



University of Texas-Pan American
2009 Campus Safety and Security Report
2006 – 2008 Crime Statistics

In compliance with the Jeanne Clery Disclosure of Campus
Security Policy and Campus Statistics Act

The University of Texas Pan-American is required to distribute the following information

2009 Campus Safety and Security Report

to all current and potential students and employees. Please take a moment to read the following information.

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University of Texas-Pan American

Important Numbers

Area code: 956 (for all number listed below)

Emergencies Police/Fire Medical	911	Non-Emergencies General Assistance	316- 7151
Edinburg Police Department	383- 7411	Edinburg Fire Department	383- 2323
Crime Stoppers	381- 2666	Edinburg Hospital	388- 6000
Office of the Dean of Students	381- 2260	Student Health Center	381- 2511
Empowerment Zone Substance Abuse Services Student Judicial Services	318- 5375	Counseling & Psychological Services	381- 2574

Web Site: <http://www.utpa.edu/police/>

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Department Overview

The University of Texas Pan-American Police Department and the Office of the Dean of Students work in conjunction each year to prepare the Campus Safety and Security Report in compliance with the federal Student Right-to-Know and Campus Security Act. This report contains specific information on campus crime statistics and campus security polices including campus crime prevention programs, procedures for reporting crimes on campus, and information about the number and frequency of crimes reported to the University Police Department, local law enforcement, and campus security authorities.

On October 1 of each year, the Annual Campus Security Report must be distributed to all enrolled students and current employees. Distribution may be by direct mailing, campus mail, or electronic mail. The Annual Security Report is posted on the UTPA Police Department web site at www.utpa.edu/campussafety/Campus_Security_Report.pdf. A hardcopy of the Campus Safety and Security Report is also available upon request, to prospective students or prospective employees by contacting the Crime Prevention Unit at 956-316-7151 or the Empowerment Zone, (956) 318-5375.

University Police Department

The University of Texas-Pan American Police Department (UPD) is responsible for the welfare of faculty, staff and students on campus, for the security of the university and the enforcement of all state laws and university rules and regulations relating to motor vehicles and traffic on campus.

The department has a total of 20 certified Police Officers, Security Officers, and various administrative support personnel. The department is comprised of several units including: training and recruitment, campus oriented policing and patrol/ crime prevention, criminal investigations, bicycle patrol, telecommunications/lost and found, and parking and traffic.

The mission of the University Police Department is “to protect the lives and property of all persons on the campus and engender a sense of safety and security within the community by providing law enforcement services through a highly skilled and professional corps of officers and support staff while preserving individual human dignity and civil liberties of all people.”

University of Texas-Pan American Police Officers are commissioned Texas Peace Officers as defined in article 2.12 of the Texas Code of Criminal Procedures. Pursuant to Section 51.203 of the Texas Education Code, the primary jurisdiction of the University of Texas-Pan American Police Officers includes all counties in which property is owned, leased, rented, or otherwise under the control of The University of Texas System including but not limited to: the central campus, U.T.P.A. Coastal Lab on South Padre Island, the Academic

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Support Annex in Edinburg, UTPA Go Center and Hagggar Facility in Edinburg, Shary Mansion, and properties throughout the Rio Grande Valley. As commissioned peace officers, the University Police Department's police officers are fully empowered by the state and have authority to stop vehicles, make arrests, and enforce all laws.

The University Police Department investigates all crimes that are reported and refers to the District Attorney's Office for prosecution when appropriate. The University Police Department maintains close working relationships with the Edinburg Police Department, Hidalgo County Sheriff's Office, federal, state, and other law enforcement agencies and routinely shares investigative information. The University Police Department also works closely with the Edinburg Fire Department and EMS. Some recognized student organizations maintain a meeting and living facilities off campus; however these living facilities are not owned or controlled by the university. The University Police Department is routinely informed by other local law enforcement agencies of any criminal activities involving UTPA student organizations. The information is subsequently shared with the Office of the Dean of Students for disciplinary action.

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Incident Reporting and Response

Students, faculty, and staff are encouraged to report any criminal offenses, suspected criminal activity, or any other campus emergency to the University Police Department by telephone, in person, by email, by using one of the blue light campus emergency phones, or by contacting a Police Officer or Security Officer that is in a vehicle, on bicycle, or on foot.

During emergency situations the University Police Department can be reached by calling 911 or by dialing "HELP" (ext. 4357) from any University phone. For non-emergencies the police can be reached by dialing (956) 316-7151. The University Police Department is located at 501 N. Sugar Road or they can be reached by email at police@utpa.edu.

The University Police Department will review reports of alleged criminal activity and either dispatch an officer immediately or refer the report for subsequent investigation, depending on the nature and seriousness of the offense. The UPD will respond as quickly as possible based on current activity and seriousness of the call. Crimes in progress, alarms, traffic accidents with injuries and medical assist have a higher priority than other types of call.

