

PART I CODE OF STUDENT CONDUCT

SECTION A: STUDENT CONDUCT MISSION AND POLICIES

The *Code of Student Conduct* outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the *Code of Student Conduct*. Any student or student organization found responsible for misconduct may be subject to conduct sanctions.

The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

The *Code of Student Conduct* and related processes educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

1. Disciplinary Authority

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the Vice Provost, Undergraduate Education and Student Affairs is the principal agency for the administration of student conduct. The Office of the Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct and the Title IX Administrator, herein after referred to as the Managing Director or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Investigator

An Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation and compile the information that they gathered into an Investigation Report. In most cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the investigation to the Panel, which will make a determination of responsible or not responsible and assign a sanction. In non-Title IX cases heard through the Administrative Hearing process, or completed via an Informal Resolution, the Investigator may issue allegations, may render findings and may issue sanctions. In Sanction Only Hearings for non-Title IX cases, the Investigator will issue allegations and the finding and may issue the sanction(s) but may at times only issue the allegations and the finding.

Investigators are assigned to cases by the Dean of Students, the Managing Director or designee, or Title IX Administrator. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Office for Student Rights & Resolution, the Office of the Dean of Students, Center for Campus Life, and University Student Housing. The investigator may assist the Resource Person or Committee Chairperson during the hearing.

b. Administrative Hearing Officer

An Administrative Hearing Officer is a trained University staff member whose role is to make a decision of responsibility and assign sanctions, as appropriate in an Administrative Hearing. In non-Title IX cases, the Administrative Hearing Officer may be the Investigator who completed the Investigation/Investigation Report, or an Administrative Hearing Officer assigned by the Managing Director or designee.

c. Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. Hearing Panel Appointments

The Managing Director or designee will be responsible for assembling and training the Hearing Panel annually. Students, faculty and staff may apply to serve to serve on the Hearing Panel pool by contacting the Office of Student Conduct. The Hearing Panel will consist of students, faculty, and staff members, according to the following guidelines:

a. Student Recommendations

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the Hearing Panel. Upon recommendation, student members will be invited to participate in an application process, prior to

appointment. Upon completion of the application process, selected student members will be appointed by the Managing Director or designee. To be eligible for appointment, undergraduate students must be considered full-time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester(S) in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for faculty members to serve on the Hearing Panel. Upon recommendation, faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, faculty members will be appointed by the Managing Director or designee.

c. Staff Appointments

The President of the Staff Senate is invited to make recommendations for staff members to serve on the Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the Managing Director or designee, in consultation with the Dean of Students. Staff who served as Investigators will not serve as a Resource Person or Panel Member in a Hearing.

d. Administrative Hearing Officer Appointments

An Administrative Hearing Officer may be appointed as member of the Hearing Panel by the Managing Director or designee and are selected from the group of trained University staff members designated as Administrative Hearing Officers. Administrative Hearing Officers who served as Investigators in the case may not serve on the Hearing Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

2. Hearing Panel Terms

Each member will be appointed for a single one-year term by the Managing Director or designee. Members may be re-appointed for consecutive one-year terms, but must complete the Hearing Panel training each year.

3. Hearing Panel Composition

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Hearing Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Hearing Panel members for the Panel. A Hearing Panel Chair may be selected in order to assist the Resource Person in conducting an orderly hearing. A Hearing Panel Chair may not be a student.

4. Resource Person

The Managing Director or designee appoints a Resource Person in each Panel Hearing. The Resource Person is a non-voting participant and assures that University/College procedures are followed throughout the Panel Hearing. The Resource Person is responsible for composing the Panel's decision, assisting the Panel in composing the rationale, assisting the Panel in drafting the decision letter, providing clarification on policy and procedure and providing clarification on appropriate sanctions, if assigned.

5. Removal of a Hearing Panel Member

The Managing Director or designee may remove a member from this Panel when, in his/her judgment, the member has failed or refused to effectively serve and perform the duties and functions of the Panel. The Hearing Panel member may recuse themselves on a case by case basis if there is a conflict of interest. Additionally, the Complainant or Respondent may request the removal of a Panel Member whose ability to be impartial is in question. The Managing Director or designee will review and approve or deny student requests for removal of a Panel Member.

6. Panel Hearings

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will provide for scheduling special meetings as needed. Panel Hearings will be conducted by a subgroup of the Hearing Panel Members.

7. Panel Hearing Deliberation

When deliberating a case, the Hearing Panel will meet in closed session with only voting Panel members present.

8. Additional Hearing Panel Members

The Managing Director for the Office of Student Conduct or designee may appoint additional members of the Hearing Panel to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional member(s) of the Hearing Panel will complete the same training, have the same duties and Responsibilities, and the same authority as the original Hearing Panel member.

9. Hearing Panel Orientation & Training

Prior to serving in a Hearing, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Office of Student Conduct. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

d. The *Code of Student Conduct* Review Committee

The *Code of Student Conduct* is reviewed every year by the *Code of Student Conduct* Review Committee in conjunction with the Office of Student Conduct, University Student Housing, Dean of Students, and the Vice Provost for Student Affairs. The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Vice Provost for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Vice Provost for Student Affairs will then present the *Code of Student Conduct* for review and consideration by the Board of Regents.

1. Committee Appointment

The *Code of Student Conduct* Review Committee members are appointed by the Managing Director or designee who will invite recommendations by the President of the Faculty Senate, President of the Staff Senate, President of the Student Government Association, President of the Graduate Student Assembly, and the President of the Residence Halls Association.

2. Committee Composition

The *Code of Student Conduct* Review Committee will include members from the following classes of Texas Tech University community members:

- a. Full-time faculty;
- b. Full-time staff;
- c. Full-time undergraduate student(s);
- d. Full-time graduate student(s).

3. Committee Removals

The Managing Director or designee may remove a member from this committee when, in their judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Office of Student Conduct will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.

5. Committee Quorum

A quorum for the committee is five (5) members.

6. Additional Committee Members

The Managing Director or designee may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the code. The additional members of the *Code of Student Conduct* Review Committee.

2. **Jurisdiction**

Students at the University are provided an electronic copy of the *Code of Student Conduct* annually in the form of a link on the Student Handbook website. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and student organizations are subject to conduct action according to the provisions of the *Code of Student Conduct*. The University respects the rights and responsibilities of students and will consider each violation of University policy and each violation of federal, state and/or local law on a “case-by-case” basis and will further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

The *Code of Student Conduct* and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, including law students and all student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The *Code of Student Conduct* applies to behaviors that take place on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Dean of Students or Managing Director or designee determine that the off-campus conduct affects a substantial University interest, such as situations where a student’s conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or detrimental to the educational mission of the University.

Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. Misconduct which may constitute a violation of federal, state, local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student’s ability to reenroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to

reenrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree. The University reserves the right to address and adjudicate behavior of previously enrolled students when there is a continued University interest.

The *Code of Student Conduct* may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action when such information is brought to the attention of University officials.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education program students, or by contractual agreement. Visitors to and guests of the University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of University community.

3. **Notice**

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Pre-Scheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student schedule conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of an Investigator or designee, the Office of Student Conduct may issue a 'Failure to Comply' *Code of Student Conduct* allegation to the student. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at www.raiderlink.ttu.edu/.

Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently enrolled Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter

advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be received by the Office of Student Conduct and/or the Office for Student Rights & Resolution within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

The Office of Student Conduct and/or the Office for Student Rights & Resolution will make every effort to complete the process as quickly as possible. Timelines may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

5. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in *Code of Student Conduct* proceedings is the preponderance of evidence, or more likely than not.

6. Reporting Allegations of Misconduct

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online [incident report form](#). The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the Office of the Dean of Students to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an [online form](#). Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the Office of the Dean of Students and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders, members, and/or advisors are encouraged to self-report organization or member behavior, including future events that may be considered violations of TTU policy.

To file allegations of misconduct against a student or student organization that involves gender

or sex based harassment, the individual(s) should complete an online incident report form. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office for Student Rights & Resolution Student Union Building Room 232E.

If after an initial report has been made a student experiences a subsequent concern or continued incident(s) of alleged misconduct, a student may file an additional report pursuant to the procedures in this section (Part I, section A.6).

7. **Confidentiality**

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support. Information about the TTU Student Counseling Center can be found at www.depts.ttu.edu/scc/.

The University is committed to facilitating an environment that supports students reporting incidents of misconduct, and will always attempt to resolve a situation in accordance with a student's wishes. In most cases, the University will not initiate student conduct proceedings or take administrative action without consulting with the reporting student.

