Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes his or her rights under Title IX or other laws have been violated, this policy sets forth procedures for filing, investigating, and remedying complaints of harassment and discrimination.

This Operating Policy/Procedure (OP) will be reviewed in January of even-numbered years by the dean of students with substantive revisions forwarded to the Title IX coordinator, the managing director of the Office of Equal Employment Opportunity, the Office of the General Counsel, and the vice provost for undergraduate education & student affairs.

POLICY/PROCEDURE:

1. Statement of University Policy

Texas Tech is committed to providing its students, faculty, and staff with an educational environment free from any form of unlawful discrimination. The Texas Tech community is dedicated to fostering and supporting a culture of mutual respect and communication.

Texas Tech University does not tolerate discrimination or harassment of students based on or related to sex, race, national origin, religion, age, disability, protected veteran status, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not protected categories under state or federal law, it is Texas Tech University policy not to discriminate on this basis (see OP 40.04). Actions related to admission, discipline, housing, and extracurricular and academic opportunities shall not be made based on a student’s protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited—whether verbally, in writing, or electronically displayed or conveyed. Individuals who violate these policies and laws are subject to disciplinary action up to and including expulsion.

This policy includes the processes for complaints of sexual harassment, sexual violence, and other forms of sexual misconduct.

Texas Tech University will provide prompt, thorough, and equitable investigation and adjudication procedures for all parties involved in complaints of discrimination and harassment.
2. **Specific Policies**

   a. For policies and procedures regarding incidents of discrimination or harassment by a student against another student, see Part I, Section B.2. and Part I, Section C of the Code of Student Conduct in the TTU Student Handbook.

   b. For policies and procedures regarding incidents of discrimination or harassment by faculty or staff against students, see the Anti-Discrimination Policy in Part II, Section C of the TTU Student Handbook and TTU OP 40.02 (formerly OP 70.28).

   c. For policies and procedures regarding incidents of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, relationship or domestic violence, or stalking, see Part II, Section H in the TTU Student Handbook.

   d. For policies and procedures regarding incidents of discrimination or harassment by student organizations, see Part I, Section D in the TTU Student Handbook.

   e. For policies and procedures regarding incidents of discrimination or harassment by faculty or staff against other faculty or staff, see TTU OP 40.02 (formerly OP 70.28).

3. **Employee Reporting Requirements**

   In accordance with Title IX, Texas Tech University is deemed to have notice of an incident of sexual harassment, sexual violence, and other forms of sexual misconduct if a responsible employee knew, or in the exercise of reasonable care should have known, that the harassment/misconduct occurred. A responsible employee is defined as an employee who (1) has the authority to take action to redress the sexual harassment/misconduct; (2) has been given the duty of reporting incidents of sexual harassment/misconduct and any other form of misconduct; or (3) a student reasonably believes has this authority or duty.

   The following employees at Texas Tech University are considered responsible employees: (1) all faculty members and instructional staff, including full-time faculty, part-time faculty, adjunct professors, and graduate teaching assistants; and (2) all staff members whose job responsibilities include oversight, supervision, or responsibility for students.

   Responsible employees have a mandatory reporting obligation when they know, or reasonably should know, about an incident of alleged sexual harassment, sexual violence, or other form of sexual misconduct. When a responsible employee becomes aware of an incident, he or she is to immediately contact the Dean of Students Office, the deputy Title IX coordinator(s), or the Title IX coordinator and provide all known details. The information, once referred, will still remain private and will be shared only with those administrators who have a legitimate educational need to know, in order to best assist and support the student. Once the appropriate administrators have been notified of the incident, the university will provide resources and support, promptly investigate, and equitably resolve the allegation according to established university procedures, unless the student requests that no action be taken.

   If the student discloses the incident to the responsible employee with the condition of remaining anonymous and/or confidential, the responsible employee must still refer the report to the above Title IX administrators. The Title IX coordinator or deputy Title IX coordinator will evaluate
requests for confidentiality with consideration for whether a continuing threat to either the victim or the campus community exists. Additionally, a responsible employee will not share information with law enforcement without the disclosing student’s permission and, even when permission is granted, the responsible employee must nonetheless inform the Title IX coordinator or a deputy coordinator. If the Title IX coordinator or a deputy coordinator determines that the reported information constitutes a continuing threat to the university community, law enforcement will be advised.

Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students with information and guidance regarding university reporting options and available student resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the disclosing student’s express permission.

4. **Complaints Involving Non-University Parties**

If a university student has a complaint of discrimination or harassment by a non-university party that affects the student’s educational environment, the student may make a report to the Office of the Dean of Students. The university will conduct an inquiry and take action, if possible, to prevent further misconduct. However, the university’s response may differ for complaints regarding third parties based on the level of control the university has over the third party. Even though the university’s ability to take direct action against a third party may be limited, Texas Tech University will take steps to provide appropriate remedies for the student and, where appropriate, the broader campus population.

5. **Right to Change Policy**

TTU reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.

6. **Authoritative References**

- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 – 1688)
- Dear Colleague Letter, 2011 (U.S. Department of Education, Office for Civil Rights)
- Dear Colleague Letter, 2014, *Questions and Answers on Title IX and Sexual Violence* (U.S. Department of Education, Office for Civil Rights)
- Violence Against Women Reauthorization Act of 2013