cards during New

Employee Orientation. Detailed fire evacuation plans are published on the Environmental Health and Safety intranet site. Education also is provided to employees during MD Anderson’s Employee Education Event, during fire drills and through Emergency Management Training.

Evacuation information also is available in the “Safety & Emergency” section of the MD Anderson Employee App. The following is the information available in the app:

- Defend in Place – Evacuate horizontally to the next smoke compartment (safe zone) and evacuate vertically if horizontal evacuation is not possible.
- Partial Evacuations – Evacuate to a safe distance from the incident. Move patients, visitors, and personnel horizontally to a safe zone (beyond smoke or fire doors) on the same floor, or to another building.
- Total Evacuations – Use stairwells for evacuations. Move patients, visitors and personnel horizontally or vertically to another building. Move non-ambulatory patients using Evacused. Rally at your department’s designated rally point.

In the event of an emergency, health care providers should be aware of how many patients are on oxygen in their areas, and know who is responsible for shutting off the supply of medical gas, including oxygen. Where anesthesia is

provided, the anesthesia provider may cut off the supply of medical gas, including oxygen, in an emergency situation. All health care providers should be able to locate the medical gas shut-off valves in their areas.

In the case of a fire: rescue patients, visitors and employees from immediate danger; alarm using manual pull stations; confine the fire by closing all doors; and extinguish, if capable, or evacuate. Manual pull stations and fire extinguishers are located near exit stairwells and other central

locations. If capable of using an extinguisher, remember P.A.S.S.: Pull the pin; Aim the nozzle at the base of the fire; Squeeze the handle; and Sweep the nozzle side to side.

In the event of hazardous material spills or exposures, follow institutional spill procedures. If an employee is not capable of cleaning a spill, they can request assistance by calling 713-563-5000. If material is splashed or spilled on you, immediately flush the exposed area with water for at least 15 minutes, and then complete an Employee Accident Report, available on the

EHSSEM intranet site. Staff should be able to access Safety Data Sheet (SDS) information in their areas. SDS are available online at <http://hq.msdonline.com/mdanderson/>.

Note: Emergency responses and evacuation procedures will be handled in accordance with MD Anderson's institutional EOP. Timely and emergency communications will be handled in accordance with [MD Anderson Institutional Policy ADM1097, Emergency Notification Policy](#).

## Internal Emergency Management Policy and Guidelines

[MD Anderson Institutional Policy ADM1282: Emergency Management Program Policy](#).

[MD Anderson Institutional Policy ADM0297: Employee Reporting Requirements During Emergency Conditions Policy](#).

[MD Anderson Institutional Policy ADM1097: Emergency Notification Policy](#).

## External Requirements and Guidelines

### The Joint Commission

The Joint Commission is an independent, not-for-profit organization that provides hospital accreditation standards. The Joint Commission is the nation's oldest and largest standards-setting and accrediting body in health care. It seeks to continuously improve the safety and quality of care provided to the public through the provision of health care accreditation and related services that support performance improvement in health care organizations.

### Centers for Medicare and Medicaid Services (CMS)

To participate in and receive payment from the Medicare or Medicaid programs, a health care organization must meet the eligibility requirements for program participation, including a certification of compliance with federal regulations. This certification is based on a survey conducted by a state agency on behalf of the Centers for Medicare & Medicaid Services (CMS). The Joint Commission has "deeming" authority to conduct this survey on behalf of the state agency/CMS.



## Emergency Management Training

Emergency Management Training, which includes specific instructions on how to sign up for MD Anderson's mass notification system and other important information about specific events and evacuation procedures, is available in MD Anderson's Education Center to all workforce members and students. Emergency Management Training is updated on an annual basis.

There are two versions of Emergency Management Training housed within MD Anderson's Education Center; one version is for managers, and the other is for all other personnel at MD Anderson. This online platform provides an effective way for the workforce and students to learn about ICS, NIMS,

and emergency procedures at MD Anderson.

If an MD Anderson workforce member has or is assigned an active role within Incident Command as an Incident Commander or Section Chief, they are required to take two additional sections of training. The first is an instructor-led course called Phase 1 Training, and the second is a series of four FEMA courses. This required ICS training is searchable by using keywords such as "emergency management" and "FEMA" in MD Anderson's Education Center.

