

# Texas Tech University System

## Regulation 07.06.A

### Title IX Sexual Misconduct

Effective: August 14, 2020

Next Scheduled Review: December 2021

#### 1. Applicability

- a. This regulation applies exclusively to Title IX Sexual Misconduct (as defined in Section 4.q, below), where:
  - i. Respondent has an employment or enrollment relationship with the University, and
  - ii. The conduct allegedly occurred in an Education Program or Activity (as defined in Section 4.d, below) on or after August 14, 2020.
- b. Any other form of sexual misconduct is governed by [System Regulation 07.06.B](#). [Attachment 1](#) to this regulation visually depicts the applicability of System Regulations 07.06.A and 07.06.B and summarizes their differing procedures. In the event of any conflict between the attachment and these regulations, the text of the regulations shall control.

#### 2. Purpose

- a. This Regulation provides information regarding the Texas Tech University System and its component institutions' (referred to herein collectively as "University") prevention and education efforts related to Title IX Sexual Misconduct, as defined in Section 4.q, below. This regulation provides students and employees with their rights and options and also explains how the University will proceed once it has Actual Knowledge, as defined in Section 4.a, below, of allegations of prohibited Title IX Sexual Misconduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

#### 3. Policy

- a. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from Title IX Sexual Misconduct of any kind. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation.
- b. The University will take reasonable steps to respond to complaints of Title IX Sexual Misconduct and to restore or preserve equal access to the University's Education Programs or Activities, as appropriate.
- c. All investigations and procedures will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, the burden of proof shall be a preponderance of the evidence, which means more likely than not.
- d. The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this

regulation and related laws may be subject to disciplinary action or sanctions as provided in Section 9 of this regulation, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with controlling applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.

- e. For complaints relating to any form of sexual misconduct other than Title IX Sexual Misconduct (as defined in Section 4.q, below), please see [System Regulation 07.06.B](#). For complaints relating to any form of discrimination not covered by this System Regulation 07.06.A or System Regulation 07.06.B, or for acts of gender or sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Title IX Sexual Misconduct as defined in this regulation or Sexual Misconduct as defined in System Regulation 07.06.B, please see [System Regulation 07.10](#). The University reserves sole discretion to consolidate complaints arising out of the same facts or circumstances, involving more than one Complainant or more than one Respondent, or that amount to counter-complaints by one party against the other. Additionally, if at any time during a Title IX Sexual Misconduct Grievance Process it is determined that the alleged conduct does not constitute Title IX Sexual Misconduct, the University may proceed under System Regulation 07.06.B or any other applicable policy and procedure.

#### 4. Definitions

For purposes of this regulation, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. *Actual Knowledge*. Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinator.
- b. *Complainant*. An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct.
- c. *Consent*. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.
- d. *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 Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- e. *Employee*. An individual who receives a W-2 or 1042-S from the University, including full- and part-time faculty, staff, and students. An Employee is working in the course and scope of their employment if the Employee is performing duties in the furtherance of the University's interest.
- f. *Formal Complaint*. Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator

- is not a Complainant or otherwise a party under this regulation.
- g. *Grievance Process*. The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent. The Grievance Process is described in Section 8 of this regulation.
  - h. *Hearing Panel*. A four-member panel that will be the decision-maker and render a determination regarding responsibility, in accordance with the procedures set forth in [Attachment 2](#) to this regulation.
  - i. *Incapacitation*. A state of being that prevents an individual from having capacity to give Consent. For example, incapacitation could result from the use of drugs or alcohol, an individual being asleep or unconscious, or because of an intellectual or other disability.
  - j. *Informal Resolution*. An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties. The Informal Resolution process is described in Section 8.k of this regulation.
  - k. *Investigative Report*. A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
  - l. *Investigator*. A trained University staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigative Report.
  - m. *Reporting Party*. An individual or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this regulation.
  - n. *Respondent*. An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct.
  - o. *Responsible Employee*. All Employees, except as provided in Section 10.e, below, are Responsible Employees who must report allegations of Title IX Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 10, below.
  - p. *Supportive Measures*. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. See Section 7, below.
  - q. *Title IX Sexual Misconduct*. Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
    - i. *Quid Pro Quo*. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
    - ii. *Severe, Pervasive, and Objectively Offensive Conduct*. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. Without limiting the foregoing, the following types

of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:

