



TEXAS TECH UNIVERSITY

Gender-Based Harassment, Sexual Misconduct,
Discrimination, and Title IX

Student Information Packet

For more information, visit www.sexualviolence.ttu.edu and www.ttu.edu/studenthandbook.



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General Statement of Policy

Texas Tech is committed to providing its students, faculty, and staff with an educational environment free from all forms of sex or gender-based harassment, unlawful discrimination, and sexual misconduct; prohibited conduct includes acts of sexual violence, sexual harassment, domestic or dating violence, and stalking. 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. Actions related to admission, discipline, housing, 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.

All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Texas Tech University believes in zero tolerance for sex/gender-based harassment, discrimination, or other misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be implemented to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy.

Texas Tech University uses the *preponderance of the evidence* (also known as "more likely than not") as a standard for proof of whether a violation occurred. In student conduct proceedings, legal terms like "guilt," "innocence," and "burdens of proof" are not applicable, as students are either found "responsible" or "not responsible" for a violation of the Code of Student Conduct and it is neither party's burden to prove their case. The University never assumes a responding party is in violation of University policy, but rather, trained investigators conduct a thorough, neutral, and impartial investigation into the incident, after which a decision-maker (either a Hearing Officer or a University Discipline Committee) considers the totality of all available evidence and information from all relevant sources before rendering a decision regarding responsibility.

Title IX Coordinator

Texas Tech University's Title IX Coordinator ensures compliance in all aspects of the University's sexual misconduct, sexual harassment, and sex/gender discrimination policies and procedures. The Title IX Coordinator oversees the investigation and resolution of all reports of Title IX policy violations and reports directly to the University President, Dr. M. Duane Nellis. The Dean of Students, Deputy Title IX Coordinators, Title IX Investigators, and RISE Office support the Title IX Coordinator in compliance efforts.

Any questions or complaints concerning the policies addressed below should be directed to the Title IX Coordinator:

Ronald Phillips

Title IX Coordinator, Office of the President
Administration Building, Room 170, MS 2005
806.742.2121
ronald.phillips@ttu.edu

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the TTU Office of Equal Employment Opportunity.

Office of Equal Employment Opportunity

210 Administration Building, Box 41073
Lubbock, TX 79409-1073
Phone: 806.742.3627
Fax: 806.742.2592

Information regarding how to file a report of sexual misconduct, harassment, or discrimination with the University can be found in the *Reporting an Incident* section below, but individuals also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)

Region 6
Vaniocy Nwigwe [Acting]
Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Voice Phone (800) 368-1019
FAX (214) 767-0432
TDD (800) 537-7697

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530
By e-mail to education@usdoj.gov
By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)
By facsimile at (202) 514-8337

Discriminatory Harassment

Verbal or physical conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, 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.

Examples of inappropriate behavior that may constitute unlawful harassment include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
- Display of explicit or offensive calendars, posters, pictures, drawings, screen savers, e-mails, or cartoons in any format that reflects disparagingly upon a class of persons or a particular person;
- Derogatory remarks about a person's national origin, race, or other ethnic characteristics;
- Disparaging or disrespectful comments if such comments are made because of a person's protected status;
- Loud or angry outbursts or obscenities in the workplace directed toward another employee, student, customer, contractor, or visitor;
- Disparate treatment without a legitimate business reason; or
- Other threats, discrimination, hazing, bullying, stalking or violence based on a protected category, class, or characteristic.

Sexual Misconduct Violations

Texas Tech University does not tolerate any form of sexual misconduct or harassment. TTU's gender-based harassment and sexual misconduct policies are contained within the Code of Student Conduct, found in **Part I, Section B.2.c** of the 2015-2016 TTU Student Handbook (found [here](#)). Sexual misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Sexual Exploitation
3. Public Indecency
4. Non-Consensual Sexual Contact (includes attempted)
5. Non-Consensual Sexual Intercourse (includes attempted)

SEXUAL HARASSMENT

Unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with the student's educational experience or creates a hostile educational environment.

- Sexual harassment can manifest in most any medium, including verbal comments, physical actions and activities, or conduct disseminated online or via social media.
- Harassing conduct will be disciplined if it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational, social, and/or residential program. (*See* Section G in the TTU Student Handbook: Freedom of Expression)

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.

Quid Pro Quo Sexual Harassment

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment, when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational (or student employment) progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational program.
- Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances.

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:

- Purposeful 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 student;
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;

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 publicly exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

NON-CONSENSUAL SEXUAL CONTACT

Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent (*see Consent* below).