The required FEMA courses are:

- IS-100 Introduction to Incident Command System;
- IS-200 Basic Incident Command

System for Initial Response (formerly known as IS-200 HCA);

- IS-700 An Introduction to the National Incident Management System; and
- IS-800 National Response Framework, an Introduction.

All other ICS staff are encouraged to take those trainings.

Tabletop exercises are also conducted with the Incident Command team. Topics covered include active shooter scenarios, hurricane preparation and cybersecurity.

## Emergency Notification System

MD Anderson makes every effort to alert workforce members and students to an approaching or imminent threat or emergency using a mass notification system.

This system is capable of disseminating emergency notifications simultaneously through multiple devices and portals, including business phones, email, cell phones and pagers designated by workforce members and students. It also can send updates as needed.

Institutional devices, shared devices and institutional email addresses are automatically included in the mass notification system. However,

personal cell phone numbers must be entered into PeopleSoft to receive these emergency notifications via personal cell phones. To update or add contact information into PeopleSoft to receive emergency notifications:

- Log on to myHR;
- Select "myHR for Employees" from the main menu;
- Select "Personal Information";
- Select "Phone Numbers";
- Select "Add Phone Number";
- Select "Mobile" from the drop-down menu; and
- Add your cell phone number.

An automatic download from PeopleSoft to the mass notification system happens once a week. MD Anderson doesn't require the public to sign up for notifications, but contractors and other UT System members may be manually enrolled as needed. Instructions on how to enter cell phone numbers in the system are disseminated through Employee Notes articles. In addition, the Emergency Management Training for workforce members also covers how to enter a mobile number online to receive emergency notifications.

Depending on the scope of the emergency event and the impact

the event is having, the Incident Commander, in conjunction with the Public Information Officer in the ICS, will determine the appropriate segments of the campus community to receive emergency notifications and will write and disseminate updates on the event. Notifications can be sent to all or to specific groups. Groups can

be broken down by building or property, department or division, job title, etc.

During an emergency event, the Incident Commander or their designee will initiate these notifications and consult with the Public Information Officer for message content, depending

on the urgency. The Incident Commander may elect to disseminate the message directly or route it through the institution's Facilities Operations Center. In most criminal events, the UT Police Officer in Charge (OIC) will initiate emergency message notifications.

## Incident Command Responsibility

A single event or any combination of events can trigger possible emergency level escalation. Escalation decisions are made by the Incident Commander with input of the Executive Leadership Team (ELT).

The Incident Commander is responsible for confirming the existence of an emergency in conjunction with the ELT, local first responders, public health officials and/or the National Weather Service and StormGeo, a weather subscription tool. A weekly email is distributed to approximately three hundred leaders indicating who the Incident Commander is for the week and several other key positions as well as other key weather and utility outage information as needed. When an event occurs, Information Services, Facilities Management, Environmental Health and Safety, UT Police and/or Infection Control may elevate the event to the Incident Commander for full or partial activation of the Incident Command Team. These areas represent MD Anderson's most likely areas of activation

based on the Hazard Vulnerability Assessment that is conducted annually.

Catastrophic events and emergencies at MD Anderson are triaged based on the severity of an event, and its effect on patient care and the health and safety of everyone on campus. The institution's ICS is activated at the onset of an emergency. The ICS uses the institutional EOP to minimize adverse impacts to the institution and to restore operations to normal as quickly as possible.

The following severity levels are used based on impacts to institutional operations:

<p><b>Level 4 – Significant Impact</b> Event is occurring or has occurred</p> <ul style="list-style-type: none"> <li>• All outpatient appointments cancelled until further notice</li> <li>• Research Operations suspended until further notice</li> <li>• Evacuation of buildings or properties may be necessary</li> <li>• Treatments and elective procedures canceled until further notice</li> <li>• Facility is in Lockdown / Shelter in Place mode</li> </ul>
<p><b>Level 3 – Operations Impacted</b> Event is occurring or has occurred</p> <ul style="list-style-type: none"> <li>• Travel to the location may be restricted or impacted</li> <li>• Some degradation of services might have occurred</li> <li>• Controlled Access Plan may be implemented</li> </ul>
<p><b>Level 2 – Warning</b> Escalating event with potential impact</p> <ul style="list-style-type: none"> <li>• Additional positions in Incident Command activated</li> <li>• Communications with a broader group such as Managers, Directors and Supervisors</li> </ul>
<p><b>Level 1 – Watch emerging event with unknown impact</b></p> <ul style="list-style-type: none"> <li>• Limited Incident Command activation to begin preparing for future events</li> <li>• Communications with select groups</li> </ul>
<p><b>Normal Operations</b> No incident is occurring</p>