In some exceptional circumstances, where the incident in question presents a continuing threat to the campus community, the University may be required to investigate irrespective of the Complainant's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community, as required by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Timely warnings do not include personally identifiable information of involved parties.

All reports of misconduct will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective investigation and adjudication of the case. Where reports of misconduct involve other students, either as respondents or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough investigation.

8. **Anonymity**

Texas Tech understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of a Complainant's desire, in some cases, to report an incident without disclosing their name or other identifying information. Texas Tech will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

9. Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure, to the complainant or subject of a crime of violence or a nonforcible sex offense concerning the final results of a disciplinary Hearing.

NOTE: Additional information on Student Records is available in The Student Handbook, Part II, Section P.

10. Student Organizations

Information gathered during an Investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the student organization's Headquarters, sponsoring department, or organization as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

Student organization records do not affect the content of individual student records for members of those student organizations. A finding of responsibility for misconduct for a student organization does not indicate a finding of responsibility for individual students. Individual students may be subject to their own conduct processes separate from the student organization process.

All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Resolution, any Hearing process, and/or conduct appeal processes.

11. Reporting Criminally

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. Texas Tech administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if they wish.

12. Amnesty

The University will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
 - In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may be

reviewed under this amnesty provision.

- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.
- The university will not take any disciplinary action against a student who in good faith reports being the victim of, or witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking, for a violation of the *Code of Student Conduct* occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident.
- Students or Student Organizations who voluntarily and in good faith reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident.
- A student may not receive amnesty for reporting the student's own act of hazing of at least one or more others.
- A student may not receive amnesty if the student reports an act of hazing in bad faith or with malice.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2 (Actions against Members of the University Community and Others). *The Code of Student Conduct* amnesty provisions do not influence criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling, alcohol assessments, and other requirements. The Office for Student Rights & Resolution may also assist with questions related to amnesty provisions, but the final determination regarding amnesty will be made by the Managing Director of the Office of Student Conduct or designee or the Title IX Administrator or designee in Title IX cases.

13. Withdrawal

A responding student facing an alleged violation of the *Code of Student Conduct* may have a hold placed on their transcript requiring them to contact the Managing Director or designee to request permission to withdraw from the University. While a student may be permitted to withdraw from the University, the hold will remain on the student's transcript until all allegations are resolved. The investigation into alleged conduct violations may continue regardless of the student's withdrawal or choice to participate in the Investigation. The University reserves the right to reinstate a student who withdraws at any point during the conduct process.

NOTE: For information pertaining to withdrawing from a course involving Academic Integrity allegations, see Part II Community Policies Section Academic Integrity item d. *Withdrawal and Assignment of Grades*.

SECTION B: MISCONDUCT

1. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

a. Cheating

1. Copying from another student's academic work, test, quiz, or other assignment
2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
3. The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.
4. Possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.
5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer program/software, or information about an unadministered test, test key, homework solution or computer program.
6. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
8. Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
9. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
10. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.

b. Plagiarism

1. The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased or summarized materials.
2. Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

c. Collusion

The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

d. Falsifying academic records

1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

e. Misrepresenting facts

1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
2. Providing false or misleading information in an effort to injure another student academically or financially.
3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.

g. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f above.

2. Actions against Members of the University Community and Others

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct

Intentional or reckless behavior that disrupts or obstructs the University operations including the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

b. Harmful, Threatening, or Endangering Conduct

Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others, including but not limited to:

1. Assault

- a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
- b. Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

2. Threats

An act or communication a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s).

- a. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- c. A threat, including but not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.

3. Intimate partner / relationship violence/dating violence

For the purposes of this policy, Interpersonal Violence is:

- a. Domestic or family violence is abuse or violence committed by a (1) current or former spouse or intimate partner of the Complainant, (2) person with whom the Complainant shares a child in common, (3) person who is cohabitating (or has cohabited) with the Complainant as a spouse or intimate partner, (4) person similarly situated to a spouse of the Complainant under state/local law, or (5) any other person against an adult or youth who is protected by that person's acts under the state/local domestic or family violence laws.
- b. Dating violence is abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the person's involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
- c. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's Complainant's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

4. Bullying / cyber bullying

Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of

expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.

5. Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety/safety of others or would cause the person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person’s property.

6. Mutual Combat

Any incident between two or more individuals in which violence or the threat of violence is mutual.

NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.

c. Sexual Misconduct (see also Part I, Section D)

1. Sexual Harassment

Unwelcome sex-based verbal, written, or physical conduct when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or (3) Such conduct has the purpose or effect of interfering with the individual’s work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe, persistent, or pervasive

2. Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- a. Photography or video recording of another person in a sexual, intimate, or private act without that person’s full knowledge and consent;
- b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge and consent;
- c. Sexual voyeurism;
- d. Inducing another to expose one’s genitals or private areas;
- e. Prostituting another student;
- f. Engaging in unprotected sexual activity while knowingly infected with a sexually transmitted infection without the party’s full knowledge and consent.

3. Public Indecency

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one’s genitals or private area(s), public urination, defecation, and/or public sex acts.

4. Nonconsensual Sexual Contact

Intentional sexual touching, however slight and with any object or part of one’s body,

of another's private areas without consent. Private area includes butt, breasts, mouth, genitals, groin area, or other bodily orifice.

5. Nonconsensual Sexual Intercourse

Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal. This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.

NOTE: Refer to Section D for a comprehensive definition of consent.

d. Hazing

Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of primarily students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
2. Any type of activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement, personal servitude, or calisthenics.
3. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
4. Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Conduct.
6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936

e. Discriminatory Harassment

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

f. Retaliatory Discrimination or Harassment

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

g. Complicity or Knowingly Present

1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*.
2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
3. Any person who is knowingly present for the commission of a violation of the Code of Student Conduct and does not take steps to remove themselves from the location of the violation.

NOTE: Actions involving free expression activities are covered in Community Policies, Section H.

4. Alcoholic Beverages

Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.

5. Narcotics or Drugs

Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.

6. Smoking or Vaping

Smoking or vaping in unauthorized areas on University property as designated by the Texas Tech University smoke-free and tobacco-free environment policy.

7. Firearms, Weapons and Explosives

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.

NOTE: See *Texas Tech University Operating Policy related to Campus Carry at <http://www.depts.ttu.edu/opmanual/>* and University Student Housing Contract Guide for specific approved devices allowed in the residence halls.

8. Flammable Materials/Arson

- a. Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

9. Theft, Damage, Littering or Unauthorized Use

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, by campus visitors or others
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, campus visitors, or others.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.
- g. Alteration, forgery or misrepresentation of any form of identification.
- h. Possession or use of any form of false identification.
- i. Selling items including but not limited to: stolen items, student identification cards and/or any item which may be used as a form of false identification.

10. Gambling, Wagering, Gaming and/or Bookmaking

Gambling, wagering, gaming and bookmaking as defined by federal, state, local laws, and/or Texas Tech University policy are prohibited on University premises involving the use of University equipment or services.

11. False Alarms

Intentional sounding of a false fire alarm or falsely reporting an emergency. The destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.

12. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University

- premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word “Tech” as a part of their organizational names or to use the complete statement “a registered student organization at Texas Tech University.”
 - d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

13. Failure to Comply

- a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
- b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
- c. Any intentional, retaliatory, or adverse action taken by a respondent individual or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this *Code of Student Conduct*.
- d. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.

NOTE: Examples include but are not limited to directives from the Office of the Dean of Students staff, Office of Student Conduct staff, Title IX staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.

14. Abuse, Misuse, or Theft of University Information Resources

“Information resources” means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003(7).) Per Texas statutes, TTU information resources are strategic assets of the state of Texas that must be managed as valuable state resources. Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies (<http://depts.ttu.edu/infotech/security/>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, confidential and/or sensitive information and passwords, including the unauthorized sharing of confidential and/or sensitive information or passwords with individuals who have not been granted access to University information resources.
- b. Use of University information resources:
 1. For unauthorized or nonacademic purposes including, but not limited to, illegal

- access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
2. To violate Part I, Section B.2 of the *Code of Student Conduct* (Actions against Members of the University Community and Others).
- c. Attempted or actual:
1. Breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
 2. Use of TTU information resources to interfere with the normal operation of the University.
 3. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
 4. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
- d. Use of TTU information resources to interfere with the normal operation of the University.
1. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
 2. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
- e. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the explicit approval by the TTU official processes regarding academic ethical issues. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information Security Officer or Chief Information Officer immediately.
- f. Intentional "spamming" of students, faculty, or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal relationship) using TTU information resources.