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.

NON-CONSENSUAL SEXUAL INTERCOURSE

Sexual penetration or intercourse, however slight and with any object, without consent (*see Consent* on page 9). Penetration can be oral, anal, or vaginal.

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger, no matter how slight the penetration.
- Oral sex (mouth to genital contact) is considered a form of sexual intercourse. Accordingly, no matter how slight the contact, non-consensual mouth to genital contact is a violation.

Consent

TTU expects its community members to act in accordance with its policies regarding sexual misconduct. As such, any community members engaging in sexual activity must have clear, knowing, and voluntary consent from their sexual partner prior to and during each sexual activity. These policies apply to all TTU community members.

Consent is defined as mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity.

The following factors must all be fulfilled in order to have valid consent:

- Consent has been expressed by each partner through clear words or actions.
- Consent is actively expressed by each partner. Consent is not passive or implied.
- Each partner is informed about each sexual activity and knowingly consents to participate in each sexual activity.
- Consent is given voluntarily and freely by each partner for each sexual activity.
- Each partner has capacity to consent to engage in sexual activities.

Consent may be expressed by words or by actions, though it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of TTU's sexual misconduct policies.

Silence cannot be assumed to express consent and saying "NO" is not the only way a partner may communicate lack of consent. A partner may use non-verbal cues to indicate their lack of consent for any sexual activity. It is the responsibility of the initiator of any sexual activity to obtain their partner's consent for every 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

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. Both partners must communicate **mutually understood** consent for **every** sexual activity to be engaged in.

The following are some examples of how to ask for consent and/or communicate to your partner what sexual activities you would either like to do or do not want to engage in:

- "Does this feel good?"
- "Can I ...?"
- "Do you like it when I ...?"
- "Before this goes any further, I think we should talk about what you want."
- "Let me know if you change your mind."
- "We can slow down if you want."
- "I really like it when you ..."

REVOCAION OF CONSENT

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

The following are examples of *verbal* communication that may constitute revocation of consent:

- “Can we slow down a little?”
- “I’m not ready.”
- “I’m not sure if I want to ...”
- “This doesn’t feel right.”
- “Let’s just go back to the party.”

The following are examples of *non-verbal* communication that may constitute revocation of consent:

- Reluctance to take clothes off or putting clothes back on
- Pushing partner away or pulling away from partner
- Turning away from partner’s kiss or turning body away from partner
- Suddenly freezing or going limp after previously being an active participant
- Suddenly going silent after previously talking or moaning

It is important to know that non-verbal withdrawal of consent may be difficult to discern if one does not know their sexual partner very well. In instances when near-strangers engage in sexual activity, it is highly advisable for each participant to use clear verbal communication. According to Charlie Glickman, Ph.D., “... non-verbal consent can only be relied on when you already know your partner and how they respond. Until you have that foundation, due diligence suggests making verbal communication your standard. It’s unfortunately easy to do something that you genuinely believe your partner is enjoying and then find out later that they didn’t.”

If you sense a sudden change in your partner’s behavior or tone, check in and **ASK** how he or she is doing and whether he or she is enjoying the experience or wants to stop. If you are asked to stop or slow down, or if your partner does not respond to your question, do not assume consent.

A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. At any time in a relationship, one partner may revoke his or her consent to sexual activities with the other partner. This is true even in marriage or other long-term sexual relationships. Consent for one sexual activity does not equal consent for other sexual activities.

CONSENT CANNOT BE COMPELLED

Compelled sexual activity is by definition non-consensual. Compelling someone into engaging in sexual activities by the use of physical force, threats, intimidation, or coercion *invalidates* consent, even if it's eventually given, and thus constitutes a violation of the TTU sexual misconduct policies.

Threats

- A threat exists when a *reasonable person*, if put in the position of the complaining party, would have been compelled to give permission to sexual contact when they would not have otherwise.
- The following are examples of a threat that might compel a reasonable person to engage in otherwise unwanted sexual activity:
 - “Have sex with me or I’ll hit you.”
 - “If you do not have sex with me, I will tell everyone that you’re gay.”
 - “If you refuse to let me pleasure you, I will fail you.”