The University Police Department needs your help to keep the University of Texas-Pan American campus safe. By reporting crimes promptly, the Police Department can begin its investigation before evidence is destroyed. As well, by reporting incidents accurately the University Police can investigate incidents thoroughly and not lose time tracking down faulty leads. If you have witnessed a crime or are the victim of a crime, please contact the University Police Department immediately to assist in the safety of everyone on the campus.

Reporting Criminal Offenses to University Officials

All members of the University community are encouraged to report crimes to the University Police Department. However, criminal offenses may also be reported to campus security authorities who include, but are not limited to: local law enforcement agencies, the Dean of Students, student activities staff, residence life staff, student organization advisors, team coaches, and athletic directors. Crimes can be reported anonymously by calling Crime Stoppers at (956) 381-2666. The University Police and the Office of the Dean of Students will take confidential and anonymous reports for inclusion in the annual statistical report. Pastoral and mental health counselors are encouraged to inform the student they are counseling that a crime may be reported in a voluntary, confidential basis for inclusion in the annual statistical report. This process is employed at the discretion of the professional counseling staff as they deem appropriate. It is our goal to accurately report crime in our annual statistical report wherever the report is made.

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Timely Warning Policy

Some crimes pose risks or dangers that must be reported without delay to the campus community to minimize potential harm to individuals and their property. The University Police Department and the University administration work closely to determine, on a case-by-case basis, when the campus community should be placed on alert regarding potential threats to the safety of its members. The warning will be issued through the University group e-mail system to students, faculty, staff and, if deemed appropriate by the Chief of University Police, on the UPD web site at: <http://www.utpa.edu/police>. Depending on the circumstances, other measures may be taken, including but not limited to, use of telephones, electronic mail, intranet Web sites, publications in print media, or broadcasts through commercial television and radio stations.

Each day, the University Police Department updates the daily crime log which is available to the public. This log identifies the case number, the date and time reported, date and time the crime occurred, a description of the crime, location, and disposition of the crime. You may view this document at the University Police Department or at: <http://www.utpa.edu/crime-log>.

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Access and Maintenance of Campus Facilities

Access

The campus and properties of the University are maintained for use by students, faculty, and staff. Access to the campus facilities may be restricted as necessary to comply with the [Rules and Regulations](#) of the Board of Regents of The University of Texas System and to meet safety and security requirements as determined by University officials. Some buildings have late hour access to certain areas that are locked after normal business hours, which will require a special after hour pass. Access to classrooms and office buildings for special events after normal business hours, weekends and holidays is coordinated with the various campus departments overseeing that particular area. Many of the buildings, offices, labs, computer rooms and other areas of campus are equipped with electronic access. Except for Residence Halls, most of the buildings are accessible to members of the campus community, guests and visitors during the hours of 7:00 a.m. – 10:00 p.m. Monday through Thursday and 7:00 a.m. – 5:00 p.m. on Friday.

The University has instituted safety and security procedures and services, but the personal safety of each individual who enters the campus is her or his responsibility. Failure to take precautions or maintain awareness of the environment and surroundings may result in increased risk. The University will continue to develop and implement security measures, but these measures cannot succeed without the personal support of students, faculty, staff, and visitors.

The property or buildings, owned or controlled by The University of Texas System are not open for assembly, speech, or other activities as are the public streets, sidewalks, and parks. Pursuant to the authority conferred upon the Board of Regents by *Texas Education Codes Section 51.209*, in order to protect the safety and welfare of students, employees, and other participants in the programs and activities of the institution it shall be unlawful for any person who is on the property to refuse to identify himself or herself in response to a request by an institutional representatives. Persons having no legitimate business to enter on campus may be ejected from the campus on his or her refusal to leave peaceably on request.

Access to Apartments and Residence Halls

Campus residence halls provide a range of services and security procedures designed to ensure the reasonable comfort of residents and invited guests. Residents are provided information about these program and services, but are advised that they are ultimately responsible for their own security and safety. Campus residence halls are supervised by trained staff members who are assisted in their efforts to maintain security by uniformed officers from the

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University of Texas-Pan American. Services include attention to lighting (including emergency lighting during power failures), locking of all entrances on a regular schedule, and security programming (including fire safety drills, rape awareness programs, and vandalism reduction programs), and enforcement of a guest escort policy. Residents should immediately report lost access cards, lost keys, malfunctioning locks to their respective Hall Coordinator.

Bronc Village Apartments:

Access to the Bronc Village Apartments is not restricted. Each apartment has a front door equipped with a mechanical lock and peephole; each unit is also equipped with a mechanical lock.