1. “Sexual Assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v);<sup>1</sup>
2. “Dating Violence” as defined in 34 U.S.C. § 12291(a)(10);<sup>2</sup>
3. “Domestic Violence” as defined in 34 U.S.C. § 12291(a)(8);<sup>3</sup> or
4. “Stalking” as defined in 34 U.S.C. § 12291(a)(30).<sup>4</sup>

<sup>1</sup> **Sexual Assault.** 20 U.S.C. § 1092(f)(6)(A)(v) currently defines Sexual Assault as “an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI)”, which is presently described by the FBI’s Uniform Crime Reporting Program (UCR) National Incident-Based Reporting System (NIBRS) to include:

- a. *Forcible Sex Offense.* Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
  - i. *Rape (Except Statutory Rape).* The carnal knowledge of a person, 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 or physical incapacity.
  - ii. *Sodomy.* Oral or anal sexual intercourse with another person, 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 or physical incapacity.
  - iii. *Sexual Assault with An Object.* To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without 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 or physical incapacity.
  - iv. *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 or physical incapacity.
- b. *Nonforcible Sex Offense.* Unlawful, nonforcible sexual intercourse.
  - i. *Incest.* Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - ii. *Statutory Rape.* Nonforcible sexual intercourse with a person who is under the statutory age of consent.

<sup>2</sup> **Dating Violence.** 34 U.S.C. § 12291(a)(10) currently provides “the term ‘Dating Violence’ means violence committed by a person

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship.
  - ii. The type of relationship.
  - iii. The frequency of interaction between the persons involved in the relationship.”

<sup>3</sup> **Domestic Violence.** 34 U.S.C. § 12291(a)(10) currently provides “the term ‘Domestic Violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

<sup>4</sup> **Stalking.** 34 U.S.C. § 12291(a)(10) currently provides “the term ‘Stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for his or her safety or the safety of others; or
- b. Suffer substantial emotional distress.”

- r. *University Community*. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

5. Contact Information for University Title IX Coordinators and the System Office of Equal Opportunity

- a. *University Title IX Coordinators (Students)*. Each University has a Title IX Coordinator who oversees the University’s compliance with Title IX. Students seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the appropriate University Title IX Coordinator:

<b>TITLE IX COORDINATOR EMAIL &amp; PHONE</b>	<b>OFFICE ADDRESS</b>	<b>TITLE IX WEBSITE &amp; REPORTING LINK</b>
<b>Angelo State University:</b> Michelle Miller 325.486.6357 <a href="mailto:michelle.miller@angelo.edu">michelle.miller@angelo.edu</a>	Office of the President Mayer Administration Building 2601 W. Avenue N., Suite 210 San Angelo, TX 76909	<i>Title IX Website:</i> <a href="https://www.angelo.edu/title-ix">https://www.angelo.edu/title-ix</a> <i>Reporting Link:</i> <a href="https://www.angelo.edu/incident-form">https://www.angelo.edu/incident-form</a>
<b>Texas Tech University:</b> Kimberly Simon 806.834.1949 <a href="mailto:kimberly.simon@ttu.edu">kimberly.simon@ttu.edu</a>	Office of the President Administration Building Suite 115D, Box 42005 Lubbock, Texas 79409	<i>Title IX Website:</i> <a href="http://titleix.ttu.edu/">http://titleix.ttu.edu/</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40">https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40</a>
<b>Texas Tech University Health Sciences Center:</b> Leslie Collins 806.743.9861 <a href="mailto:leslie.collins@ttuhsc.edu">leslie.collins@ttuhsc.edu</a>	3601 4th Street, UC Suite 330A, MS 6262 Lubbock, Texas 79430	<i>Title IX Website:</i> <a href="https://www.ttuhsc.edu/title-ix/">https://www.ttuhsc.edu/title-ix/</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&amp;layout_id=10">https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&amp;layout_id=10</a>
<b>Texas Tech University Health Sciences Center El Paso:</b> Linda Ellis 915.215.5439 <a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>	Office of Student Affairs Medical Education Building Room 2140D 5001 El Paso Drive El Paso, TX 79905	<i>Title IX Website:</i> <a href="https://el Paso.ttuhsc.edu/gsbs/catalog/title-IX.aspx">https://el Paso.ttuhsc.edu/gsbs/catalog/title-IX.aspx</a> <i>Reporting Link:</i> <a href="https://el Paso.ttuhsc.edu/hr/_documents/TTUHSC%2051.03%20complaint%20form.pdf">https://el Paso.ttuhsc.edu/hr/_documents/TTUHSC%2051.03%20complaint%20form.pdf</a>