Intimidation

- An *implied* threat.
- Like an actual threat, intimidation will invalidate any consent if a *reasonable person*, if put in the position of the complaining party, would have been compelled to give permission to sexual contact when they would not have otherwise.
- This can occur when someone uses his/her physical presence to menace you, without contact, such as using any of the following to indicate an imminent threat to another’s safety or well being: displaying weapons, abusing pets, destroying property, or using looks, actions, gestures, and a tone of voice to indicate a threat of violence.
- This can also occur when someone uses another’s knowledge of his/her past violent tendencies, coupled with his/her menacing behavior, to imply a threat.

Coercion

- An *unreasonable* pressure for sexual activity.
- Behavior becomes coercive when someone consistently pressures another into unwanted sexual behavior, when it’s been made clear that it is *unwanted*.
- Differs from seduction in a key way:
 - “Trying to persuade someone to have sex”
 - vs.
 - “Trying to persuade someone to have sex who doesn’t want to be persuaded”
- A person is not required to resist the sexual advances or pressure to engage in sexual activity, though resistance is a clear indicator of non-consent.

Physical Force

- The use of physical acts of violence to compel a person to engage in sexual activity.
- Hitting, kicking, retraining, or otherwise exerting physical control over you.
- Note that an act of physical violence is a violation of policy in and of itself. Thus, committing a physical act of violence while in the commission of a sexual assault will result in two separate policy violations – one for assault and the other for sexual misconduct.

INCAPACITATION

Incapacitation occurs when an individual lacks the ability to make informed, rational decisions due to an impairment, which may be temporary or permanent. This impairment may be due to age, mental disability, cognitive disorder, sleep, unconsciousness, involuntary physical restraint, or alcohol and/or drug use (both voluntary or involuntary).

A person CANNOT consent to sexual activity when he or she is incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of the sexual misconduct policy. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

There are three types of incapacitation:

1. **Age:** A minor cannot consent to engage in sexual activity. In Texas, the legal age of consent is 17.
2. **Mental Disability:** A person with a mental disorder or other cognitive issue which prohibits him or her from making an informed decision lacks capacity to consent to engage in sexual activity.
3. **Physical Incapacitation:** A person who is asleep, unconscious (blacked-out), and/or intoxicated to the point of no longer understanding or controlling his or her actions cannot consent to engage in sexual activity.

A person is physically incapacitated due to intoxication when they have impaired decision-making ability and lack the capacity to appreciate the nature and/or consequences of an activity. The initiator of sexual activity is responsible for assessing whether their partner lacks the ability to consent due to incapacitation. If the initiator has any doubts about their partner's level of intoxication or possible incapacitation, it is in the best interest of the initiator to not engage in sexual activity until such time as their partner is sober and able to communicate clear consent.

The fact that the initiator may also be intoxicated at the time of initiating sexual activity does not diminish their responsibility to obtain their partners clear, knowing, and voluntary consent. The initiator's level of intoxication is *never* an excuse for failing to obtain their partner's consent.

Some indicators of impairment include, but are not limited to:

- Slurred speech
- Bloodshot eyes
- Smell of alcohol on breath
- Appears shaky and/or unbalanced
- Vomiting
- Unusual or questionable behavior
- Unconsciousness (in and of itself conveys incapacity)

Incapacitation is sometimes difficult to evaluate because people reach this level of impairment at different points, which depend on several factors:

- Body weight, height, size, BMI
- Alcohol/drugs tolerance and amount of alcohol/drugs consumed
- Food intake prior to consumption

“Blacking out” is a term often used to describe the state of a person who is unconscious. Unconsciousness is defined as a state of being without normal sensory awareness. It is important to understand that there are two types of unconsciousness, both of which equate to physical incapacitation.

- a. May maintain mental awareness of the situation, but lose the physical ability to react.
- b. May maintain physical ability and control, but lose all conscious awareness or memory.

* *Both* constitute incapacity and thus consent is not possible. *

DRUGGING

- An incapacitated person cannot consent to sexual activity.
- Certain drugs may be added to beverages or combined with food in order to rapidly incapacitate an unsuspecting person. While alcohol is commonly used in drug-facilitated sexual assaults, it is not uncommon for sodas, water, and other beverages to be dosed with incapacitating drugs.¹ Such drugs may inhibit a person’s ability to resist sexual advances or remember an assault.
- There are several types of drugs which may be used to rapidly incapacitate a person, including over-the-counter drugs, prescription drugs, and street drugs.
- These drugs are often odorless, tasteless, and invisible once dissolved in a beverage or combined in food.
- If you feel that you may have been drugged, it is extremely important to get tested *as soon as possible*. Go to the nearest hospital or other healthcare facility and get a blood or urine test to find out what is in your system.
- Many drugs will leave your body within hours of consumption. It is best to get tested within 12-24 hours is possible. Time is critical to identifying drugs in your system and preserving evidence of a drug-facilitated sexual assault.
- Symptoms of drugging may vary depending on the type of drug, the combination of the drug with alcohol, and the quantity of the drug consumed. Some common symptoms of drugging include:
 - Feeling drunk when you have not knowingly consumed alcohol or have knowingly consumed very little alcohol
 - Sudden loss of inhibitions
 - Dizziness
 - Nausea
 - Loss of balance
 - Difficulty walking, talking, or breathing
 - Hallucinations
 - Waking up with little or no memory
 - Waking up feeling disoriented and confused