15. Providing False Information or Misuse of Records

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

16. Skateboards, Rollerblades, Scooters, Bicycles or Similar Modes of Transportation

Use of skateboards, rollerblades, scooters, bicycles or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

NOTE: Refer to University Parking Services Regulations at <http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf>.

17. Interference with Expressive Activities

Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the *Code of Student Conduct*. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation.

NOTE: See also Code of Student Conduct Part II, Section H – Freedom of Expression Activities & Section Q – Use of University Space

18. Violation of Published University Policies, Rules or Regulations

Violation of any published University policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of:

- a. Transportation & Parking Services
- b. University Student Housing
- c. Recreational Sports
- d. Student Organization and Fraternity and Sorority Life
- e. Texas Tech University Board of Regents' Rules
- f. Texas Tech University Operating Policies and Procedures
- g. Community Policies of the Student Handbook
- h. TTU Athletics

19. Violation of Federal, State, Local Law and/or University Policy

Misconduct which may constitute a violation of federal, state local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding.

20. Abuse of the Discipline System

- a. Failure of a student to respond to a notification to appear before an Investigator during any stage of the conduct process.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body

- prior to and/or during and/or after the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

SECTION C: CONDUCT PROCEDURES FOR STUDENTS

Upon notice or receipt of potential violation(s) of the *Code of Student Conduct*, The Dean of Students or the Managing Director or designee will appoint an Investigator who will inquire, gather and review information about the reported student misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

NOTE: The Managing Director or designee may proceed with the conduct process (even if the complainant(s) chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

1. Remedies and Resources

The University may take immediate interim actions to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct procedures. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police

Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct*. Through an interim action or during an interim suspension, a student may be denied access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the Managing Director or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Managing Director or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension are not sanctions. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*. A student who receives an interim action(s) or interim suspension may request a meeting with the Managing Director or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a hearing.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no

contact order. Failure to comply with the no contact order may result in additional disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the conduct process. The term of a No Contact Order is “one year from the date of issuance, or the graduation of one or both parties, whichever comes first.”

2. Immediate Temporary Suspension – Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Managing Director or designee, or on recommendation of an Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Managing Director or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension. Initiation of appropriate conduct proceedings includes but is not limited to informing parties that an investigation has begun via a “Notice of Involvement/Notice of Investigation” letter via the official notice procedures outlined in Part I, section A. 3. of the *Code of Student Conduct*.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded or the Interim Action has been modified. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
 - Violation of a No Contact Order;
 - Retaliatory harm, discrimination, or harassment.

3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary

changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings, and representing the University.

In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension by the Managing Director or designee

A student may request a review of an Immediate Temporary Suspension or Interim Action for off campus courses and activities by the Managing Director or designee. At the discretion of the Managing Director or designee, modifications can be made to an Immediate Temporary Suspension or Interim Action that impacts off campus courses and/or activities on a case by case basis.

4. Non-Student Interim Actions

Any guest to the University who is alleged to have violated university policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Office of Student Conduct, in conjunction with the Texas Tech Police Department, will issue a Criminal Trespass to that individual(s).

NOTE: Students of Texas Tech University may be held responsible for actions of their guests.

5. Withdrawal of Consent

a. Grounds for Removal

The Investigator or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Investigator and Dean of Students, it is determined that:

- The student has willfully disrupted the orderly operation of the premises, and;
- The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.
- If the Dean of Students concurs with the recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a Hearing must be held within these fourteen (14) calendar days to determine the student's status at the University. Permission to be on University premises must be coordinated through the Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.

b. Registration Flag Following Withdrawal of Consent

When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This

administrative hold will remain on the student's records until the student is readmitted.

NOTE: See Texas Education Code, sections 51.233-51.244

2. Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

3. Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Managing Director or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Managing Director or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the *Code of Student Conduct*. Voluntary Resolution agreements will be maintained in accordance with University policies.

4. The Conduct Process

a. Notice of Investigation/Notice of Involvement

A student will be given notice of their involvement in regard to a referral received by the University or once the University is put on notice by receipt of a "Notice of Investigation/Notice of Involvement" Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. In the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

b. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator. The Student Rights and Responsibilities

document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a parent or legal guardian, a relative, or an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor. The Managing Director or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an advisor during their suspension and students who have been expelled may not serve as an advisor.
3. Refrain from making any statement relevant to the Investigation. Students are expected to cooperate with the University conduct process, but may elect not to participate in the Investigation process, either in part or entirely. However, a student's refusal to participate in the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.

4. The opportunity to provide information and evidence in support of his/her case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;

7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

1. Be responsive to all correspondence from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the Investigation;
4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

c. Investigation

The Managing Director or designee will appoint an Investigator who will conduct a thorough, reliable, and impartial Investigation of the reported allegation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the Investigation procedures described below may vary.

When initial inquiry indicates a concurrent police Investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the Investigation. Elements of this collaborative Investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the Investigation is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the Investigation has concluded. In order to protect confidentiality students may be given an electronic password protected copy of the investigation report which may be redacted.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the respondent based on the information that the Investigator collected without the student's participation, if appropriate.

1. Informal Resolution

If after the Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Investigator conducting the initial inquiry/Investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Investigator. The case will only be reopened if new material, previously unavailable is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

2. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the Investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents reviewed may include notification of Respondent's allegations, Hearing Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the Hearing. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is

pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. However, the Dean of Students or Managing Director or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must provide the Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

5. Hearings

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative or Panel Hearing may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report the student may request a Sanction Only Hearing. Arrangements can be made for either party to participate electronically, from another room, etc., if requested in advance of the Hearing date.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Conduct prior to the scheduled Hearing.

The university will attempt to facilitate reasonable questioning of involved parties throughout the investigation and conduct process.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the student, and the student has failed to respond within the allotted time frame to meet with an investigator.

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Investigator or Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or an Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three trained panel members.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

The Managing Director or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is a staff member in the Office of Student Conduct. The Resource Person assures that University/College procedures are followed throughout the Hearing.

The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post- Hearing documentation,
- Deliver notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. Likewise, the Complainant and Respondent may make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Simultaneous notification of outcomes of the Panel Hearing should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

Note: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

c. **Sanction Only Hearing**

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing body. Simultaneous notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.”

Note: A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

6. **Sanctions**

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer, or the Hearing Panel. The Investigator, Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason. Implementation of the disciplinary sanction(s) will begin immediately or as assigned.

In limited instances such as removal from University Student Housing, Suspension, or Expulsion, a student may submit an *Intent to Appeal* to the Managing Director or designee as soon after receipt of the hearing decision as possible and prior to the deadline to appeal (3 days). The student must clearly state an intent to appeal and must include the preliminary identification of the appropriate ground(s) of which the student believes an error occurred. Upon confirmation of receipt of the intent to appeal by the Managing Director or designee, the effective date of the student’s sanction(s) will be delayed pending the outcome of the appeal. However, upon the judgement of the Managing Director or designee, some cases (e.g. including but not limited to reasonable belief the student poses an active threat to at least one member of the University community) with sanctions of housing removal,

suspension, or expulsion may begin prior to the completion of the conduct appeal process.

Note: an Intent to Appeal does not satisfy the need for the student to articulate and submit a written appeal request as detailed in Section 7 – Conduct Appeal Procedures below.

Both the Respondent and the Complainant (if applicable) will be simultaneously notified of the appellate officer's decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Findings and sanctions agreed upon through the Informal Resolution Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative Hearing, or Panel Hearing and/or Conduct Appeal Procedures in Part I, section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but are not limited to the following:

a. Disciplinary Reprimand

The disciplinary reprimand is an official written notification using the notice procedures outlined in Part I, section A.3 to the student that the action in question was misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University.. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Managing Director or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Managing Director or designee may recommend denial of readmission of a student. On denial of a student's readmission, the

Managing Director or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. This status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

e. Conditions

A condition is an educational or personal element that is assigned by an Investigator, Administrative Hearing Officer, or Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

1. Restrictions

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

- Revocation of parking privileges;
- Denial of eligibility for holding office in registered student organizations;
- Denial of participation in extracurricular activities;
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community;
- Loss of privileges on a temporary or permanent basis.

2. Academic Penalties

In cases involving violations of Part II, section B.1 (Academic Misconduct) an academic penalty may be imposed by the referring party. Academic penalties include, but are not limited to:

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
- Removal of fellowship or assistantship support.