- b. *System Office of Equal Opportunity (Employees)*. Each University has designated a Deputy Title IX Coordinator in the System Office of Equal Opportunity to oversee the University’s compliance with Title IX relating to employees. Employees seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the Deputy Title IX Coordinator for Employees in the System Office of Equal Opportunity:

<b>DEPUTY COORDINATOR EMAIL &amp; PHONE</b>	<b>OFFICE ADDRESS</b>	<b>WEBSITE &amp; REPORTING LINK</b>
<b>Texas Tech University System:</b> Charlotte Bingham 806.742.3627 <a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>  <i>Deputy Title IX Coordinator for Employees (all Universities and System Administration)</i>	Office of Equal Opportunity System Administration Building 1508 Knoxville Ave, Suite 309 Lubbock, TX 79409	<i>Office of Equal Opportunity Website:</i> <a href="https://www.texastech.edu/offices/equal-employment">https://www.texastech.edu/offices/equal-employment</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40">https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40</a>

## 6. Reporting Title IX Sexual Misconduct

- a. *Generally.* Any individual may inquire or make a report or complaint of sexual misconduct of any kind. Contact information for these offices is set forth in Section 5, above. For inquiries, reports, or complaints regarding students, individuals are encouraged to contact the University's Title IX Coordinator. For inquiries, reports, or complaints regarding Employees, individuals are encouraged to contact the System Office of Equal Opportunity.
- b. *How to Submit a Report.* Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth above in Section 5, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address listed above. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this regulation.
- c. *After Submitting a Report.* After receiving an inquiry or report, the Title IX Coordinator or System Office of Equal Opportunity will respond or address the report of sexual misconduct. Supportive Measures will be provided as necessary, as described in Section 7 below, and the Complainant will have an opportunity to file a Formal Complaint.
- d. *Employee Obligation to Report.* University Employees (including student Employees) that, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes sexual misconduct must promptly report such incident and information to the University Title IX Coordinator or System Office of Equal Opportunity in accordance with Texas law. This mandatory reporting obligation is further described in Section 10, below.
- e. *Reporting by Students and Third Parties Encouraged.* Students and third parties are strongly encouraged to promptly report any incidents of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to the University Title IX Coordinator or System Office of Equal Opportunity.
- f. *Separate Reporting to Law Enforcement Agencies.* All students, Employees, and third parties may also report incidents of sexual misconduct to law enforcement, including University and local police. Complainants may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or the System Office of Equal Opportunity in contacting these authorities if the individual wishes. Complainants may also decline to notify law enforcement of incidents of sexual misconduct.
- g. *Victims Encouraged to Seek Medical Care.* An individual who experiences sexual misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.

- h. *Preservation of Evidence.* An individual who experiences any form of sexual misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- i. *Good Faith Actors.* The University may not discipline or otherwise discriminate against an Employee who in good faith: (i) makes a report as required under this regulation or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. Further, if a student enrolled at the University makes a report or Formal Complaint of Title IX Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's student conduct policy occurring at or near the time of the incident in accordance with the amnesty provisions set forth in the University's *Student Handbook* or similar policy. This subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this regulation.
- j. *Non-Disclosure of Private Information to Medical Providers.* Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources. This subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure.
- k. *Request of Complainant Not to Investigate.* If the Complainant of an alleged incident of "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in [System Regulation 07.06.B](#), reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:
  - i. The seriousness of the alleged incident;
  - ii. Whether the University has received other reports of "Sexual Harassment", "Sexual Assault", "Dating Violence", or "Stalking", as such terms are defined in [System Regulation 07.06.B](#), committed by the alleged perpetrator or perpetrators;
  - iii. Whether the alleged incident poses a risk of harm to others;
  - iv. Whether the allegations involved violence, use of weapons, or other similar factors; and
  - v. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident described in this subsection based on the Complainant's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- l. *Deadline for Reporting.* Employees must promptly fulfill their mandatory reporting obligations. For other individuals, there is no deadline for reporting incidents of sexual misconduct. However, to promote prompt and equitable review, the University encourages individuals with reports of sexual misconduct to come forward as soon as possible. Delays in