¹ The information in this section can be found at <http://womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.html> .

SAFETY TIPS TO AVOID BEING DRUGGED

It is important to understand that drugging another individual is a crime and engaging in sexual activity with an incapacitated individual is a crime of sexual assault. The victim of such a drugging is **never** at fault. However, below are some tips to lessen one's risk of being drugged and perhaps thwart a drugging attempt of a would be perpetrator:

- Never accept a drink from a stranger.
- When possible, open and pour your own drink.
- Avoid punch bowls, jugs, and pitchers of beverages.
- Do not leave your drink unattended.
- If you think your drink may have been tampered with, don't drink it.
- Educate yourself and your friends about symptoms of a drugging.
- Use the "buddy system" and ask your friends to keep an eye on you and your drinks.

Some tips to help others avoid being drugged:

- Keep an eye on your friend's drink.
- Be aware of your friend's behavior and, if your friend begins exhibiting symptoms of being drugged, seek immediate medical attention.
- If you see someone slip a substance of any kind into anyone's drink, inform that person immediately.
- Familiarize yourself with bystander intervention strategies at www.rise.ttu.edu.

KEY POINTS REGARDING CONSENT

- It is the responsibility of the *initiator* of sexual activity to obtain consent prior to acting.
- Silence is not consent – consent must be "actively given."
- A person is not required to actively *resist* their aggressor.
- A person is not required to say "No" as a means of expressing non-consent.
- 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 can be withdrawn at any time, and if communicated clearly that consent has been withdrawn, all sexual activity must cease.
- Consent has an expiration date. Consent on Thursday does not mean consent on Friday.

Risk Reduction

Sexual violence is never the survivor's fault. These tips are not meant in any way to suggest that the survivor of an assault carries any blame for the act. TTU offers these risk reduction tips with the intention to provide every individual with steps they can take to help protect themselves against the acts of a would-be perpetrator.

REDUCING RISK AT SOCIAL OUTINGS

- Use the "buddy-system." Go out with a group of friends or use an app like Circle of 6 (<http://www.circleof6app.com>) to check in with your friends throughout the evening and make sure someone knows where you are.
- Trust your instincts. If you get a "bad vibe" from someone, make an excuse and walk away. Go to a safe and comfortable place and tell a friend about who you are nervous about and why. It is easier for your friend's to watch your back when they know who you are trying to avoid.

- Don't drink anything from a stranger and avoid communal drinks like punch bowls at parties. Those are too easy to spike with liquor and other substances.
- Always watch your drinks. If you have to leave a drink unattended, don't continue to drink it when you return. It is often tempting to have a friend watch your drink until you return, but they might get distracted. Get a new drink.
- If you begin to feel sleepy, dizzy, or otherwise "funny" after drinking a beverage, call 911 and/or a friend immediately and tell them where you are. Many people are allergic or have other adverse reactions to drugs. Seeking immediate medical attention may save your life.

REDUCING RISK WHILE ENGAGING IN CONSENSUAL SEXUAL ACTIVITY

- Know your limits and expectations and clearly communicate those to your partner before you engage in any sexual activities.
- Ask your partner questions about their limits and expectations and obtain their clearly communicated consent before you engage in any sexual activities.
- If, at any time during an encounter, you become uncomfortable with any/all sexual activity, clearly communicate to your partner your revocation of consent immediately. They might not pick up on your non-verbal communication when you are uncomfortable. Using verbal statements will make your revocation of consent clear and unequivocal.
- If, at any time during an encounter, your partner clearly communicates to you that they have revoked consent for any/all sexual activity, you must stop immediately.
- While it is always your right to create and share intimate photos or videos of yourself to share with your partner, it is a good idea to clearly communicate to them how and when, if ever, those images may be used and/or shared with others. It is a TTU policy violation to record or distribute sexually explicit images/videos of another without that person's permission.