## Smithville/Bastrop

The Smithville and Bastrop Campuses have separate ICS structures to manage local events, due to their geographical distance from MD Anderson's Texas Medical Center (TMC) campus. However, based on the impact of a local event to the institution, the institutional

ICS may choose to manage the situation, with either location represented in the command staff.

Local escalation decisions for Smithville or Bastrop can be made by the following:

- Vice president of Operations and Facilities

- Sr. Vice President and Chief Scientific Officer
- Director of operations and chair of Veterinary Sciences at Science Park
- Chair of Molecular Carcinogenesis

## Additional Resources for Mass Notification

Beyond the mass notification system described earlier, MD Anderson disseminates emergency information in a timely manner to the campus community using a variety of resources.

Workforce members are reminded throughout the year to access these resources for updates on the institution's response to an emergency event, and for information about when to remain on or off campus and/or return to work following an event.

- **Email** – Specified leaders and institutional communicators have authority to release campus-wide alerts through mass email notifications to everyone with a valid MD Anderson email address.
- **[Emergency Alert Site](#)** – A page on the institution's website is designated for campus emergency notifications, emergency preparedness and evacuation resources.

- **Ride-Out Blog** – Activated in an emergency, this blog on the institution's intranet site is another resource for up-to-the-minute information for workforce members.
- **RING Line** – Alert information is simultaneously made available for workforce members via the institution's RING Line by dialing 2-RING (713-792-7464). The system allows the institution to record messages for workforce members. Smithville and Bastrop Campuses use 855-560-7464 as their toll-free RING Line, with specific sub-lines for each campus.
- **Public Address (PA) System** (TMC Campus) – The PA system provides an audible alert to a building- or property-specific emergency.
- **Visiplex Communication System** (Smithville Campus) – Provides an audible alert to campus workforce members.
- **MDA-TV Channel 20** – This workforce channel can be viewed on the institution's in-house cable network or through a network connection on workforce members' desktop computers. Channel 20 provides news, video broadcasts, headlines, and security and weather alerts.
- **Intranet Homepage** – This offers a consistent flow of information to workforce members through rotating emergency bulletins and news articles.
- **Social Media** – MD Anderson has an institutional presence on social media sites, including Facebook and Twitter, where members of the Strategic Communications team can post notices and alerts relating to a campus emergency.

Follow-up information is distributed using some or all of the identified communication systems. MD Anderson's Public Information Officer may use Twitter, Facebook,

MD Anderson's website and/or local media to disseminate emergency notification information to the larger community. In addition, the Planning & Liaison

Officer may work with SETRAC and the TMC on updates to neighboring hospitals. UT System Risk Management also will be notified of events.

## Testing the Response System

Drills are conducted throughout the year to test various hazard-specific plans and procedures for emergency response. Additional training is conducted based on departmental needs, requests, availability of workforce members and impact to institutional operations.

Fire drills are conducted in accordance to TJC, National Fire Protection Association standards