reporting limit the ability to respond to sexual misconduct, collect evidence, and take effective action against persons accused of violating this regulation.

## 7. Supportive Measures

- a. *Provided by University.* The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University's Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct.
- b. *Available Measures.* The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.
- c. *Confidentiality.* The University will maintain the confidentiality of any Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- d. *Implementation.* The Title IX Coordinator or System Office of Equal Opportunity is responsible for coordinating the effective implementation of any remedies, including Supportive Measures, and must consider a Complainant's wishes with respect to Supportive Measures.

## 8. Grievance Process for Title IX Sexual Misconduct

- a. *Formal Complaint Required to Initiate Grievance Process.* The Grievance Process begins upon the filing of a written Formal Complaint.
  - i. *How to File a Formal Complaint.* Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct (as described in Section 6.a and 6.b, above) or by contacting the University Title IX Coordinator or System Office of Equal Opportunity (as described in Section 5, above). Upon receiving such report, or when the University has Actual Knowledge of alleged Title IX Sexual Misconduct, the Title IX Coordinator or System Office of Equal Opportunity will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures (as described in Section 7, above), which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.
  - ii. *Requirement for Filing.* At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity. The University Title IX Coordinator or System Office or Equal Opportunity will assess whether this requirement is satisfied and assist Complainant



in determining whether this Title IX Sexual Misconduct policy, or another policy and complaint procedure applies to the alleged conduct.

- iii. *University Response to Receipt of Formal Complaint.* Upon receipt of a Formal Complaint, the University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal or administrative leave, and (5) initiate the Grievance Process.
- iv. *Initial Review of Formal Complaint.*
  1. *Mandatory Dismissal.* The University shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States.
  2. *Permissive Dismissal.* The University may dismiss a Formal Complaint in the following situations: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.
  3. *Application of Other Policies Upon Dismissal of Formal Complaint.* This regulation applies exclusively to Title IX Sexual Misconduct, as defined in Section 4.q, above. Any other form of sexual misconduct is governed by [System Regulation 07.06.B](#). Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in System Regulation 07.06.B Non-Title IX Sexual Misconduct and the applicable *Student Handbook* or other faculty, staff, or employee policies.
  4. *Written Notice of Dismissal.* If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.

<sup>5</sup> Pursuant to Texas law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated this regulation and the University's code of conduct by committing Title IX Sexual Misconduct, the University: (1) may dismiss the Formal Complaint and proceed under [System Regulation 07.06.B](#), but pursuant to Texas law may not end the disciplinary process or issue a transcript to the student until the University makes a final determination regarding responsibility; (2) shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a reasonably prompt resolution, which may include dismissal of the Formal Complaint and proceeding under System Regulation 07.06.B; and (3) on request by another institution, the University shall provide to the requesting institution information relating to a determination that a student violated this regulation and the University's code of conduct by committing Title IX Sexual Misconduct.

5. *Appeal of Dismissal Decision.* Any party can appeal the dismissal decision in the manner provided in Section 8.j, below.

v. *Right to Consolidate Complaints.* The University may consolidate Formal Complaints as to allegations of Title IX Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Title IX Sexual Misconduct arise out of the same facts or circumstances.

b. *General Requirements of the Grievance Process.*

- i. *Equitable Treatment of Parties.* The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures, (2) providing remedies to a Complainant where a determination regarding responsibility for Title IX Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.<sup>6</sup>
- ii. *No Conflicts of Interest.* The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, appeal officers, and facilitators of an Informal Resolution process be free of conflicts of interest or bias against a party.
- iii. *Presumption of Non-Responsibility; Standard of Evidence.* There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.
- iv. *Objectivity.* Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.
- v. *Privileged Information.* The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

<sup>6</sup> The University may not limit the choice or presence of advisor for either the Complainant or the Respondent; however, the University may establish restrictions equally to both parties regarding the extent to which advisors may participate in the proceedings.