TIPS FOR REDUCING RISK OF COMMITTING SEXUAL MISCONDUCT

As the initiator of sexual activity, it is your responsibility to obtain your partner's clear, knowing, and voluntary consent for any and all sexual activities in which you engage. The following tips help ensure you treat your partner with dignity and respect their boundaries. These may also help you avoid committing or being accused of committing a violation of TTU's sexual misconduct policies:

- Clearly communicate your intentions with your partner before engaging in each sexual activity.
- Give your partner time to clearly communicate their consent/non-consent for each sexual activity.
- If you start getting mixed messages from your partner or you are confused about whether you have their consent, stop immediately. Ambiguity is a clear indicator of lack of consent. Miscommunication and lack of communication are the two commonly reported precursors to allegations of sexual misconduct. When in doubt, ASK!
- Silence is not consent. If your partner is silent, passive, or unresponsive, it is strongly encouraged that you ask them for clear, explicit consent to proceed in any sexual activity.
- Respect your partner's boundaries. If your partner refuses to consent or revokes consent for a specific sexual activity, do not try to convince them to engage in that activity. Unreasonable and persistent pressure to compel your partner to engage in sexual activity is coercion and a policy violation.
- Don't assume anything. Ask! Your partner may be a virgin. Perhaps they are OK with trying one sexual activity but not another. Maybe they have been alright with one sexual act one day, and then they decided they never want to do it again. Your partner may decide to try abstinence from all sexual activity after having engaged in all kinds of sex with you on prior occasions. Prior sexual activity does not imply future consent.

- If your partner shares intimate photos or videos with you or allows you to create intimate photos or videos of them, do not share those images or videos with anyone else. It does not matter who made the photo or video. Unauthorized recording or distribution of nudity or sexual activity is exploitation and a violation of TTU policy.
- Before initiating any type of sexual activity, it is your responsibility to ascertain whether your partner has the capacity to consent. When in doubt, wait until your partner is sober, fully conscious, and able to express clear, knowing, and voluntary consent. In general, engaging in sexual activity while under the influence of alcohol or drugs is considered risky behavior because alcohol and drugs impair one's decision-making abilities. If you have any doubt about the intoxication level of your partner or you have any indication they may be incapacitated, cease all sexual activity. An incapacitated person cannot consent to sexual activity. If it is later determined that you engaged in sexual activity with a person who was incapacitated at the time, you could be held accountable for TTU policy violations and/or federal and state law violations.
- Near-stranger sexual "hook-ups" carry with them a unique challenge because the people involved do not know each other well enough to understand each other's non-verbal communication. In these cases, verbal interaction should be your standard of communication to ensure clear consent is expressly obtained.
- Additionally, in casual sex scenarios, each partner may not know the other's sexual history. One partner may have experienced a sexual assault in the past. Be aware that prior sexual trauma may suddenly trigger anxiety and/or panic during a sexual encounter with a new person. If your partner gave clear consent for sexual activity, but suddenly revokes that consent, starts crying, or otherwise demonstrates a sudden shift in communication while engaging in sexual activity, stop immediately.

HOW CAN I SUPPORT SOMEONE WHO WAS SEXUALLY ASSAULTED?

It is sometimes difficult to know what to say or do when a friend or loved one confides in you that they have been sexually assaulted. The assault will undoubtedly bring feelings of anger, frustration, confusion, and stress to the victim and to those who offer support. A victim of sexual assault will need a great deal of support and comfort from their friends and family. Just as the act of reaching out for that support can be very difficult, it may also seem difficult to give the right support to the victim.

It is important to understand that there is no perfect response and you don't have to have all the right answers. The following are a few helpful ways to show support:

- Be there with the victim and listen with patience. It may take time for them to tell you what happened.
- Express to the victim that they don't have to go through this alone.
- Let them know that the assault was not their fault.
- Communicate your support without judgment. Avoid asking questions about what the victim was wearing or drinking or why they were in the place the assault occurred.
- Assure them that you will keep what they tell you confidential.
- Offer to assist them in getting more help when they are ready. Know the local resources available and offer to stay by their side while they get more help.
- Remember that they may want to be hugged or may not want to be touched at all. Respect their wishes and give them space if needed.
- It is often important for victims to feel they can take back control of their lives. Allow them to make the decisions about what they want to do. Don't force them to report if they aren't ready.
- Educate yourself about the warning signs for depression and suicide. Respectfully monitor the victim and watch for those warning signs. If you sense that they are considering self-harm, talk to them and offer more help, support, and love. Visit the Texas Tech Student Counseling Center at www.depts.ttu.edu/scc/.