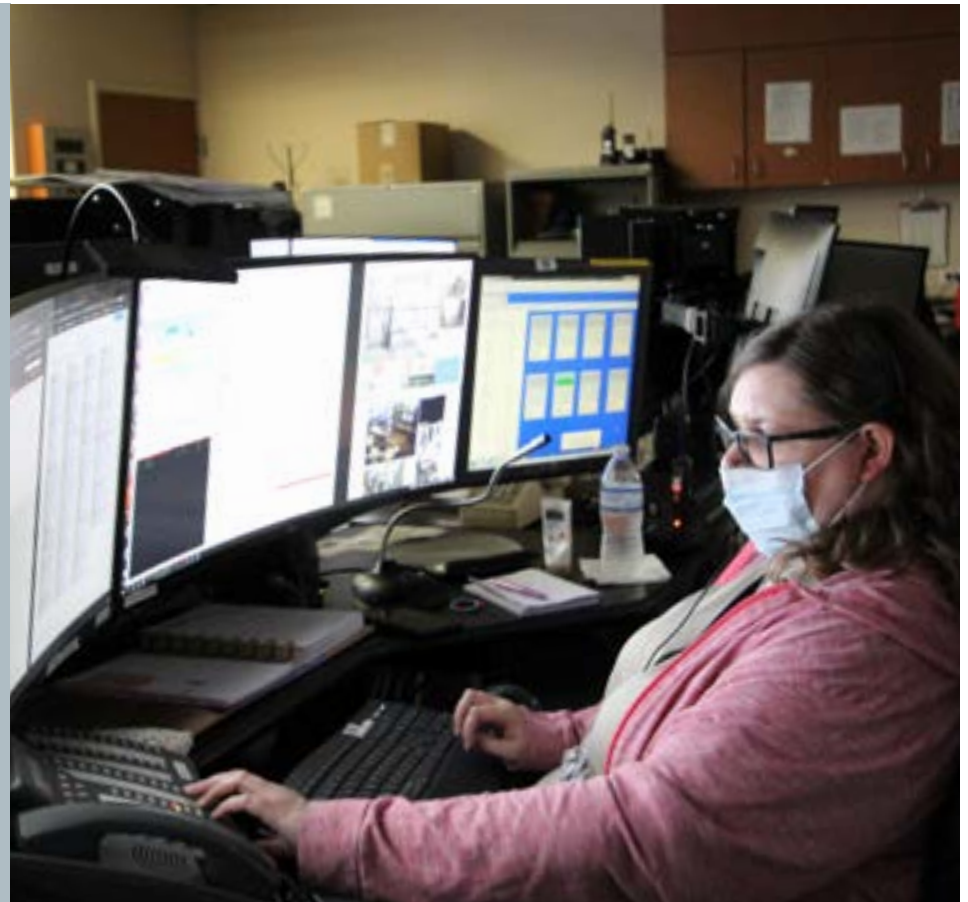
and guidelines for every building or property at MD Anderson. In doing so, fire drills are conducted once per shift per quarter and are unannounced.

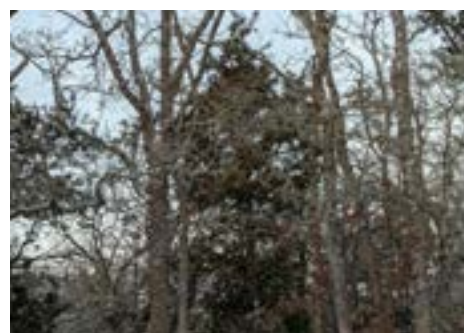
In addition, the PA System is tested twice a year. All workforce members on the TMC Campus can hear the emergency testing notification via the PA system.

Emergency response and

evacuation tests are documented in an After Action Report that documents a description of the exercise, whether the test was announced or unannounced, and the time and date of the test.

The Risk Operations Center is a secure room with a multi-monitor wall and six main work stations, each with three monitors. Support radios, specialized equipment and alarm alert systems aid the team in ensuring safety across MD Anderson. Currently, only three of the workstations at UT Police headquarters are being utilized in order to maintain safe occupational distancing during the COVID-19 pandemic.





# Appendix A: Definitions

**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's 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 committed.)

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

**Burglary (Forcible/Non Forcible)** – The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. **Motor vehicle** is any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

**Murder/Non-negligent Manslaughter** – The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence** – The killing of another person through gross negligence.

**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 in fear.

**Sexual Assault (Sex Offenses)** – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program and the FBI's National Incident-Based Reporting System Data Collection Guidelines edition of the UCR. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.” Attempted sexual assaults are included in this definition.

**a. Consent** – As defined by MD Anderson and utilized for sexual misconduct investigations, is defined as a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act doesn't apply consent to another. Consent to engage in sexual activity with one person doesn't imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity presumes a lack of consent. Consent is not effective if it results from: the use of physical force, a threat of physical force, intimidation, coercion, incapacitation, or any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity. A current or previous dating or sexual relationship, by itself, is not

sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. The definition of consent for the crime of sexual assault in Texas can be found in Sec. 22.011(b) of the Texas Penal Code.