Heritage Residence Hall:

Access to Heritage Residence Hall is through the main entrance that is manned by Residence Life Staff twenty-four hours a day. Each suite has a front door equipped with a mechanical lock and each individual unit is also equipped with a mechanical lock. Guests and visitors may gain access to the residence hall by signing in at the front desk and being escorted by host resident while in the building.

Troxel Residence Hall:

Access to Troxel Residence Hall is through the main entrance that is manned by Residence Life Staff twenty-four hours a day. Each suite has a front door equipped with a mechanical lock and each individual unit is also equipped with a mechanical lock. Guests and visitors may gain access to the residence hall by signing in at the front desk and being escorted by host resident while in the building.

Unity Residence Hall:

Access to Unity Residence Hall is through the main entrance that is manned by Residence Life Staff twenty-four hours a day. The main entrance has an electronic locking system with card access that operates from 2 a.m. to 7 a.m. the following day. Each wing has an electronic locking system with card access that operates twenty-four hours a day. Each individual unit has a front door equipped with a mechanical lock. Guests and visitors may gain access to the residence hall by signing in at the front desk and being escorted by the host resident while in building. If an exterior fire exit door is opened the University Police Department is contacted through an alarm system.

Off Campus Residences

Security at off-campus residences owned or controlled by registered student

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organizations is not the responsibility of the University.

Maintenance

The Physical Plant Department maintains the buildings, grounds and utility systems for the University of Texas-Pan American campus. Students are encouraged to report maintenance problems such as missing lights, plumbing problems, or elevators that are not in service to the nearest departmental office. If departmental offices are closed, please report and safety issues to the University Police Department.

The Physical Plant Department takes security services needs as its highest priority. Personnel respond to reports of inoperable doors, burned out lights, malfunctioning smoke alarms, broken windows, and requests from the University Police Department. The University Police Department, Environmental Health and Safety, and the Physical Plant Department survey campus lighting and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action.

Residence halls staff make regular rounds of the facilities on a daily basis checking for maintenance problems that may pose a hazard to resident's safety and security.

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Drug-Free Schools and Communities Act

The Drug-Free Schools and Communities Act Amendment of 1989 requires each institution of higher education that receives any form of federal financial assistance to certify to the Secretary of the Department of Education that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

In response to the 1989 Amendment, The Board of Regents of The University of Texas System designated The University a "Drug Free University" on August 1, 1990. And in compliance with the policy, The University provides online and printed information for students regarding alcohol and other drug possession, use, abuse, and distribution, including standards of conduct and penalties for rule and law violations.

State and federal laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by The University of Texas-Pan American Police Department. Violators are subject to criminal prosecution by law enforcement authorities, fines, and imprisonment.

Health Risks of Alcohol and Drugs

Alcohol

Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than in nonusers of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver often resulting in cirrhosis, impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Damage to the nerves and organs is usually irreversible. Cancer is the second leading cause of death in alcoholics and is 10 times more frequent than in nonalcoholics. "Blackouts" can occur causing temporary memory loss. Sudden withdrawal of alcohol from persons dependent on it will cause serious physical withdrawal symptoms and possible death. Drinking during pregnancy can cause fetal alcohol syndrome. Overdoses of alcohol can result in respiratory arrest and death.

Drugs

The use of illicit drugs usually causes the same general type of physiological and mental changes as alcohol, although frequently those changes are more severe

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and more sudden. Death or coma resulting from overdose of drugs is more frequent than from alcohol.

Cocaine

Cocaine is a stimulant that is most commonly inhaled as a powder. It can be dissolved in water and used intravenously. The cocaine extract (crack) is smoked. Users can progress from infrequent use to dependence within a few weeks or months. Psychological and behavioral changes resulting from use include overstimulation, hallucinations, irritability, sexual dysfunction, psychotic behavior, social isolation, and memory problems. An overdose produces convulsions and delirium and may result in death from cardiac arrest.

Discontinuing the use of cocaine requires considerable assistance, close supervision, and treatment. Withdrawal symptoms include clinical depression sometimes with suicidal ideation.

Amphetamines

Patterns of use and associated effects are similar to cocaine. Severe intoxication may produce confusion, rambling or incoherent speech, anxiety, psychotic behavior, ringing in the ears, hallucinations, and irreversible brain damage. Intense fatigue and depression resulting from use can lead to severe depression. Large doses may result in convulsions and death from cardiac or respiratory arrest.

MDA and MDMA (XTC, ecstasy)

These amphetamine-based hallucinogens are sold in powder, tablet, or capsule form and can be inhaled, injected, or swallowed. They cause similar, but usually milder, hallucinogenic effects than those of LSD. Because they are amphetamines, tolerance can develop quickly, and overdose can happen. Exhaustion and possible liver damage can occur with heavy use. In high doses, these drugs can cause anxiety, paranoia, and delusions. While rare, these drugs have been associated with deaths in users with known or previously undiagnosed heart conditions.