BYSTANDER INTERVENTION

What is Bystander Intervention?

A Bystander is anyone who observes an emergency or other situation where someone is in need of help. 'Bystander Intervention' is simply when a Bystander makes the decision to get involved- to intervene in the situation. Unfortunately, research often suggests that the more people that are around during an emergency situation, the *less* likely a bystander is to intervene. Why is that? It's based on something called "diffusion of responsibility"- meaning, when they are several people around, each person believes that someone else will get involved. Since the assumption is that another person will act, individuals tend to hold back and wait on others to act.

Some other reasons that bystanders choose not to intervene include feeling unprepared to handle the crisis ("I'm sure someone knows more than me"), a situation being too ambiguous/misjudging the situation ("What going on here? Is this even really a problem?"), or the bystander may believe that the person in question is responsible for their situation, so they are getting what they deserve. A good rule to follow when it comes to Bystander Intervention is to err on the side of caution- be the first to act. "I wish I had..." is a terrible feeling to walk away with.

How can I get involved?

While there are specific training programs for Bystander Intervention, it is not necessary to complete a formal program before getting involved. Anyone can get involved. YOU can get involved.

When to intervene:

- When you feel uncomfortable about what's going on. Trust your gut.
- When you hear someone joking about sexual assault
- When you hear degrading language
- When someone is pressuring another person to drink
- When it seems like someone is trying to have sex without their partner's consent
- When someone is getting ready to have sex with an intoxicated person
- When someone has been drinking too much, and you are concerned about their safety. Don't "guess" if they have alcohol poisoning. Get them some help. Call 911 or have a sober driver take them to the emergency room. TTU has an amnesty policy that you can review here, Part I, Section C, 2.

Find a method that fits your style

- The Divider (Defensive Split): step in and separate the two people. Tell them why you're getting involved. Let them know you are trying to keep them safe! Find a way to help them get home.
- The Interrupter (Pick & Roll): Distract them to get them to focus on something else. You may say things like "It's too hot in here! Let's get some fresh air!" or "I don't want to go to the bathroom by myself. Come with me!" or even "My friend text me about a better party going on somewhere else. Let's check it out." Find a statement that works for you and your personality. It may be easier to come up with one ahead of time, instead of trying to think on the spot.
- The Evaluator (Option): Evaluate the situation and people involved to figure out your best course of action. It may be that you directly intervene or you get some of their friends to come and help. If it doesn't seem to be working, step back and try a different approach.
- The Recruiter (Full Court Press): Get friends of both of the people to come help you, and step in as a big group.

- The Disrupter (Fumble): Distract one of the people, and have a buddy distract the other person. Commit a party foul, like spilling your drink, if needed.

Tips for intervening

- Approach everyone as a friend.
- Don't be antagonistic (confrontational, looking for a fight, etc.)
- Avoid using violence.
- Be honest and direct when possible.
- Recruit others to help you when needed.
- Keep yourself safe.
- If you are in over your head, if things get too serious, or if a situation needs more assistance than you can provide, don't hesitate to contact the police.

Training Programs

- [Request](#) a Step UP workshop for your class, student organization, or Sorority/Fraternity. Not involved in a group? Contact RISE@ttu.edu for information about upcoming training opportunities.

Want to see what this looks like in action?

- Here's a [video](#) showing how you could intervene with someone based on the relationship you have with them. *Hint:* you can intervene in an adapted way to help anyone!
- Here's a [video](#) showing what campus can look like when Red Raiders look out for one another. Safety is everyone's responsibility!

* Virginia Tech (n.d.). Bystander Intervention Playbook. Adapted from William and Mary Sexual Assault Services (2008).

When Sexual Misconduct Occurs

It is the unfortunate truth that, regardless of efforts to reduce risk, sexual misconduct can and does occur, both on and off campus. When an incident of sexual misconduct occurs, it's important for victims to take immediate steps to secure their own safety and preserve evidence where possible, in the event they decide to report criminally or with the University.

GET TO A SAFE PLACE

- The most important thing for a survivor of sexual assault is to get to a safe place immediately after the assault. Whether that safe place is your home, a friend or family member's home, or a public building, get to a place where you feel safe.
- Once that feeling of safety has been achieved, **if you need immediate medical attention**, you should call 9-1-1 or go to the nearest emergency room.