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

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

**d. 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 (includes both males and females).

**e. Sexual Misconduct** – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The terms includes, but is not limited to, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking. The term also includes “Other Inappropriate Sexual Conduct,” as defined by the applicable policy.

**f. Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

## Hate Crimes

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

### Categories of Bias

**Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Ethnicity** – A preformed negative opinion or attitude toward a group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their

actual or perceived gender (e.g., male or female).

**Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (bias against transgender or gender non-conforming individuals).

**National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division

of humankind (e.g., Asians, African Americans, whites).

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic and/or emotional attraction to members of the same and/or opposite sex (e.g., lesbian, gay, bisexual, heterosexual individuals).

### Types of Hate Crimes

For purposes of the annual statistical disclosure, hate crimes include any Clery Act reportable offense listed in the above crime definitions and the following additional offenses:

**Destruction/Damage/Vandalism of Property** (except "Arson") – 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.

**Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft** – The unlawful taking, carrying, leading or riding away of

property from the possession or constructive possession of another. Constructive possession is the condition in which a person doesn't have physical custody or possession, but is in a position to exercise dominion or control over a thing. The following incidents may be classified as Larceny:

a. **Pocket-Picking** – The theft of articles from another person's

physical possession by stealth where the victim usually doesn't become immediately aware of the theft.

**b. Purse-Snatching** – The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person without the use of force or threat of force.

**c. Shoplifting** – The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

**d. Theft from Building** – A theft from within a building that is either open to the general public or where the offender has legal access.

**e. Theft from Coin-Operated Machine or Device** – A theft from a machine or device which is operated or activated by the use of coins.

**f. Theft from Motor Vehicle** – The theft of articles from a motor vehicle, whether locked or unlocked.

**g. Theft of Motor Vehicle Parts or Accessories** – The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.

**h. All Other Larcenies or attempted Larcenies** – All thefts or attempted thefts which don't fit

any of the definitions of the specific subcategories of larceny/theft listed above and don't involve the use or threat of force or theft by fraud.

**Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

## Arrests and Referrals

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

**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.

**Weapons: Carrying, Possessing, Etc. Violations** – 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.

## Violence Against Women Act (VAWA) Offenses

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

For the purpose of this definition:

a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating violence doesn't include acts covered under the definition of domestic violence.

**Domestic Violence** – A felony or misdemeanor crime of violence committed by (i) a current or former

spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) any other person against an adult or youth victim who is protected



from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** – Engaging in a course of conduct of two or more acts including but not limited to directly or indirectly or through third parties, by any action, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a specific person or intervenes with that specific

person's property and that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purpose of this definition:

- a. Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
- b. Substantial Emotional Distress means significant mental suffering

or anguish that may, but doesn't necessarily, require medical or other professional treatment or counseling.

## Geographic Locations

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

**Non-Campus Building or Property** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by

students, and is not within the same reasonably contiguous geographic area of the institution.

**On Campus Property** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous the aforementioned area that is owned by the institution but controlled by

another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On Campus Student Housing Facilities** – Any student housing facility that is owned, controlled or rented by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

## Jurisdictional Definitions (State Law Definitions)

**Family Violence** (Domestic Violence) – TX Family Code, Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily

injury, assault, or sexual assault, but doesn't include defensive measures to protect oneself;

- (2) abuse, as that term is defined by Secs. 261.001(1)(C), (E), (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or

- (3) dating violence, as that term is defined by Sec. 71.0021.

**Abuse** – TX Family Code, Sec. 261.001.

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the

child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling

prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

**Family** – TX Family Code, Sec. 71.003. FAMILY. "Family" includes individuals related by consanguinity or affinity, as determined under Secs. 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.

**Household** – TX Family Code, Sec. 71.005. Household. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

**Member of a Household** – TX Family Code, Sec. 71.006. Member of a Household. "Member of a household" includes a person who previously lived in a household.

**Dating Violence** – TX Family Code, Sec. 71.0021. DATING VIOLENCE. (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

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

(A) with whom the actor has or has had a dating relationship; or

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

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

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The

existence of such a relationship shall be determined based on consideration of:

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

(c) A casual acquaintanceship or ordinary fraternization in a business or social context doesn't constitute a "dating relationship" under Subsec. (b).