3. Parental Notification

Violations of Part I, sections B.3 (Alcoholic Beverages) or B.4 (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21.

NOTE: Any student at any time may request a review of the sanctions in place in writing to the Managing Director or designee.

7. **Conduct Appeal Procedures**

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Managing Director or designee within three (3) University working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, “the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions.” The student may appeal by submitting a written petition to the designated appeal officer within three (3) University working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, Managing Director, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course or program where the violation occurred. In situations where the Associate Academic Dean participated in the Hearing as the Investigator or Instructor of Record, the designated appeal officer is the Academic Dean.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

NOTE: Lack of participation at any part of the Investigation or conduct process does not constitute as new evidence.

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the written appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.

The designated 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. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working

days from receipt of all responses. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

NOTE: For information pertaining to an Intent to Appeal and delay of sanctions, please see sanction procedures.

8. Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on their records under this section must request readmission from the Managing Director or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Managing Director or designee to submit evidence in writing supportive of his/her present ability to return to the University. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

SECTION D: TITLE IX PROCEDURES FOR STUDENTS

This section provides information regarding the university's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, sexual misconduct, interpersonal violence, and stalking. This policy, in conjunction with TTU OP 40.03, provides students with their rights and options and also explains how the university will proceed once it is made aware of allegations of prohibited conduct in keeping with the university's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), Texas Education Code, and other applicable law.

The university is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. Texas Tech prohibits discrimination based on sex, which includes pregnancy, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex. Any acts that fall

within the scope of this policy hereinafter are referred to as Sexual Misconduct.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

This policy applies to all university students. This policy will apply to on-campus and off-campus conduct of which the university is made aware and which adversely impacts the educational and employment environments of the university. The university will take all reasonable steps to prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.

All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this policy are not criminal investigations. For all complaints under this policy, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The university expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

1. Definitions

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

- a. **Complaining Party/ Complainant** – A person who was allegedly subjected to a violation of this policy.
- b. **Consent** – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) 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.

Before engaging in any type of sexual activity, it is the *initiator's* responsibility to obtain their partner's consent, either verbally or non-verbally. Silence cannot be assumed to express consent and saying "NO" is not the only way a sexual partner may communicate lack of consent. A partner may use non-verbal cues to indicate their lack of consent for any sexual activity. Some examples of non-verbal communication that demonstrate lack of consent

include:

- Resistance: pushing hands away, pulling away from partner
- Body going limp or freezing up
- Crying
- Wincing

Other points regarding consent:

- A person is not required to actively resist their aggressor.
- A person's intentional use of alcohol/drugs neither negates nor diminishes the initiator's responsibility to acquire consent before engaging in sexual activity.
- Consent has an expiration date. Consent on Thursday does not mean consent on Friday.
- A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. This is true even in marriage or other long-term sexual relationships.

A person CANNOT consent to sexual activity when they are incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of this policy. The question of what the Respondent should have known is objectively based on what a reasonable person would have known about the condition of the Complainant.

Revocation of Consent- One partner can revoke their consent at any time, so long as it's clearly communicated to the other partner. Revocation may be communicated verbally and/or non-verbally. Once a partner has revoked consent, the sexual activity must stop. If sexual activity continues after the other partner has revoked their consent, a sexual assault has occurred.

- c. **Employee** – Any person who receives a W-2 or 1042-S from the university, including full- and part-time faculty, staff, and students.
- d. **Incapacitation** – A state of being that prevents an individual from having capacity to give consent. Incapacitation includes, but is not limited to:
 - Age: A minor cannot consent to engage in sexual activity. In Texas, the legal age of consent is 17.
 - Intellectual or other Disability: A person with a mental disorder or other cognitive issue which prohibits them from making an informed decision lacks capacity to consent to engage in sexual activity.
 - Physical Incapacitation: A person who is asleep, unconscious, and/or intoxicated to the point of no longer understanding or controlling their actions cannot consent to engage in sexual activity.
- e. **Interpersonal Violence** – For purposes of this policy, Interpersonal Violence is:
 - **Domestic or Family Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by a person with whom the Complaining Party shares a child in common, by a person with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complaining Party under the domestic or family violence laws of the state

of Texas, 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 state of Texas.

- **Dating Violence** – Abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
- f. **Public Indecency** – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:
- Exposing one's genitals or private areas;
 - Public urination;
 - Defecation; and/or
 - Public sex acts.
- g. **Reporting Party** – A person or entity (in the case of the university), other than the Complaining Party, who reports an alleged violation of this policy.
- h. **Responding Party/Respondent** – Generally, the Responding Party is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.
- i. **Sex Discrimination** – An act that deprives a member of the university community of their rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the person's sex.
- j. **Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.
- k. **Sexual Assault** – Sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse. Sexual Assault includes:
- (1) **Nonconsensual Sexual Contact** – Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:
- Intentional contact with the breasts, buttock, groin, or genitals;
 - Touching another with any of these body parts;

- Making another touch you or themselves with or on any of these body parts; or
 - Any other intentional bodily contact in a sexual manner.
- (2) **Nonconsensual Sexual Intercourse** – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.
1. Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
 - Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge or consent;
 - Sexual voyeurism;
 - Inducing another to expose one’s genitals or private areas;
 - Prostituting another; or
 - Knowingly exposing someone to or transmitting a sexually transmitted disease without the party’s full knowledge and consent.
 - m. Sexual Harassment – Means unwelcome, sex-based verbal or physical conduct that in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities.
 - n. Stalking – A course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - o. University Community – All faculty, staff, and students of and visitors to any university premises or university-affiliated activity.

2. Title IX Staff

The Office for Student Rights & Resolution (OSR&R) will investigate complaints of Sexual Misconduct by or between students. (*Please note, some campus partners refer to OSR&R as “the Title IX Office.”*) The Texas Tech University System Office of Equal Opportunity (Office of EO) will investigate complaints of Sexual Misconduct by or between employees.

The OSR&R staff includes the Title IX Administrator, Assistant Title IX Administrator/ Case Manager, Investigators, CARE (Campus Advocacy, Response and Education) Coordinators, and a Business Assistant. Information provided to OSR&R is considered private and is only shared with other campus officials in the event of an emergency, or an educational need to know. Reports are only shared with law enforcement with the express consent of the student involved, or through a lawfully issued subpoena.

- a. Title IX Administrator- A trained university staff member who oversees the university's compliance with Title IX. The university has also designated an Assistant Title IX Administrator and Title IX deputy administrators for students and employees.
- b. Title IX Case Manager- A trained university staff member whose role is to respond to Sexual Misconduct reports. The Title IX Case Manager conducts Intake meetings with the Complainant and Respondent, coordinates all remedies and resources for students involved in Sexual Misconduct cases, and assists student with anonymous reporting. The Case Manager oversees the university's compliance in offering assistance to involved parties.
- c. Investigator- A trained university staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigation Report. Investigators may facilitate Voluntary Resolutions when requested by the parties involved in the case. In cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the Investigation to the Panel. Investigators are assigned to cases by the Title IX Administrator or Assistant Administrator.
- d. CARE Coordinators- CARE Coordinators are graduate students who, in conjunction with the Title IX Case Manager, connect students with resources after a referral is made to OSR&R. They serve as a student's primary point of contact. Coordinators are trained to work with both Complainants and Respondents, but each Coordinator will only work with one party in a case. CARE Coordinators review and clarify process and policies, reporting options and available resources; attend meetings as a support person; review documents and materials from the investigation, report, Hearing, decision letters and sanctioning as requested; and provide general support and a safe listening space. CARE Coordinators can assist students in filing anonymous reports but are not a confidential resource. CARE Coordinators do not provide legal guidance.
- e. OSR&R Business Assistant- A trained staff member who assists with the day to day operations of the office. The Business Assistant schedules appointments and greets individuals visiting the office.

3. Reporting Sexual Misconduct

All employees, including student employees, who in the course and scope of employment witness or receive information regarding a possible incident of sexual harassment, sexual assault, dating violence or stalking against a student, employee or visitor to the institution shall promptly report the incident to the Title IX Administrator, Assistant Administrator, Deputy Administrator, or TTUS Office of Equal Opportunity. While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the university, including incidents in which the student was a victim.

Students may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Complainants may choose to notify law enforcement and will be provided the assistance of the Title IX Administrator, Case Manager, Deputy Administrator or Investigator in contacting these authorities if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct.

