## Sexual Misconduct Policy Applicability Flowchart Is the alleged conduct severe, pervasive, and Yes No objectionably offensive? (See footnote 1) Did the alleged conduct occur in an Yes Education Program No or Activity? (See footnote 2) Proceed under TTU System Regulation 07.06.A Proceed under TTU System Regulation 07.06.B (Title IX Sexual Misconduct) (Non-Title IX Sexual Misconduct) Student Respondent Student Respondent 1. Formal complaint must be filed. 1. Matter is fully investigated. 2. Complaint is fully investigated. 2. Right to a hearing unless parties agree in writing to 3. Parties will have equal opportunity to inspect and informal resolution. review all evidence directly related to the allegation(s). 3. Parties will have equal opportunity to inspect and 4. Right to a hearing unless parties agree in writing to review all evidence directly related to the allegation(s). informal resolution. 4. The University may, but is not required to, assist in 5. Right to an advisor provided by the University if identifying an advisor. student does not have an advisor. 5. Advisor may attend hearing and provide advice, but 6. Advisor will attend hearing and only the advisor is cannot present or cross-examine at hearing. allowed to perform cross-examination. 6. University Hearing Officer conducts hearing. 7. External Hearing Officer conducts hearing. 7. Complainant must participate at the hearing and the 8. University Hearing Panel renders decision. Hearing Panel relies on the investigative report and any 9. University Hearing Panel issues sanction (if appliable). testimony at the hearing. Determination regarding responsibility may be 8. Cross-examination questions are allowed but appealed. 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 Formal complaint must be filed. Complaint is fully investigated. Parties will have equal opportunity to inspect and Employee Respondent review all evidence directly related to the allegation(s). 1. Matter is fully investigated. Right to a hearing unless parties agree in writing to 2. No Hearing. informal resolution. 3. Advisor not provided by University. Right to an advisor provided by the University if 4. Advisor may attend interview of their advisee employee does not have an advisor. (University attorney must be present if advisor is an . Advisor will attend hearing and is allowed to attorney), but cannot participate (e.g., cross-examine). perform cross-examination. 5. EO Office renders decision as to whether policy was External Hearing Officer conducts hearing. violated. University Hearing Panel renders decision. 6. Discipline (if any) is assessed by employee's supervisor Discipline (if any) is assessed by employee's subject to University policy. supervisor subject to University policy. 7. Determination regarding policy violation may not be Determination regarding policy violation may 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 assa ult:
  - B. Dating violence, domestic violence, or stalking; and

appealed.

- 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.