- c. *Timeframe.* The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of one hundred twenty (120) days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred twenty (120) days, shall be reviewed by the University, and justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.
- d. *Notices.* University will provide notices as required, including but not limited to:
- i. *Initial Notice to Parties.* The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (1) this Grievance Process, including the University's Informal Resolution process; (2) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (3) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) that the parties may inspect and review evidence; and (5) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
  - ii. *Supplemental Notice to Parties.* If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.
  - iii. *Notice to All Parties of Hearings, Interviews, or Meetings.* The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  - iv. *Written Notice Via University Email.* Any person entitled to written notice under this regulation will receive such notice to their University email address. In the event a person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.
- e. *Emergency Removal.*
- i. The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any individual, the University may remove the

Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists.<sup>7</sup>

- ii. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the University's Title IX Coordinator or the System Office of Equal Opportunity immediately following the emergency removal.
  - iii. Notwithstanding the foregoing, the University reserves the right, at any time, to place an Employee on paid or unpaid administrative leave.
- f. *Prehearing Investigation.* The University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process.
- i. *Gather Evidence.*
    1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.
    2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
    3. The University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.
    4. The University shall not restrict either party from discussing the allegations or from gathering evidence.
  - ii. *Inspection and Review of Relevant Evidence.*
    1. Prior to the completion of an Investigative Report, the University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.
    2. The University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.

<sup>7</sup> Emergency Removal may also take place in the instance where no Grievance Process is pending.

3. The parties shall have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of an Investigative Report.
- iii. *Investigative Report.* Upon completion of the investigation, the University shall create an Investigative Report that fairly summarizes the relevant evidence. The University shall send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this regulation or otherwise provided.
- g. *Hearing.* If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The hearing will be conducted in accordance with the procedure set forth in *Attachment 2*.
  - h. *Written Determination Regarding Responsibility.*
    - i. After a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this regulation and information on how to file such appeal.
    - ii. The University will provide the written determination to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.
  - i. *Impact Statements.* After a determination regarding responsibility, and before a decision regarding sanctions, the Hearing Panel may request, and the parties may provide, impact statements for consideration.
  - j. *Appeal.*
    - i. *Grounds for Appeal.* The parties may appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds:
      1. A procedural irregularity that affected the outcome of the matter;
      2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

3. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

ii. *Process for Appeal.*

1. *Filing by Appealing Party.* The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.
2. *Response of Non-Appealing Party.* Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.
3. *Appeal Officer.* The University will designate a decision-maker for the appeal (the "appeal officer"). The appeal officer shall not be the same person as any of the Hearing Panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
4. *Response of Hearing Panel.* The appeal officer may submit the written appeal and non-appealing party's response to the Hearing Panel, and the Hearing Panel may submit its response in support of the appeal or original decision to the appeal officer.
5. *Review of Appeal.* The appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.
6. *Written Decision and Notice.* Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

k. *Informal Resolution Process.*

- i. The Informal Resolution Process presents an alternative to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the Informal

Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process will not be offered to resolve allegations that a University Employee engaged in conduct against a student that would constitute Title IX Sexual Misconduct.

- ii. The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.