Rohypnol (rophies, roofies, rope)

This drug is in the same category of drugs as Valium, a benzodiazepine, but it is more potent than Valium. Initially, it causes a sense of relaxation and reduction of anxiety. At higher doses, light-headedness, dizziness, lack of coordination, and slurred speech occur. The drug affects memory and, in higher doses or if mixed with other drugs or alcohol, can result in amnesia for the time period the user is under the influence. Because of this amnesia effect, Rohypnol has been given intentionally to others to facilitate sexual assault and other crimes. Combining this drug with other sedating drugs, including alcohol, will increase the intensity of all effects of the drug and, in sufficient doses, can cause respiratory arrest and death. Dependency can occur.

Heroin and other opiates

These drugs are usually taken intravenously. "Designer" drugs similar to opiates include fentanyl, demerol, codeine, and "china white." Addiction and dependence develop rapidly. Use is characterized by impaired judgment, slurred speech and drowsiness. Overdose is manifested by coma, shock, and depressed respiration, with the possibility of death from respiratory arrest. Withdrawal problems include

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sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pains.

Hallucinogens or psychedelics

These include LSD, mescaline, peyote, and phencyclidine (PCP or “angel dust”). Use impairs and distorts one’s perception of surroundings, causes bizarre mood changes, and results in visual hallucinations that involve geometric forms, colors, and persons or objects. Users who discontinue use experience “flashbacks” consisting of distortions of virtually any sensation. Withdrawal may require psychiatric treatment for the accompanying persistent psychotic states. Suicide is not uncommon.

Solvent inhalants (glue, lacquers, plastic cement, spray paint, gasoline, etc.)

Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent with chronic use. Due to its affect on the brain and the heart inhalant abuse has been known to cause Sudden Death Syndrome when the abuser becomes excited or agitated.

Marijuana (cannabis)

Marijuana is usually ingested by smoking. Smoking marijuana causes disconnected ideas, alteration of depth perception and sense of time, impaired judgment, and impaired coordination. Prolonged use can lead to psychological and physical dependence. Withdrawal symptoms include insomnia, physical tension, anxiety, and decreases in appetite and mood.

Intravenous drug use

In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV disease, hepatitis, tetanus (lockjaw), and infections in the heart. Permanent damage may also result. Intravenous drug users are also prone to skin diseases such as cellulites and necrotizing fasciitis (life threatening). Permanent damage can result to vital body organs.

Standards of Conduct

The decision by a student to apply for and to attend an institution of higher education is an individual choice. In making this choice the student is making the first of many life affecting decisions to participate in the greater world around them as a successful and responsible adult. It is on this presupposition that the university engages the student---as an adult. It is within this context that UTPA addresses its working relationship to each individual student.

Keeping within the spirit of the UTPA-student relationship a key expectation of all students is the compliance with all university regulations as well as state and federal laws. UTPA regulations are based on state and federal law and should be familiar to all students. UTPA regulations specific to these issues can be found in the university’s [Handbook of Operational Procedures](#) (more commonly referred to as the HOP).

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Students at the university attend with the vision of becoming members of a chosen profession. This vision coincides with the UTPA-student relationship encompassing academic and personal responsibility. A natural consequence is the personal and individual accountability expected of each student as they participate in their academic and personal growth. UTPA is a zero tolerance institution and holds all individual students accountable for behavior in relationship to this.

Rules and Regulations

Series 50101, Section 2.1 of the Rules and Regulations of the Board of Regents of The University of Texas System provides the following statement:

Any student who engages in conduct that violates the Regents' Rules and Regulations, the U.T. System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the U.T. System acting in the course of his or her authorized duties, or federal, State, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

Series 50101, Section 2.3 of the Rules and Regulations of the Board of Regents of The University of Texas System provides the following statement:

Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of an institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the recommended penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

University Penalties

The University will impose a minimum disciplinary penalty of suspension for a specified period of time or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, expulsion, or such other penalty as may be deemed appropriate under the circumstances.

Alcoholic Beverages

The University of Texas-Pan American deems it important to curtail the abusive or illegal use of alcoholic beverages. All members of the university community and guests are required to comply with federal, state and local laws regarding the

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distribution, possession, and consumption of alcoholic beverages. The following university policies apply [H.O.P. 4.8.1](#), [H.O.P. 4.9.1](#), [H.O.P. 5.5.2](#).

The use of alcoholic beverages must be in compliance with Texas State Law and is strictly limited to persons 21 years of age or older. The possession, transportation, and/or consumption of alcohol by individuals less than 21 years of age are strictly prohibited. University police officers enforce laws regulating the use of alcoholic beverages and underage drinking with court appearance citations, referral to the Dean of Students Office and/or arrest. Alcoholic beverages may not be consumed in public areas of the university.