**Stalking** – TX Penal Code, Sec. 42.072. STALKING.

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

- (1) constitutes an offense under Sec. 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
  - (A) bodily injury or death for the other person;
  - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - (C) that an offense will be committed against the other person's property;
- (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended;

and

- (3) would cause a reasonable person to:
  - (A) fear bodily injury or death for himself or herself;
  - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - (C) fear that an offense will be committed against the person's property; or
  - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
- (2) the laws of a federally recognized Indian tribe;
- (3) the laws of a territory of the United States; or
- (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsec. (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings

assigned by Chapter 71, Family Code.

- (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Sec. 121.002, Human Resources Code.

**Sexual Assault** – TX Penal Code, Sec. 22.011

(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.

**Consent** – TX Penal Code, Sec. 22.11(b)

(a) A sexual assault under Subsec. (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; or

(12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.

(b) In this section:

(1) “Child” means a person younger than 17 years of age.

(2) “Spouse” means a person who is legally married to another.

(3) “Health care services provider” means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;

(B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;

(D) a physician assistant licensed under Chapter 204, Occupations Code; or

(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) “Mental health services provider” means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Sec. 505.002, Occupations Code;

(B) chemical dependency counselor as defined by Sec. 504.001, Occupations Code;

(C) licensed professional counselor as defined by Sec. 503.002, Occupations Code;

(D) licensed marriage and family therapist as defined by Sec. 502.002, Occupations Code;

(E) member of the clergy;

(F) psychologist offering psychological services as defined by Sec. 501.003, Occupations Code; or

(G) special officer for mental health assignment certified under Sec. 1701.404, Occupations Code.

(5) “Employee of a facility” means a person who is an employee of a facility defined by Sec. 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.

(6) “Assisted reproduction” and “donor” have the meanings assigned by Section 160.102, Family Code.

(7) “Human reproductive material” means:

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# Appendix B: MD Anderson Institutional Policies

The full database of MD Anderson Institutional Policies may be accessed online at [www.mdanderson.org/hop](http://www.mdanderson.org/hop).

Below are MD Anderson Institutional Policies related to the Clery Act.

- [Termination of Employment of a Faculty Member \(MD Anderson Institutional Policy #ACA0059\)](#).
- [Education & Training Disciplinary Actions and Appeals Policy \(MD Anderson Institutional Policy #ACA0068\)](#).
- [The School of Health Professions Conduct and Discipline Policy \(MD Anderson Institutional Policy #ACA1264\)](#).
- [Alcoholic Beverages Policy \(MD Anderson Institutional Policy #ADM0108\)](#).
- [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#).
- [Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#).
- [Violence Prevention Policy \(MD Anderson Institutional Policy #ADM0257\)](#).
- [Drug-Free Campus & Workplace Policy \(MD Anderson Institutional Policy #ADM0278\)](#).
- [Sexual Misconduct Prevention Policy \(MD Anderson Institutional Policy #ADM0285\)](#).
- [Sexual Misconduct Under Title IX: Reporting, Process, and Resources Policy \(MD Anderson Institutional Policy #ADM3384\)](#).
- [Employee Reporting Requirements During Emergency Conditions Policy \(MD Anderson Institutional Policy #ADM0297\)](#).
- [Drug Detection and Deterrence Policy \(MD Anderson Institutional Policy #ADM0309\)](#).
- [Emergency Notification Policy \(MD Anderson Institutional Policy #ADM1097\)](#).
- [Clery Act Policy on Reporting Criminal Activity \(MD Anderson Institutional Policy #ADM1104\)](#).
- [Emergency Management Program Policy \(MD Anderson Institutional Policy #ADM1282\)](#).

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(A) a human spermatozoon or ovum; or

(B) a human organism at any stage of development from fertilized ovum to embryo.

**Indecent Assault (Fondling)** – TX Penal Code, Sec. 22.012.

(a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:

- (1) touches the anus, breast, or any part of the genitals of another person;
- (2) touches another person with

the anus, breast, or any part of the genitals of any person;

(3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or

(4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