A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students 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 up to 4 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 to University Medical Center or Covenant Hospital.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

Making a Report

At Texas Tech, students can make a report in a variety of ways. Reports are private, and will not be shared with law enforcement, other students, faculty, non-Title IX staff or parent/family members without express consent.

- Filing a report online: A report can be made by visiting the online reporting form via the university Title IX website (http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php). This report can also be completed anonymously, except for university employees who are fulfilling reporting requirements. Please note that reporting anonymously may limit the university's ability to investigate the incident or provide resources to the involved parties.
- Contacting a Title IX staff member directly: Meet with a staff member in person, speak over the phone, or communicate via email. Staff members can answer questions about the policies/procedures and describe options available to students.
 - Title IX Administrator- Dr. Kimberly Simón; Administration Building Suite 115, 806.834.1949, kimberly.simon@ttu.edu
 - Title IX Case Manager- Meredith Holden; Student Union Building Room 232E; 806.834.5556, meredith.holden@ttu.edu
 - CARE Coordinators- Student Union Building Room 232E; 806.742.7233
- Make an anonymous report: Staff members are available to assist student in making an anonymous report. Anonymous reports can help put a student in touch with resources even if they are not sure they would like to proceed with formal reporting and investigation procedures. Anonymous reports can be made through the Title IX Case Manager and CARE Coordinators in OSR&R. These staff members can be reached by calling 806.742.7233 or visiting the Student Union Building, Suite 232E. The staff in the RISE Office can also assist with anonymous reporting. The RISE office can be reached by calling 806.742.2110, emailing RISE@ttu.edu, or visiting the office in Drane Hall Suite 247.
- Make a confidential report: Students may make a confidential report to licensed clinical and/or

mental health professionals acting in their professional roles. These employees are encouraged to provide their students with information and guidance regarding university reporting options and available resources but will not report or otherwise refer incidents to OSR&R without the student's express permission. Confidential reports may be made to the Student Counseling Center, the Family Therapy Clinic, the Psychology Clinic, and Student Health Services on campus. Students can make confidential reports off campus to Voice of Hope, and other licensed clinical and mental health providers.

While there is no deadline to file a report, to promote timely and effective review, the university strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward promptly with their complaints and to seek assistance from the university. Delays in reporting can greatly limit the university's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

*Note: if a Respondent has left campus, either by withdrawing or graduating, prior to a report being **filed**, the university's ability to investigate and/or adjudicate may be limited.*

4. Remedies and Resources

The university may take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal conduct procedures. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for involved students may include, but are not limited to, counseling services, medical assistance, modifications to on-campus housing, modifications to parking permissions, academic support referrals, modifications to academic or work situations, instituting a No Contact Order between the parties in a complaint, reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, and issuing an Interim Temporary Suspension, or otherwise altering the university status of the Respondent. Other interim measures may be implemented and will be evaluated on a case-by-case basis. Interim measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Interim measures can be implemented regardless of whether or not the Complainant pursues formal university or criminal action. OSR&R is available to help students understand the student conduct process and identify resources.

Complainants and Respondents who are the subjects of a reported incident of sexual harassment, sexual assault, dating violence, or stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.

No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. Upon request from OSR&R, a No

Contact Order will be issued by OSR&R, the Office of Student Conduct, or the Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Case Manager or Investigator. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order may result in additional disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in Immediate Temporary Suspension pending the completion of a conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

Immediate Temporary Suspension – Students

Under the *Code of Student Conduct*, the Office of Student Conduct Managing Director or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve university property and/or to prevent disruption of, or interference with, the normal operations of the university. Through an interim action or during an interim suspension, a student may be denied access to University Student Housing and/or the university campus/facilities/events. As determined appropriate by the Managing Director or designee, this restriction may include classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Managing Director or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in this section. Interim action(s) or an Interim Suspension are not sanctions. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*. A student who receives an interim action(s) or interim suspension may request a meeting with the Managing Director or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with an Investigation and adjudication.

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Office of Student Conduct Managing Director or designee, or on recommendation of Title IX Staff, the physical or emotional well-being of a student or other students or members of the University Community could be endangered or if the presence of the

student could significantly disrupt the normal operations of the university. The Managing Director or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. Initiation of appropriate conduct proceedings includes but is not limited to informing parties that an investigation has begun via a “Notice of Involvement/Notice of Investigation” letter.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use university services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded or the Interim Action has been modified. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University Community that is deemed a continuous threat;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- Violation of a No Contact Order;
- Retaliatory harm, discrimination, or harassment.

Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University Community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the university, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student’s academic schedule, and temporary restrictions from university activities, services and/or buildings, and representing the university.

In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension or Interim Action for off campus courses and activities by the Office of Student Conduct Managing Director or designee. At the discretion of the Managing Director or designee, modifications can be made to an Immediate Temporary Suspension or Interim Action that impacts off campus courses and/or activities on a case by case basis.

Non-Student Interim Actions

The Office of Student Conduct, in conjunction with the Texas Tech Police Department, may

issue a Criminal Trespass to that individual(s) to any guest to the university whose presence could significantly disrupt the normal operations of the university, or who is alleged to have violated university policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University Community.

Note: Students of Texas Tech University may be held responsible for actions of their guests.

5. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process.

Information gathered during the course of the Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process.

Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

A student has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a parent or legal guardian, a relative, or an attorney. An advisor's role is that of support – they may not speak on behalf of the student and do not have an active, participatory role in the conduct process. If an advisor for the Responding Party is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the university. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor. The Managing Director or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an advisor during their suspension and students who have been expelled may not serve as an advisor.
3. Refrain from making any statement relevant to the Investigation. Students are expected to cooperate with the university conduct process but may elect not to participate in the Investigation process, either in part or entirely. However, a student's refusal to participate in

the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information they provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

Note: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.

4. The opportunity to provide information and evidence in support of their case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

1. Be responsive to all correspondence from the university;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the Investigation;
4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

6. Amnesty

The university will not take any disciplinary action against a student who in good faith reports being the victim of, or witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking, for a violation of the *Code of Student Conduct* occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident.

Amnesty will be extended to the Complainant, Respondent, and witnesses who provide statements during an investigation and disclose their own personal drug or alcohol use.

The university may provide educational options to students to address any concerning behavior as part of the afforded amnesty or in lieu of conduct proceedings.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*.

Amnesty may not preclude students from being charged with allegations of misconduct related

to Part I, section B.2 (Actions against Members of the University Community and Others). The *Code of Student Conduct* amnesty provisions do not influence criminal proceedings or charges. Amnesty does not preclude students from being required to meet with university staff and to participate in conditions such as counseling, alcohol assessments, and other requirements. OSR&R may assist with questions related to amnesty provisions, and the final determination regarding amnesty in Title IX cases will be made by the Title IX Administrator or designee.

7. Investigation Process

Response to Receipt of Incident

Upon notice or receipt of an incident report regarding Sexual Misconduct or gender-based harassment/discrimination, the Title IX Case Manager or Title IX Administrator will contact the named Complainant to gather and review information about the nature of the report. The Title IX Case Manager or designee will contact the student via their official TTU email and request a meeting to review process options and available resources. When health and safety are potentially at risk, the Case Manager may call the student on the phone number listed in their student record. In the event that the Complainant does not respond to communication, the Title IX Case Manager will send a second email communication. Complainants are not required to respond or participate in any meetings with the Title IX staff.

Intake Phase

Once a Complainant has made contact with the office, the Title IX Case Manager or designee will schedule an Intake Meeting with the Complainant. During this Intake, the Title IX Case Manager or designee will collect any additional demographic information, review this policy and the available options, and facilitate any requested resources and remedies. If the Complainant does not return contact or requests to not meet with the Title IX staff, the case is closed. If the Complainant requests only resources or remedies, the Title IX Case Manager contacts the appropriate campus parties to address the needs, and then the case is closed. If a Complainant wishes to make a statement or pursue an Investigation, the Title IX Case Manager or Title IX Administrator will appoint an Investigator.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student conduct process entirely, the university will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the university pursuing conduct action with respect to the named Respondent, the institution may investigate the incident in the same manner that an anonymous complaint may be investigated. If the Complainant does not want the university to pursue the report in any respect, the university will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists. In determining whether to investigate the incident, the institution shall consider the seriousness of the alleged incident, whether the university has received other reports of incidents committed by the alleged perpetrator(s), whether the alleged incident poses a risk of harm to others, and any other factor the institution deems relevant. If the university decides not to investigate the

incident, the university shall take any steps deemed necessary to protect the health and safety of the community in relation to the incident. OSR&R will inform the Complainant of the decision to investigate, or not investigate, the reported incident.

