Texas Tech University System
Regulation 07.06.A – Attachment 1

Sexual Misconduct Policy Applicability Flowchart

Did the alleged conduct occur in an Education Program or Activity? (See footnote 2)

Yes

Did the alleged conduct occur in an Education Program or Activity? (See footnote 2)

No

Is the alleged conduct severe, pervasive, and objectionably offensive? (See footnote 1)

Yes

Proceed under TTU System Regulation 07.06.A
(TITLE IX Sexual Misconduct)

Student Respondent
1. Formal complaint must be filed.
2. Complaint is fully investigated.
3. Parties will have equal opportunity to inspect and review all evidence directly related to the allegation(s).
4. Right to a hearing unless parties agree in writing to informal resolution.
5. Right to an advisor provided by the University if student does not have an advisor.
6. Advisor will attend hearing and only the advisor is allowed to perform cross-examination.
7. External Hearing Officer conducts hearing.
8. Complainant and/or witnesses must participate at the hearing and only testimony subject to cross-examination may be used at the hearing.
9. University Hearing Panel renders decision.
10. University Hearing Panel issues sanction (if applicable).
11. Determination regarding responsibility may be appealed.

Employee Respondent
1. Formal complaint must be filed.
2. Complaint is fully investigated.
3. Parties will have equal opportunity to inspect and review all evidence directly related to the allegation(s).
4. Right to a hearing unless parties agree in writing to informal resolution.
5. Right to an advisor provided by the University if employee does not have an advisor.
6. Advisor will attend hearing and is allowed to perform cross-examination.
7. External Hearing Officer conducts hearing.
8. Complainant and/or witnesses must participate at the hearing and only testimony subject to cross-examination may be used at the hearing.
9. University Hearing Panel renders decision.
10. Discipline (if any) is assessed by employee’s supervisor subject to University policy.
11. Determination regarding policy violation may be appealed.

Proceed under TTU System Regulation 07.06.B
(Non-TITLE IX Sexual Misconduct)

Student Respondent
1. Matter is fully investigated.
2. Right to a hearing unless parties agree in writing to informal resolution.
3. Parties will have equal opportunity to inspect and review all evidence directly related to the allegation(s).
4. The University may, but is not required to, assist in identifying an advisor.
5. Advisor may attend hearing and provide advice, but cannot present or cross-examine at hearing.
6. University Hearing Officer conducts hearing.
7. Complainant must participate at the hearing and the Hearing Panel relies on the investigative report and any testimony at the hearing.
8. Cross-examination questions are allowed but are asked through Hearing Officer.
9. University Hearing Panel renders decision of responsible or not responsible.
10. University Hearing Panel issues sanction (if applicable).
11. Determination regarding responsibility may be appealed by either party.

Employee Respondent
1. Matter is fully investigated.
2. No Hearing.
3. Advisor not provided by University.
4. Advisor may attend interview of their advisee (University attorney must be present if advisor is an attorney), but cannot participate (e.g., cross-examine).
5. EO Office renders decision as to whether policy was violated.
6. Discipline (if any) is assessed by employee’s supervisor subject to University policy.
7. Determination regarding policy violation may not be appealed.

Footnotes
1. Items that are automatically considered to meet this standard include, but are not limited to, the following (as each are defined in TTU System Regulation 07.06.A):
   A. Sexual assault
   B. Dating violence, domestic violence, or stalking
   C. Quid pro quo

2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.