Illegal Drugs

Texas state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substance Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. Alleged violations of this policy may result in criminal charges and will also be adjudicated through University disciplinary procedure. The following university policies apply [H.O.P. 4.8.1](#) and [H.O.P. 5.5.2](#).

Weapons

In accordance with Texas Penal Code Ch. 46, it is a felony to intentionally, knowingly, or recklessly possess a firearm, illegal knife or prohibited weapon (with or without a concealed handgun permit) on the physical premises of a school or educational institutional, to include any buildings or passenger transportation vehicles under the direct control of the educational institution.

Residence Life

Alcoholic beverages may be consumed and stored in resident rooms if all occupants are 21 years of age or older. Drinking is not permitted in hallways, lounges, lobbies or other public areas of the residence halls. Alcohol is not permitted at any University Residence Hall sponsored program or event.

Large containers or volumes of alcohol are not permitted in the University Residence Halls. This includes kegs, party balls, and other containers more than one gallon or a case or more of alcohol. Empty alcohol containers will be viewed as evidence of consumption and may subject individuals to the university disciplinary process.

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Providing alcohol to individuals under 21 years of age or possession of alcohol by individuals under age 21 are violations of criminal law and university policy. Violators may be subject to university disciplinary processes, referral to Substance Abuse Services, and criminal court action.

Any resident of legal age who transports alcohol within a residence hall must use a closed, opaque container. Responsible use of alcohol is expected. Residents found to be intoxicated or potentially harmful to themselves or others may be detained for an assessment before being allowed into the residence hall. Residents who are found to be intoxicated are subject to disciplinary action.

The possession or use of illegal drugs or drug paraphernalia is prohibited in or about the residence halls and is considered a serious violation of university regulations and expectations. The possession or use of illegal drugs will result in suspension from the university or suspension of other rights and privileges.

Any student in violation of the university's regulations due to drug use or possession who is not suspended or expelled should expect, at minimum, to lose the privileges of living in and even entering the residence halls. Since the possession or use of illegal drugs is a violation of criminal law, it is possible for a violator to be subject to criminal court action.

State & Federal Criminal Penalties

State and federal laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by The University of Texas-Pan American Police Department. Violators are subject to not only disciplinary action by The University but also criminal prosecution by law enforcement authorities, fines, and imprisonment.

Texas Statutes: Offense & Penalties under State Law

Driving while intoxicated (includes intoxication from alcohol, drugs, or both):

Minimum: A fine of not more than \$2,000 and confinement in jail for a term of not more than 180 days nor less than 72 hours

Maximum: A fine not to exceed \$10,000 and imprisonment for a term of not more than twenty years nor less than two years

Public intoxication:

Minimum: A fine not to exceed \$500

Maximum: Varies with age and number of offenses

Purchase, possession, consumption of alcohol by a minor:

Minimum: A fine not to exceed \$500

Maximum: Varies with age and number of offenses

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Purchase for or furnishing of alcohol to a minor:

A fine not to exceed \$4000 and/or confinement in jail for a term not to exceed one year

Possession of controlled substances (drugs):

Minimum: A fine not to exceed \$10,000 and confinement in jail for a term of not more than two years or less than 180 days

Maximum: A fine not to exceed \$250,000 and imprisonment for life or for a term of not more than 99 years nor less than ten years

Manufacture or delivery of controlled substances (drugs):

Minimum: A fine not to exceed \$10,000 and confinement in jail for a term of not more than two years or less than 180 days

Maximum: A fine not to exceed \$250,000 and imprisonment for life or for a term of not more than 99 years nor less than fifteen years

Possession of marijuana:

Minimum: A fine not to exceed \$2,000 and/or confinement in jail for a term of not more than 180 days

Maximum: A fine not to exceed \$250,000 and imprisonment for life or for a term of not more than 99 years nor less than five years

Delivery of marijuana:

Minimum: A fine not to exceed \$2,000 and/or confinement in jail for a term of not more than 180 days

Maximum: A fine not to exceed \$100,000 and imprisonment for life or for a term of not more than 99 nor less than five years

Penalties shown above are based on language contained in applicable Texas statutes and are subject to change at any time by the Legislature and the Governor.

Federal Statutes: Offense & Penalties under Federal Law

Possession of drugs (including marijuana):

Minimum: A fine of not less than \$1,000 and/or imprisonment for up to one year

Maximum: A fine of not less than \$5,000 plus costs of investigation & prosecution and imprisonment for not more than 20 years nor less than five years

Manufacture, distribution, or dispensing of drugs (including marijuana):

Minimum: A fine of \$250,000 and/or imprisonment for up to three years

Maximum: A fine not to exceed \$8,000,000 for an individual (or \$20,000,000 if other than an individual) and imprisonment for life without release (no eligibility for parole)

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Distribution of drugs to a person under 21 years of age

Minimum: Double the federal penalty for distribution of drugs

Maximum: Triple the federal penalty for distribution of drugs

The federal penalties quoted in these charts are based on language contained in the applicable federal statutes creating criminal offenses regarding controlled substances and are subject to change at any time by Congress and the President. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1000 feet of a school or a public university

Drugs and Alcohol Programs

[Substance Abuse Services](#) is a part of the Empowerment Zone under Student Life and Transition Services in the Dean of Students Office. Its function is to provide assistance in preventing or intervening when barriers related to alcohol and drug abuse threaten to stop a student from reaching their academic and professional vision. This is done through assessment, education, support, and, when necessary, referral.