PRESERVING EVIDENCE & KEEPING YOUR OPTIONS OPEN

- If you have been sexually assaulted within the past 96 hours, it is strongly encouraged that you seek medical attention at an emergency room for a Sexual Assault Nurse Exam (SANE). The comprehensive exam will be provided at no cost to you. This forensic medical exam will include a physical examination, photo documentation of injuries, collection of clothing, and collection of DNA evidence, which may be preserved and used to aid in a criminal prosecution if so desired.

- “DNA evidence is an integral part of a law enforcement investigation that can build a strong case to show that a sexual assault occurred and to show that the defendant is the source of biological material left behind.”²
- You do not need to decide at this time whether you want to pursue legal action but if you save the evidence, it offers you more options in the future when you are better able to decide.
- In an effort to preserve as much evidence as possible, you should refrain from doing anything that may wash away or destroy DNA. Therefore, until a SANE has been completed at a healthcare facility, please follow these instructions:
 - Do not shower, bathe, or douche (for women). Doing so will wash away vital DNA and other physical evidence.
 - Do not use the restroom. If you must urinate, collect a sample of your urine in a clean container and seal that container with a lid or plastic wrap. Urine testing may provide evidence of drugging if tested soon after an assault.
 - Do not change any of your clothing. Bring a change of clothes with you to the healthcare facility. A SANE nurse will collect and preserve all of the clothing you were wearing during the assault.
 - Do not touch any bodily fluids on any of your clothing, sheets, or other objects.
 - Do not comb or brush your hair.
 - If the assault involved oral penetration, do not brush your teeth or rinse your mouth. Do not eat, drink, or smoke anything until a SANE nurse has collected physical evidence.
 - Do not clean your injuries.
 - Do not clean the crime scene.
 - Do not move anything the perpetrator may have touched.
- Even if you are unsure whether you want to report the incident to the police and/or seek criminal prosecution, it is strongly suggested that you get a SANE done. The forensic collection and preservation of evidence will allow you more options at a later date. DNA evidence is no longer available after 96 hours, and could be of significant importance if you decide you would like to report sometime in the future. In Texas, the Non-reported Sexual Assault Evidence Program allows such evidence to be secured and preserved for up to two years, giving you time to consider whether you want to report the crime and/or seek criminal prosecution.
- These Lubbock healthcare facilities provide SANE services 24 hours a day, 7 days a week:

<p>University Medical Center 602 Indiana Ave, Lubbock, TX 79415 (806) 775-8200</p>	<p>Covenant Medical Center 3615 19th Street, Lubbock, TX 79410 (806) 725-0000</p>
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IF YOU ARE NOT READY TO SEEK MEDICAL ATTENTION

- Once you are in a safe location, it is strongly recommended that you take steps to preserve evidence of the assault. This will give you more options if you later decide to pursue reporting the crime. Physical DNA evidence could be vital to identifying the perpetrator if unknown or proving the identity of a known perpetrator.
- While it is highly recommended that you seek medical care and receive professional forensic medical examination, you may **take steps to preserve physical evidence** on your own:
 - If you have sterile plastic gloves available, wear those gloves while collecting evidence to reduce contamination.
 - Do not touch any bodily fluids on any of your clothing, sheets, or other objects. Collect items of clothing containing bodily fluids and place those items in paper bags. Roll the

² This information is available on the RAINN website at <https://rainn.org/get-information/aftermath-of-sexual-assault/preserving-and-collecting-forensic-evidence>

tops of those bags down to seal them. **Do not store evidence in plastic bags because that may destroy evidence.**

- If the assault occurred on a bed, place all sheets and linens in paper bags and seal those bags.
- Photograph any cuts, bruises, and other injuries to your body. Make sure the photos are well lit and clearly show the injuries. Use a ruler if available to provide a scale reference of the size of your injuries.
- Do not delete digital evidence from your phone or computer. Do not delete text messages, photographs, emails, instant messages, or any other digital evidence. This data may later provide vital information for a criminal investigation. If you are not comfortable having this data on your phone or computer, preserve it all on a thumb drive and store it some place safe.

TELL SOMEONE

If you have family or friends that you trust, it is highly encouraged that you tell someone what happened. However, if you simply want someone to listen but are unsure whether you want to involve your family and friends, and are hesitant to report to the police or the University, there are several resources available to you.

These resources offer *completely confidential* assistance and support, and are free for TTU students. Both of the resources below are not subject to mandatory reporting requirements and the conversations you have with counselors will not leave the room.