## 9. Sanctions and Remedies

- a. *Potential Ranges of Sanctions.* The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the Grievance Process are set forth in this Section. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.
- b. *Sanctions and Remedies Against Students.* Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.
- c. *Sanctions and Remedies Against Employees.* Possible sanctions or remedies that may be imposed on Employee Respondents can include, but are not limited to: employment probation; job demotion or reassignment; suspension with or without pay for a specified period of time; dismissal or termination from employment; ineligibility for re-hire; other coaching, conduct or corrective actions described in [System Regulation 07.07](#); or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

## 10. Mandatory Reporting by Employees

- a. *Mandated by Texas Law.* This Section addresses mandatory Employee reporting of Title IX Sexual Misconduct as required by Texas law. A report made under this Section *does not* constitute a Formal Complaint, which is required by federal regulation to initiate a Title IX Sexual Misconduct Grievance Process.
- b. *Employees Required to Report Sexual Misconduct.* Texas law requires Employees to report certain types of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to appropriate University personnel. All Employees, including student Employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes either Title IX Sexual Misconduct, or "Sexual Misconduct" as defined in [System Regulation 07.06.B](#), and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in System Regulation 07.06.B, is a violation of state law that shall result in termination of employment and may result in

criminal penalties. In addition, a knowingly false report under this regulation made with the intent to harm or deceive is also a violation of Texas law that shall result in termination of employment and may result in criminal penalties.

- c. *Contents of Report.* Except as provided by Section 10.d, below, the report required by Subsection 10.b must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party must also state whether the Complainant has expressed a desire for confidentiality.
- d. *Contents of Report by Employee with Confidential Relationship.* An Employee designated by the University as an individual with whom University students may speak confidentially concerning sexual misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this regulation, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the Employee's duty to report an incident under any other law.
- e. *Limited Exception to Mandatory Employee Reporting.* Notwithstanding Section 6.b, above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of sexual misconduct, including but not limited to Title IX Sexual Misconduct; or (ii) an incident of which the Employee received information due to a disclosure made at a sexual misconduct public awareness event sponsored by or affiliated with the University.
- f. *How to Submit a Report.* Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form, available at links set forth in Section 5, above. Reporting Employees should keep a receipt or proof of the submission of the report.

## 11. Non-Retaliation

- a. *Non-Retaliation.* Retaliation against an individual who reports a potential violation in good faith under this regulation, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under this regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this regulation.
- b. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this regulation will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this regulation.



- c. Subsection (a) does not apply to an Employee who:
  - i. Reports an incident of Title IX Sexual Misconduct perpetrated by the Employee;
  - ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Title IX Sexual Misconduct; or
  - iii. Makes a report of Title IX Sexual Misconduct which after investigation is found not to have been made in good faith.
- d. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
- e. *False Information.* An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

## 12. Confidentiality

- a. The protections provided by this Section apply to:
  - i. Complainant;
  - ii. Reporting Party;
  - iii. An individual who sought guidance from the University concerning an incident;
  - iv. An individual who participated in the University's investigation of an incident; or
  - v. Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
  - i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
  - ii. May be disclosed by the University or University Employees only to: (1) University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings; (2) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (3) a health care provider in an emergency, as determined necessary by the University; (4) the Respondent, to the extent required by other law or regulation; and (5) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.
- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of Supportive Measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.

- d. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by the University. Likewise, Employees may make confidential reports through the Employee Assistance Program. All Complaining Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

### 13. Cooperation and Non-Interference with the Grievance Process

- a. *Cooperation by University Employees.* All University Employees who are not a Complainant or Respondent are required to comply with the Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator or System Office of Equal Opportunity.
- b. *Non-Interference.* Any individual who knowingly and intentionally interferes with a Grievance Process conducted under this regulation is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to: (i) attempting to coerce, compel, influence, control, or prevent an individual's participation in an investigation or Grievance Process; (ii) removing, destroying, or altering documentation relevant to the investigation; or (iii) encouraging others provide false or misleading information.

### 14. Training and Education

- a. The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this regulation includes providing primary prevention and awareness programs for all incoming students and new Employees, ongoing education to both Employees and students, and emailing information regarding this regulation to students at the beginning of each academic semester. This regulation is published on the University's website and information regarding this regulation and related policies is required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, the University Employees and administrators responsible for implementing this regulation, including the University Title IX Coordinators, Title IX Deputy Coordinators, System Office of Equal Opportunity employees, Investigators, Hearing Panel members, and appeal officers, receive training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and University policies related to or described in this regulation.
- b. Notwithstanding the foregoing, Title IX Coordinators, Investigators, Hearing Panel members, and facilitators of an Informal Resolution process shall receive adequate and unbiased training on:
  - i. The application of this Title IX Sexual Misconduct policy; and
  - ii. The Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy determinations.