Note: In Title IX cases, the Complainant must participate in the investigation and hearing processes in order for the university to move forward.

Note: The Title IX Administrator or designee may proceed with the conduct process (even if the Complainant(s) chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

Investigation Phase

After an Investigator has been appointed, the Investigator will inquire, gather and review information about the reported misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification and/or Referral Meeting may occur. A Policy Clarification letter may be issued to involved parties to clarify the policy in question. When evaluating whether or not to issue an allegation, an Investigator assumes all facts are true as reported. If the facts would not result in a policy violation, an allegation is not issued, and the case is closed.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

In accordance with state law, if a student withdraws or graduates from the university pending a disciplinary charge alleging the student violated the code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- (1) May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- (2) Shall expedite the institution's disciplinary process as necessary to accommodate both the Responding Party's and Complainant's interest in a speedy resolution.
- (3) On request from another institution, the university shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Notice of Investigation/Notice of Involvement

A student will be given notice of their involvement in regard to a referral received by the university or once the university is put on notice by receipt of a "Notice of Investigation/Notice

of Involvement” Letter. For Respondents, the Notice of Investigation will include the identity of the Complainant, the date, time, and location of the alleged incident(s), and the specific section(s) of the *Code of Student Conduct* the Respondent is alleged to have violated. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. In the event that a student fails to respond to written notification, an administrative hold may be placed on the student’s record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

At any point in the Investigation if additional potential allegations are discovered, the Respondent will be sent an additional Notice of Investigation/Notice of Involvement letter including the criteria listed above.

Actions constituting Sexual Misconduct

The comprehensive list of actions constituting misconduct in the *Code of Student Conduct* allegations can be found in Part I, Section B. Actions specifically related to Sexual Misconduct are located in Part I, Section B. 2 Actions against Members of the University Community and Others, and are reproduced here:

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

- h. Disruptive and/or Obstructive Conduct
Intentional or reckless behavior that disrupts or obstructs the university operations including the cessation or temporary cessation of teaching, research, administration, other university activities, and/or other authorized non-university activities which occur on campus.
- i. Harmful, Threatening, or Endangering Conduct
Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others, including but not limited to:
 - 1. Assault
 - a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
 - b. Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.
 - 2. Threats
An act or communication a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s).
 - a. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

- c. A threat, including but not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.
- 3. Intimate partner / relationship violence/dating violence
For the purposes of this policy, Interpersonal Violence is:
 - d. Domestic or family violence is abuse or violence committed by a (1) current or former spouse or intimate partner of the Complainant, (2) person with whom the Complainant shares a child in common, (3) person who is cohabitating (or has cohabited) with the Complainant as a spouse or intimate partner, (4) person similarly situated to a spouse of the Complainant under state/local law, or (5) any other person against an adult or youth who is protected by that person's acts under the state/local domestic or family violence laws.
 - e. Dating violence is abuse or violence, or a threat of abuse or violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the person's involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
 - f. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's Complainant's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the university's resources and opportunities.
- 4. Bullying / cyber bullying
Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.
- 5. Stalking
A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 7. Mutual Combat
Any incident between two or more individuals in which violence or the threat of violence is mutual.

NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.

j. Sexual Misconduct

1. Sexual Harassment

Unwelcome sex-based verbal, written, or physical conduct when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe, persistent, or pervasive.

2. Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;
- b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;
- c. Sexual voyeurism;
- d. Inducing another to expose one's genitals or private areas;
- e. Prostituting another student;
- f. Knowingly exposing someone to or transmitting a sexually transmitted infection without the party's full knowledge and consent.

3. Public Indecency

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

4. Nonconsensual Sexual Contact

Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals;
- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

5. Nonconsensual Sexual Intercourse

Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal. This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.

k. Hazing- *Information available in Part I, Section B:2.*

l. Discriminatory Harassment

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently

severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the university's resources and opportunities.

m. Retaliatory Discrimination or Harassment

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

n. Complicity or Knowingly Present

1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*.
2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
3. Any person who is knowingly present for the commission of a violation of the *Code of Student Conduct* and does not take steps to remove themselves from the location of the violation.

NOTE: Actions involving free expression activities are covered in Community Policies, Section H.

When initial inquiry indicates a concurrent police Investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the Investigation. Elements of this collaborative Investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered. The university will make all reasonable efforts to obtain relevant information such as surveillance video footage, university card swipe access and other information that may be available to the Institution.

At any point in the Investigation, either party may request to initiate the Voluntary Resolution process. This process is contingent upon the agreement of both the Complainant and Respondent, with the concurrence of the Title IX Administrator or designee. More information about the Voluntary Resolution process can be found under the *Resolution Phase* section below.

Once the Investigation is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the

Investigation has concluded. In order to protect confidentiality students may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator reiterates the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.

Resolution Phase

Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to OSR&R or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the Respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Title IX Administrator or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Title IX Administrator or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the *Code of Student Conduct*. Voluntary Resolution agreements will be maintained in accordance with university policies. Should either party violate the terms of the Voluntary Resolution, the matter may be referred to the Office of Student Conduct for adjudication.

Informal Resolution

If after the Investigation, the Respondent accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Investigator conducting the initial inquiry/Investigation will contact the Office of Student Conduct who will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the

sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Investigator. The case will only be reopened if new material, previously unavailable is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided simultaneously to the student(s) and appropriate University Administrators within five (5) university working days of the effectuation of the Informal Resolution.

Hearings

Should the Complainant and Respondent wish to resolve the case through a formal Hearing, there are two options available: Administrative Hearing and Panel Hearing. For either type of Hearing, students will first complete the Pre-Hearing Process.

a. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the Investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Parties will acknowledge the receipt of and ability to review the completed Investigation Report and that they have no other information to present. Once the Investigation Report is finalized, the case will officially be referred to the Office of Student Conduct for adjudication.

Complainants and Respondents will then meet with their Resource Person in the Office of Student Conduct to complete the remainder of the Pre-Hearing Process. (*Note: additional information about the Resource Person may be found in Part I, Section A, I.c.4.*) The Resource Person will review other documents including the Hearing Panel composition, Hearing Script, Opening, Closing, and Impact Statement, and Appeal Procedures. Following the Pre-Hearing, student(s) will be notified of a date, time, and location of the Hearing via written notification sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the university's primary means of communication with students. Students are responsible for all communication delivered to their university email address. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the

judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre- Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. However, the Dean of Students, Managing Director, Title IX Administrator or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Resource Person will share the pool of staff trained for Hearing Panels. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must provide the Resource Person with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Resource Person will schedule the Panel Hearing.

At the discretion of the Title IX Administrator or designee, a review of the case may occur at any point during the investigation or conduct process for clarification of procedural processes and may be remanded to investigation or adjudication if deemed necessary.

b. Hearings

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the university may proceed to either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Hearing may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Hearing, the Administrator or the Hearing Panel may consider the

information contained in the Investigation Report and render a decision. If the student accepts responsibility for the allegations issued in the Investigation Report the student may request a Sanction Only Hearing. For Title IX cases, the Complainant must participate in both the Investigation and Hearing processes for the matter to move forward to adjudication.

Hearings are closed to the public. In Title IX cases, both the Complainant and Respondent have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that Complainant and Respondent do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time or to participate from a separate room/ electronically, students should contact the Office of Student Conduct prior to the Hearing.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the Respondent and the Respondent has failed to respond within the allotted time frame to meet with an Investigator.

The Managing Director or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is a staff member in the Office of Student Conduct. The Resource Person assures that university/college procedures are followed throughout the Hearing.

The Panel Resource Person may:

- Prepare the Administrative/Panel Hearing materials;
- Record the Administrative/Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants,

and

distribute evidentiary materials;

- Ensure proper decorum throughout the Administrative/Panel Hearing;
- Ensure the procedural soundness of the Administrative/Panel Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative/Panel Hearing;
- Compile the post- Hearing documentation,
- Deliver simultaneous notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. The Complainant and Respondent may make comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may pose

questions for each other through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) university working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct Appeal Procedures outlined below in this document.

Note: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the university.

1. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer is assigned by the Office of Student Conduct Managing Director or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) university working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Conduct Appeal Procedures outlined below.

2. Panel Hearing

A Panel Hearing is the process of adjudicating allegations of violations of the *Student Code of Conduct* by a Hearing Panel. For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined below.