Human Resource's Employee Assistance Program (866-251-4701) manages the alcohol and drug abuse and rehabilitation program for faculty and staff. www.uthscsa.edu/hr/inside/advantage.htm

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Sexual Assault

Victims of sexual assault or persons who have information regarding a sexual assault are strongly encouraged to report the incident to the University Police Department immediately. It is the policy of the department to conduct investigations of all sexual assault complaints with sensitivity, compassion, patience and respect for the victim.

Reports of sexual assault can also be made to the Edinburg Police Department at 956-381-7411 or the Hidalgo County Sheriff's Office at 956-383-8114.

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

The University will provide students assistance in changing academic and on-campus living situations after an alleged sexual offense if so requested by the victim and if accommodations are reasonably available. Arrangements for changes in academic schedules can be made by contacting the Dean of Students and arrangements for changes in (or moving to) on-campus living accommodations should be made through the Director of Residence Life.

Information and assistance is also available through:

- [Student Counseling Center](#), (956) 381-2574, UC 109
 - The counseling center has trained counselors who offer individual, personal and group counseling to students who are the victims of sexual assault.
- [Student Health Services](#) (956) 381-2511, Student Health Center
 - The Student Health Clinic provides medical services to students who have been victims of sexual assault and can be the first contact after a sexual assault, during clinic hours. After hours, students are encouraged to contact the University Police Department so that a victim advocate can be sent to meet the student at a local hospital. Clinic hours are 8 a.m. to 7 p.m. Monday through Thursday and 8 a.m. to 4 p.m. on Friday.
- [Campus Assault Response Effort \(CARE\)](#) (956) 381-5375, UC 320
 - The CARE program has trained victim advocates that are able to assist students who have been the victims of sexual assault.
- [The Rape Crisis Center](#) 1-800-580-4879, 420 N. 21st, McAllen

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- Women Together/ Mujeres Unidas offer services for sexual assault victims. The Rape Crisis center offers a 24-hour hotline, victim's assistance, and confidential counseling.

Should a victim choose to file charges through the campus disciplinary process the Office of the Dean of Students will assist the student in cases of alleged sexual offenses (forcible and non-forcible). Policies and procedures regarding campus disciplinary proceedings are described in [HOP 5.5.3](#) of the Handbook of Operating Procedures. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary processing involving sex offenses and both will be informed of the final determination with respect to an alleged sex offense and any sanction that is imposed against the accused. Providing this information to the accused and accuser does not violate provisions of the Family Educational Right to Privacy Act (FERPA). Sanctions in University disciplinary proceedings regarding rape, acquaintance rape, or other forcible and non-forcible sex offenses range from probation to expulsion.

Medical Treatment

It is important to seek immediate and follow-up medical attention for several reasons: first, to access and treat any physical injuries you may have sustained; second, to determine the risk of sexually transmitted diseases or pregnancy and take preventative measures; and third, to gather evidence that could be used to aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. Area hospitals that can provide thorough rape exams and evidence collection are:

- McAllen Medical Center (956) 632-4000, 301 W. Expressway 83, McAllen
- Mission Hospital (956) 580-9000, 900 S. Bryan Road, Mission

Sexual Assault Awareness Programs

Educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses are offered by a variety of campus agencies and units. Programming varies from semester to semester, depending on the needs of our students and the resources of the agencies involved. Sexual Assault Awareness Week is held on campus each year. Activities include self-defense courses, lectures, panel discussions, films, skits, and other events that increase awareness about sexual assault, including acquaintance rape and date rape. Sexual Assault Awareness Week is sponsored by the Empowerment Zone under the office of Student Life and Transition Services in the Office of the Dean of Students. For more information contact the Empowerment Zone at (956) 318-5375.

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Information Regarding Registered Sex Offenders

The “Campus Sex Crimes Prevention Act” is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.

This act amends the Family Educational Right to Privacy Act of 1974 to clarify that nothing in the Act may be construed to prohibit an education institution from disclosing information provided to the institution concerning registered sex offenders.