- c. All materials used to train University Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process are publicly available on the University's Title IX websites set forth in Section 5, above.

15. Recordkeeping

- a. The University will create, make available to the Complainant and Respondent, and maintain for a period of at least seven (7) years from the date of creation of the last record pertaining to the case, the following records:
  - i. The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant;
  - ii. Any appeal and the result therefrom;
  - iii. Informal Resolution, if any; and
  - iv. All materials used to train Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process with regard to Title IX Sexual Misconduct.
- b. The University will also create and maintain for a period of seven (7) years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Title IX Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not clearly unreasonable, and document that it has taken measures designed to restore or preserve access to the University's Education Program or Activity.

16. University Referencing Operating Policies

- a. See the following for University Operating Policies and Procedures (OP):

<b>UNIVERSITY</b>	<b>OPERATING POLICY AND PROCEDURE</b>
<i>Angelo State University</i>	<a href="#">OP 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure</a>
<i>Texas Tech University (and System Administration)</i>	<a href="#">OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure</a>
<i>Texas Tech University Health Sciences Center</i>	<a href="#">HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure</a>
<i>Texas Tech University Health Sciences Center El Paso</i>	<a href="#">HSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure</a>

17. Websites and Other Resources

- a. *University and System Title IX Websites.* The University and System Office of Equal Opportunity maintain websites, set forth above in Section 5, that provide relevant information about this regulation as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.
- b. *Additional Resources.* In addition to the websites set forth in Section 5, the following additional online resources are available to members of the University Community:

*Title IX for faculty/staff:*

**ASU:** <https://www.angelo.edu/services/title-ix/help-guide-faculty-and-staff.php>

**TTU:** <http://www.depts.ttu.edu/hr/TitleIX>

**TTUHSC:** <https://www.ttuhs.edu/human-resources/default.aspx>

**TTUHSC El Paso:** <https://elpaso.ttuhs.edu/hr/titleIXcompliance.aspx>

*Title IX for athletics:*

**TTU:** <http://texastech.com/sports/2016/6/8/school-bio-title-ix-html.aspx>

*Office of the Dean of Students/Student Affairs:*

**ASU:** [https://www.angelo.edu/services/student\\_services/](https://www.angelo.edu/services/student_services/)

**TTU:** <http://www.depts.ttu.edu/dos/>

*Risk Intervention & Safety Education (RISE):*

**TTU:** <http://www.depts.ttu.edu/rise/>

*Student Counseling Centers:*

**ASU:** <https://www.angelo.edu/services/counseling/>

**TTU:** <http://www.depts.ttu.edu/scc/>

**TTUHSC:** <https://www.ttuhs.edu/centers-institutes/counseling/pas.aspx>

**TTUHSC El Paso:** <https://elpaso.ttuhs.edu/student-services/SCS.aspx>

*Operating Policies & Procedures:*

**ASU:** <https://www.angelo.edu/opmanual/>

**TTU:** <http://www.depts.ttu.edu/opmanual/>

**TTUHSC:** <https://www.ttuhs.edu/administration/operating-policies/>

**TTUHSC El Paso:** <https://elpaso.ttuhs.edu/opp/>

*Employee Assistance Program (EAP):*

**TTU (and System Administration):** <https://www.ttuhs.edu/centers-institutes/>

**TTUHSC:** <https://www.ttuhs.edu/centers-institutes/counseling/about.aspx>

## 18. Authoritative References

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

34 CFR Part 106

Texas Labor Code Chapter 21

Violence Against Women Act (VAWA)

Campus Sexual Violence Elimination Act of 2013 (Campus SaVE)

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Texas Education Code Sections 51.9363; 51.251 – 51.260; and 51.281 – 51.295

Texas Family Code Sections 71.004 and 71.0021

Texas Penal Code Section 42.072

## 19. Right to Change Regulation

- a. The Texas Tech University System reserves the right to interpret, change, modify, amend, or rescind this regulation, in whole or in part, at any time without notice to or consent of its Employees or other members of the University Community.

Contact Office: System Office of General Counsel

806-742-2155