3. Sanction Only Hearing

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case.

Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing body. Simultaneous notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) university working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Conduct Appeal Procedures outlined below. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.” A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

Sanctions

An Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed on the Title IX website at <http://www.depts.ttu.edu/titleix/> or in the *Code of Student Conduct* grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions by the Administrative Hearing Officer and/or Hearing Panel. The Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason. Implementation of the disciplinary sanction(s) will begin immediately or as assigned.

In limited instances such as removal from University Student Housing, Suspension, or Expulsion, a student may submit an Intent to Appeal to the Managing Director or designee as soon after receipt of the hearing decision as possible and prior to the deadline to appeal (3 days). The student must clearly state an intent to appeal and must include the preliminary identification of the appropriate ground(s) of which the student believes an error occurred. Upon confirmation of receipt of the intent to appeal by the Managing Director or designee, the effective date of the student’s sanction(s) will be delayed pending the outcome of the appeal. However, upon the judgement of the Managing Director or designee, some cases (e.g. including but not limited to reasonable belief the student poses an active threat to at least one member of the University Community) with sanctions of housing removal, suspension, or expulsion may begin prior to the completion of the conduct appeal process.

Note: an Intent to Appeal does not satisfy the need for the student to articulate and submit a written appeal request as detailed in the Conduct Appeal Procedures below.

Both the Respondent and the Complainant will be simultaneously notified of the appellate officer’s decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. Findings and sanctions agreed upon through the Informal Resolution Process are final and cannot be appealed. All records related to the disciplinary process will remain on file in the Office for Student

Rights and Resolution and the Office of Student Conduct for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative Hearing, or Panel Hearing and/or Conduct Appeal Procedures. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but are not limited to the following:

a. Disciplinary Reprimand

The disciplinary reprimand is an official written notification using the notice procedures outlined in this section to the student that the action in question was misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with university policies, rules, and/or standards and any other requirement stipulated for the probationary period.

Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, university related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the university. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee, in conjunction with the Title IX Administrator, determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Managing Director or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Managing Director or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Managing Director or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This status of Disciplinary Expulsion will be shown permanently on the

student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

e. Conditions

A condition is an educational or personal element that is assigned by an Administrative Hearing Officer or Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the university and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the university;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

f. Restrictions

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

- Revocation of parking privileges;
- Denial of eligibility for holding office in registered student organizations;
- Denial of participation in extracurricular activities;
- Prohibited access to university facilities and/or prohibited direct or indirect contact with members of the University Community;
- Loss of privileges on a temporary or permanent basis.

NOTE: Any student at any time may request a review of the sanctions in place in writing to the Managing Director or designee.

Conduct Appeal Procedures

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Office of Student Conduct Managing Director or designee within three (3) university working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and

can only appeal on the following grounds, “the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions.” The student may appeal by submitting a written petition to the designated appeal officer within three (3) university working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, Managing Director, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained university staff or faculty member who did not serve as the Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

NOTE: Lack of participation at any part of the Investigation or conduct process does not constitute as new evidence.

In Title IX cases, either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the written appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.

The designated 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. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the

appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures within ten (10) university working days from receipt of all responses. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

NOTE: For information pertaining to an Intent to Appeal and delay of sanctions, please see sanction procedures.

Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on their records under this section must request readmission from the Managing Director or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Managing Director or designee to submit evidence in writing supportive of his/her present ability to return to the university. The university will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct or designee for the removal of the administrative hold, the student must then complete the regular university readmission procedures.

8. Retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be

tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. The university will take appropriate steps to assure that a person who, in good faith, reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to report the incident to OSR&R.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

9. Confidentiality

The confidentiality of both the Complainant and Respondent will be honored by the university to the extent possible without compromising the university's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the university also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many university employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Title IX Administrator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation.

Students may make confidential reports to the University Student Counseling Center, Family Therapy Clinic, Psychology Clinic or Student Health Services. Complainants may also make confidential reports to Voice of Hope 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.

10. Interference with an Investigation

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

11. Training and Education

Texas Tech's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy 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 policy to students at the beginning of each academic semester. This policy is published on the university's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All incoming first year and transfer students must attend an in-person Orientation session, and must additionally complete an online education module. Failure to complete this required training may result in a hold being placed on the student's account. All employees must attend Equal Opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two 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, university employees and administrators responsible for implementing this policy, including the Title IX Administrator, Assistant Title IX Administrator, Title IX Deputy Administrators, Investigators, and Hearing Officers, receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

SECTION E. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Managing Director or designee will appoint an Investigator to review allegations of misconduct. The Investigator will inquire, gather and review information about the reported student organization misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for Investigation when there is reasonable cause to believe a policy has been violated. If it is determined that the information reported does not warrant an allegation, a Policy Clarification Letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student organization conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect

to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

1. Remedies & Resources

The University may take immediate interim actions to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct processes. These interim immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to student and/or student organization conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions for Student Organizations

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or impose an Interim Suspension of Student Organization Activities on a student organization pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* when a student organization represents a threat of serious harm to others that is deemed a continuous threat, is facing allegations of serious criminal activity, to preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include Interim Suspension of Organization Activities or restrictions pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct*. A student organization that receives an interim action(s) or Interim Suspension of Student Organization Activities may request a meeting with the Managing Director to demonstrate why an interim action(s) or Interim Suspension of Student Organization Activities is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a campus Hearing. Through an interim action or during an interim suspension, a student may be denied access to University facilities/events. As determined appropriate by the Managing Director, or designee this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions.

Interim actions are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*.

c. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in an Interim Suspension of Student Organization Activities during the completion of the conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

d. Interim Suspension of Student Organization Activities

Under the *Code of Student Conduct*, the Managing Director or designee may, when the student organization represents a threat or serious harm to others that is deemed a continuous threat, or is facing allegations of criminal activity, impose restrictions, including, but not limited to temporarily suspending the activities of a student organization pending the outcome of the University's and/or Headquarters, sponsoring department or organization (where applicable) conduct process. The purpose of an interim suspension of activities is to protect students, preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University.

Examples of conduct or incidents that may result in an Interim Suspension of Student Organization Activities, include but are not limited to, hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an Interim Suspension of Student Organization Activities may request a meeting with the Managing Director or designee to discuss the rationale for the action. During an Interim Suspension of Student Organization Activities, the student organization is limited to minimal functions in order to conduct the Investigation only. Failure or refusal to follow the Interim Suspension of Student Organization Activities may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim

action is not considered a sanction.

In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the Managing Director or designee.

2. Referral Meeting

A University official may request a meeting with a student organization spokesperson (in most cases, the President of the Organization) in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student organization that repeated referrals may warrant an Investigation which may warrant adjudication.

3. Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Managing Director. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Managing Director, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the *Code of Student Conduct*. Voluntary Resolution agreements will be maintained in accordance with University policies.

4. The Conduct Process for Student Organizations

a. Notice of Investigation/Notice of Involvement

A student organization will be given notice of the organization's involvement in a referral or report received by the University related to the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter which will include an invitation for the student organization spokesperson to meet with an Investigator. In a case of a student organization's dangerous misconduct, serious injury, and/or death, The Managing Director or designee may issue an interim suspension of all organizational activities. In the event that a student organization fails to respond to written notification, interim actions and/or restrictions may be implemented by the Managing Director or designee. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student organization to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

The Investigator may notify a student organization’s advisor, Headquarters, sponsoring department or organization (that a referral was received by the University).

The Managing Director or designee may proceed with the conduct process (even if the complainant chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence that may significantly impact the campus community and others.

b. Rights & Responsibilities

Prior to the formal Investigation process, the student organization spokesperson will be provided a Student Organization Rights & Responsibilities document to review and sign prior to an interview with the Investigator. Additionally, each individual student involved in any capacity with a student organization Investigation will be provided the Student Rights and Responsibilities document detailed in Part I, Section C.3.b. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Information gathered during the course of the Investigation and student conduct process may be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student organization has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by one advisor at any conduct or related proceeding. An “advisor” can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University. Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Investigator and with advanced notice. Student organizations are reminded that the organization’s advisor of choice is only permitted to accompany a student in a conduct or related proceeding if they are chosen by that student as that student’s advisor of choice.

The Managing Director or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an advisor during their suspension and students who have been expelled may not serve as an advisor.

3. Refrain from making any statement relevant to the Investigation. Student organizations are expected to cooperate with the University conduct process, but may

elect not to participate in the Investigation process, either in part or entirely. However, a student organization's refusal to participate in the Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary. The rationale for this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

NOTE: See Pre-Hearing Process, below, for details of inclusion on new, previously unavailable information after conclusion of the investigative process.