To learn whether information of this nature has been provided to the University, contact the University Police Department at (956) 381-2737. You may search for information regarding registered sex offenders at https://records.txdps.state.tx.us/DPS_WEB/Portal/index.aspx

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Hazing

Under state law (V.T.C.A., Education Code 51.936 and 37.151 et seq.), individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to the law, a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly, or recklessly allowing hazing to occur; or by failing to report in writing to the dean of students firsthand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under the law. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event in good faith and without malice to the dean of students or other appropriate official of the institution and immunizes that person for participation in any judicial proceeding resulting from that report. Additionally, a doctor or other medical practitioner who treats a student who may have been subjected to hazing may make a good faith report of the hazing activities to police or other law enforcement officials and is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report. The penalty for failure to report is a fine of up to \$1,000, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury which results and include fines from \$500 to \$10,000 and/or confinement for up to two years.

The law does not affect or in any way restrict the right of the University to enforce its own rules against hazing.

The law defines hazing as any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution. Hazing includes but is not limited to:

- A. any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity;
- B. any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that

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- subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- C. any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm or which adversely affects the mental or physical health of the student;
 - D. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection;
 - E. any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

Rules and Regulations of the Board of Regents of The University of Texas System, Part One, Chapter VI, Section 3.28 provides that

- a. Hazing with or without the consent of a student is prohibited by the System, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline.
- b. Initiations or activities by organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

Activities which under certain conditions constitute acts that are dangerous, harmful, or degrading, include but are not limited to:

- calisthenics, such as sit-ups, push-ups, or any other form of physical exercise;
- total or partial nudity at any time;
- the eating or ingestion of any unwanted or unpleasant substance;
- the wearing or carrying of any embarrassing, degrading, or physically burdensome article;
- paddle swats, including the trading of swats;
- pushing, shoving, tackling, or any other physical contact;
- throwing oil, syrup, flour, or any substance on a person;
- rat court, kangaroo court, or other individual interrogation;
- consumption of alcoholic beverages accompanied either by threats or peer pressure;
- lineups intended to demean or intimidate;
- transportation and abandonment (road trips, kidnaps, walks, rides, drops);

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- confining individuals in an area that is uncomfortable or dangerous (hot box effect, high temperature, too small);
- any type of personal servitude that is demeaning or of personal benefit to the individual members;
- wearing of embarrassing or uncomfortable clothing;
- assigning pranks such as stealing, painting objects, harassing other organizations;
- intentionally messing up the house or a room for clean up;
- demeaning names;
- yelling and screaming; and
- requiring boxing matches or fights for entertainment.

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Crime Statistics

The University Police Department and the Office of the Dean of Students prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Campus crime, arrest and referral statistics include those reported to the University Police Department, designated campus officials (including but not limited to the Dean of Students, student activities staff, residence life staff, student organization advisors, team coaches, and athletic directors), and local law enforcement agencies.

University police jurisdiction does not include off campus properties owned or controlled by registered student organizations. Regular University Police Department contact with local law enforcement agencies aids in the coordination of the activities of the two agencies. The University Police Department obtains information from local law enforcement agencies about criminal activity at properties owned or controlled by registered student organizations. For purposes of reporting the data in the Campus Crime Information, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. However, the University has no responsibility for security policies, procedures, or safety at these locations.

Prospective Employees are notified about the Clery Act via the University of Texas-Pan American job website:

<http://www.utpa.edu/humanresources/Emopp.htm>. There is a link at the bottom of the page under “Special Notice on Campus Safety”.

OFFENSE*	LOCATION	2006	2007	2008
MURDER/NON-NEGLIGENT MANSLAUGHTER	ON CAMPUS	0	0	0
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
NEGLIGENT MANSLAUGHTER	ON CAMPUS	0	0	0
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
SEX OFFENSES, FORCIBLE	ON CAMPUS	1	0	0
	**RESIDENTIAL FACILITIES	1	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
SEX OFFENSES, NON-FORCIBLE	ON CAMPUS	0	0	0
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ROBBERY	ON CAMPUS	0	0	1
	**RESIDENTIAL FACILITIES	0	0	0

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	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
AGGRAVATED ASSAULT	ON CAMPUS	0	1	1
	**RESIDENTIAL FACILITIES	0	0	1
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	1	0	0
BURGLARY	ON CAMPUS	5	3	5
	**RESIDENTIAL FACILITIES	2	2	4
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
MOTOR VEHICLE THEFT	ON CAMPUS	10	6	4
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ARSON	ON CAMPUS	0	0	0
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
LIQUOR LAW ARRESTS	ON CAMPUS	6	1	1
	**RESIDENTIAL FACILITIES	2	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	1	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	ON CAMPUS	9	0	2
	**RESIDENTIAL FACILITIES	9	0	1
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DRUG LAW ARRESTS	ON CAMPUS	9	6	8
	**RESIDENTIAL FACILITIES	1	3	2
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	ON CAMPUS	0	2	11
	**RESIDENTIAL FACILITIES	0	2	11
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	ON CAMPUS	0	0	1
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ILLEGAL WEAPONS POSSESSION REFERRED FOR DISCIPLINARY ACTION	ON CAMPUS	0	0	0
	**RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0

- There were no reported hate crimes for the years 2006, 2007, or 2008.
- *A report does not necessarily mean that an offense was actually committed. Reported crimes may involve individuals not associated with the institution.
- **Crimes reported in the residential facilities column are included in the campus category.
- Public property includes thoroughfares, streets, sidewalks, that are within the campus or immediately adjacent to and accessible from the campus. All reported data for violations occurring on Adjacent Public Property are obtained from Edinburg Police Department crime reports.

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These locations are outside the geographical boundaries of the University of Texas-Pan American, but do fall under jurisdiction and control of the UTPA Police Department: University of Texas-Pan American Academic Support Annex, 2412 S. Closner Edinburg, Texas; University of Texas-Pan American Go Center, 2402 S. Closner Edinburg, Texas; University of Texas-Pan American Hagggar Facility, 1407 Freddy Gonzalez Edinburg, Texas; University of Texas-Pan American Shary Estate, 4915 N. Shary Road Mission, Texas. Calls answered by the UTPA Police Department to these addresses are included in the campus statistics.

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Crime Prevention Programs

The University Police Department and the Office of the Dean of Students work together to provide crime prevention programs to students, faculty, and staff. These programs are designed to inform students and employees about campus security procedures and practices, crime prevention, awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses, and to encourage students and employees to be responsible for their own security and the security of others. To promote campus security and aid in anticipating and minimizing potential dangers to the population these programs are tailored to each group that they are presented to.

The University Police Department has a comprehensive crime prevention program that assists community members to reduce their risk of becoming a victim of crime. The Crime Prevention Unit of University Police Department has certified Crime Prevention Officers on staff that has received numerous hours of training in crime prevention and physical security. Programming and presentations that are taught include self-defense, alcohol awareness and sexual assault prevention. Other duties include security surveys of resident areas or office areas and threat assessments.

Safety Escort Program

Safety escorts are provided to locations on campus during hours of darkness. Call 956-316-7151.

Crime Prevention Presentations

Crime prevention presentations pertaining to personal safety, sexual assault prevention, how to respond to an active shooter, acquaintance rape, women's self-defense, alcohol and drug awareness, burglary and theft prevention and office safety are conducted as needed for faculty, staff and students. The Crime Prevention Unit works closely with Residence Life and UTPA student organizations to develop and schedule presentations. Contact the Crime Prevention Unit at 956-384-5014 for more information.

Operation I.D.

Operation I.D. is an on-going program which involves the engraving of a unique identifying number on valuable items of personal property to make them easily identifiable. Engravers are available at the UTPA Police Department.

New Students and Employees Police Service Orientation

Students, faculty, and staff are made aware of the services provided by UTPA Police.

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Emergency Blue Light Phones

These call boxes are located strategically around campus. They allow an individual in need of assistance to speak directly with a UTPA Police Department communications officer who will dispatch the appropriate emergency response team to the caller.

Security Surveys

These surveys are conducted on an as needed basis. The primary goal of the surveys is to identify areas of the campus that may present vulnerabilities to one's safety. The department works with the appropriate facilities office to address concerns noted in the surveys.

Security Cameras

The University has installed cameras in different areas of the campus that can be monitored by the police communication's center.

Motorist Assistance

UTPA Police Department personnel will assist the campus community when motor vehicle difficulties arise.

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Definitions of Crimes

The University Police Department has made available the definitions and terms used in the Federal Bureau of Investigation Uniform Crime Reports.

- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Sex Offenses, Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent.
- **Sex Offenses, Non-forcible:** Unlawful, no forcible sexual intercourse.
- **Armed 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.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily injury.
- **Non- Aggravated (simple) Assault:** Assaults and attempted assaults where no weapon is used and that do not result in serious or aggravated injury to the victim.
- **Burglary (breaking or entering):** The unlawful entry into a building or other structure with the intent to commit a felony or a theft. Forced entry is not a required element of the offense; it may be accomplished via an unlocked door or window, so long as the entry is unlawful (constituting a trespass). Included are attempts to commit burglary where forced is employed, or where a perpetrator is frightened off while entering an unlocked door or climbing through an open window.
- **Theft (larceny):** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possessions of another. Examples of offenses in this classification include pocket-picking and purse snatching (where no more force is employed than that necessary to take the property).
- **Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Liquor Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (does not include driving under the influence or drunkenness).
- **Drug Abuse Violations:** Violations of laws prohibiting production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

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- **Weapons Possessions:** Violations 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.
- **Hate Crimes:** Any of the above listed offenses and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.