4. Provide information and evidence in support of the case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student organization may be used in a conduct proceeding;
9. Know that if the student organization spokesperson, or members of the organization, makes any false or misleading statements on behalf of the organization during the student conduct process, the student organization could be subject to further disciplinary action.

It is the Student Organization's Responsibility to:

1. Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct proceeding. In the event that the student organization spokesperson is not be able to speak on behalf of the local advisory board to the student organization, a representative from the local advisory board may speak on behalf of the local advisory board. Be responsive to all communications from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the Investigation;

4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
- c. Investigation

The Managing Director or designee will appoint an Investigator to conduct a thorough, reliable, and impartial Investigation of the reported concern. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity.

Therefore, the Investigation procedures described below may vary.

1. Partnership Process

At all times, the Managing Director or designee retains the discretion to investigate a referrals of student organization misconduct. However, in the initial meeting with the Investigator, a student organization may indicate their preference to conduct an internal Investigation as a part of a Partnership Process with the Office of Student Conduct and/or Center for Campus Life.

Student organizations participating in a Partnership Process must commit to the deadlines and formatting requirements provided by the Managing Director or designee Upon the conclusion of the internal Investigation, the student organization spokesperson shall present a written report of its internal Investigation findings to the Managing Director or designee If the Managing Director or designee determines that no further action is necessary, he/she may conclude the investigative process, and consider the matter closed.

Upon completion of the internal Investigation, the Managing Director or designee has the discretion to approve and/or adopt the internal investigative report, in whole or in part, as the Final Investigation Report. An internal Investigation may be rejected, in whole, or in part for reasons including, but not limited to, the following:

- The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
- The student organization did not conduct its Investigation or provide a report in a timely manner;
- The student organization violated Interim Actions imposed by the Managing Director or designee; or
- The Office of Student Conduct receives additional referrals of misconduct against the student organization during the pendency of the internal Investigation.

If the internal Investigation Report is accepted by the Managing Director or designee the assigned Investigator may proceed to assign allegations of the *Code of Student Conduct* to the student organization. If information contained in the internal Investigation Report indicates that there is insufficient evidence to support

organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal Investigation Report.

In the event the internal Investigation Report is rejected, in whole or in part, the Managing Director or designee may proceed with a University Investigation (Part I, Section D.3.c.2).

Note: Student organizations conducting any internal Investigation may be subject to Interim Actions that may be imposed upon the student organization by the Managing Director or designee.

2. University Investigation Process

Should a student organization not complete the Partnership Process, the Managing Director or designee may proceed with the University Investigation Process.

Investigations of student organization conduct may include the requirement for student organization members to attend an Investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the Investigation. Regardless of the nature of the Investigation, students and student organizations should be aware of their rights and Responsibilities in the conduct process and recognize that any information shared during the course of the student conduct Investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative Investigation meeting and meet only with the Investigator instead of meeting together with other Investigators. The identities of individuals who issue statements in organizational conduct Investigations, may be withheld from Investigation Reports at the discretion of the Managing Director or designee.

During the investigative process, the student organization spokesperson is responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct concurrent or forthcoming police Investigations. The student organization spokesperson will

have access to review the completed Investigation Report and/or investigative materials relevant to the Investigation after the Investigative Process has concluded. In order to protect confidentiality, the student organization spokesperson may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student organization's participation, if appropriate.

The university will attempt to facilitate questioning of involved parties throughout the investigation and conduct process.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the student organization representative, and the student organization representative has failed to respond within the allotted time frame to meet with an investigator.

d. Informal Resolution (Partnership Process)

If after the Investigation, the responding student organization accepts responsibility for the allegation(s) of *The Code of Student Conduct* outlined in the Final Investigation Report, the student organization may be eligible to resolve the issue informally. Student organizations participating in the Informal Resolution process must commit to the deadlines and formatting requirements of requested documentation and as provided by the "Managing Director" or designee. The student organization spokesperson is responsible for preparing the Informal Resolution, which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization's officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an Informal Resolution that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization.

Upon timely receipt of the Informal Resolution, the Managing Director or designee may adopt, reject, or supplement, in whole or in part, the sanction(s) proposed in the Informal Resolution presented by the student organization. In the event the proposed Informal Resolution is rejected, in whole or in part, the student organization's alleged violations of the *Code of Student Conduct* may be resolved pursuant to the Pre-Hearing process outlined in Part I, Section D.3.e and the Formal Hearing process as outlined in Part I,

Section D.4.

There is no appeal of signed informal resolutions. Once completed, the informal resolution completes the conduct process for student organizations. The case will only be reopened if new materials, previously unavailable are presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student organization and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

Findings and sanctions agreed upon through the Informal Resolution Partnership Sanctioning Process, are final and cannot be appealed.

e. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents include notification of Respondent's allegations, Hearing Panel composition, and Hearing script. Following the Pre- Hearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre- Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Investigator immediately. If the new information is pertinent to the consideration of the case, the Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complainants and Respondents will have the

opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

The university will attempt to facilitate questioning of involved parties throughout the investigation and conduct process.

Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand back to investigation if deemed necessary.

5. Hearings

Upon completion of the initial inquiry/Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Panel Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or Panel Hearing, the Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Hearing Panel.

Hearings are closed to the public. Complainants and Respondents have the right to be present at the formal Hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the Hearing room at the same time.

Student organizations are represented by the student organization spokesperson. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

a. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section D.14.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Administrative Hearing Officers for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent do not have the right to make character statements about themselves or others and do not have the right to make impact statements. Likewise, the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The Investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days of the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct Appeal Procedures outlined in Part I, section C.5.

c. **Sanction Only Hearing**

If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the outcome of the Sanction Only Hearing will be provided to the student organization within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by student organizations by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5. In Sanction Only Hearings, students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.” A student organization may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses. Prior to the sanctioning phase of a hearing, the complainant and/or respondent are allowed to give an impact statement. The investigator may assist the Resource Person or Committee Chairperson during the hearing

6. Sanctions

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer or the Hearing Panel.

The cooperation of an organization during the Investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a conduct appeal has expired or until the conduct appeal process is exhausted. Upon the judgment of the Managing Director or designee, some cases resulting in sanctioning of suspension and

expulsion may begin prior to the completion of the conduct appeal process.

If a student organization is found responsible for violating the Code of Student Conduct, sanctions may be imposed and can include, but is not limited to the following:

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good standing.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Managing Director or designee may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the Managing Director or designee may deny registration to the student organization. On a denial of student organization registration, the Investigator or Managing Director or designee will set a date when another application for registration may again be made.

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

e. Conditions

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

f. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to

- Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, intramurals, recruitment activities

g. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student enrolled at the institution no later than the 14th class day of each fall and spring semester a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

Each postsecondary educational institution shall develop and post in a prominent location on the institution's Internet website a report on hazing committed on or off

campus by an organization registered with or recognized by the institution. The report must include:

1. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:
 - A. The name of the organization disciplined or found responsible;
 - B. The date on which the incident occurred or the citation was issued, if applicable;
 - C. The date on which the institution's investigation into the incident, if any, was initiated;
 - D. A general description of:
 - i. The incident;
 - ii. The violations of the institution's Code of Student Conduct;
 - iii. The findings of the institution;
 - iv. Any sanctions imposed by the institution on the organization;
 - E. The date on which the institution's disciplinary process was resolved;
2. The report must be updated to include information regarding each disciplinary process not later than the 30th day after the date on which the disciplinary process is resolved; and
3. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report required under Texas Education Code, Chapter 51.936 and include the Internet website address to access the report.

A student organization spokesperson may, at any time request a review of the sanctions in place in writing to the Managing Director or designee.

7. Conduct Appeal Procedures

- a. A student organization may appeal the decision of a formal Hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal Hearing by submitting a written petition for appeal to the to the Managing Director or designee within three (3) University working days of receiving the written decision.
- b. The Managing Director, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together

with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.

- d. The only proper grounds for appeal are as follows
 - Procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - Discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
 - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.
- f. The designated 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. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
 - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
 - Remand the case to the original Hearing Body;
 - Remand the case to a new Hearing Body.
- h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days of receipt of all responses.

If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

- i. If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

8. Student Organization Records

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via informal resolution, formal Hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and finding are shared with the student organization's Headquarters, sponsoring department, or organizations as appropriate.