Student Counseling Center
TTU Student Wellness Center, Rm 201
Phone: 806-742-3674
www.depts.ttu.edu/scc/

Voice of Hope (Rape Crisis Center)
Hotline: (806) 763-RAPE (7273)
Phone: (806) 763-3232
www.voiceofhopelubbock.org

Intimate Partner / Relationship Violence

TTU's Code of Student Conduct, specifically **Part I, Section B.2.b.4** (found [here](#)), prohibits any intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of self or others. This includes a specific provision regarding intimate partner / relationship violence, defined as:

Violence or abuse, verbal or physical, by a person in an intimate relationship with another.

WHAT IS INTIMATE PARTNER / RELATIONSHIP VIOLENCE?

Intimate Partner / Relationship Violence is the broader term that encompasses both dating violence and domestic violence. Dating violence typically refers to any type of verbal, emotional, physical, or sexual abuse that occurs between two people identified as being in a dating relationship; domestic violence is the same abuse occurring between two cohabitating people, irrespective of a dating dynamic; and more broadly, intimate partner / relationship violence is any abuse occurring between two people who are intimately involved. This type of violence is often the result of an abuser's desire to control his or her partner's thoughts and actions; it's about power, not passion. The abuser often uses a variety of abusive methods to gain that control, including emotional, verbal, physical, and sexual abuse.

WHAT QUALIFIES AS AN INTIMATE RELATIONSHIP?

Relationship violence can occur within a dating relationship, in a marriage, or between roommates. These types of relationships are indicated by a number of factors including a pattern of close, personal

connections, shared living space, and frequent interactions between the two parties. Sexual intimacy is not required to qualify as an intimate relationship. Texas Tech recognizes these various types of relationships regardless of the abuser's or victim's gender, gender identity, or sexual orientation.

Types of Abuse

EMOTIONAL ABUSE

Emotional abuse is pattern of behavior that over time has the effect of diminishing the victim's sense of identity, dignity, and self-worth. The abuser commits acts of neglect, humiliation, intimidation, isolation, confinement, and verbal assault in order to gain control of the victim's thoughts or actions. Victims who suffer from emotional abuse often exhibit signs such as very low self-esteem, depression, anxiety, and suicidal thoughts.

Some examples of emotional abuse include:

- Verbal Abuse: name-calling, badgering, mocking, humiliating, shaming, or criticizing
- Intimidation: displaying weapons, abusing pets, destroying property, or using looks, actions, gestures, and a tone of voice to indicate a threat of violence
- Isolation: controlling a victim's movements and communication with others, using jealousy and the victim's desire to be loved to manipulate the victim into submission
- Neglect: ignoring, abandoning, refusing intimacy, withholding affection as punishment
- Financial Control: forcing a partner to live on an allowance, removing access to joint bank accounts.

VERBAL ABUSE

Verbal abuse is the extreme use of language in the form of insults or humiliation by an abuser to undermine a victim's dignity, self-esteem, or security. Victims of verbal abuse tend to constantly second-guess their own abilities and often feel useless and powerless. The tragedy is that a victim with low self-esteem and self-worth will often seek love and approval from his or her abuser. This gives the abuser power and control over the victim and ensures that the cycle of abuse will continue.

Relationship violence frequently begins with verbal abuse in the form of name-calling, mocking, embarrassing, criticizing, and/or shaming. The abuser may say, "I love you," but the rest of the message could be a disguised criticism or threat. For example, an abuser may say, "I love you, but if you don't do this for me, I'll find someone who will." Sometimes the language is loving, but the tone used by the abuser implies that the message is a lie and the abuser is really making a threat. Verbal abuse is one of the most difficult abuses to identify because it leaves no physical wounds. However, the victim often feels the emotional pain of verbal abuse for a very long time.

Too often, a victim will ignore verbal abuse at the beginning of a relationship in an attempt to "keep the peace." Some people fail to recognize they are in an abusive relationship because they tend to minimize the emotional effects of their partner's verbal assaults. At first the verbal abuse may only happen when the victim is alone with the abuser. Over time, as the abuser becomes more comfortable with using abusive language and the verbal assaults may begin to occur in front of family, friends, and strangers. The abuser may try to manipulate the victim into giving up freedom or resources in return for love. The verbal abuse may begin to take the form of threats to the victim's safety. Tragically, verbal abuse can quickly progress to physical abuse. Abusers tend to become more aggressive over time in their efforts to control their partners. When attempts to control emotions and self-esteem are not enough, abusers turn to physical force. Learning to recognize the early indicators of relationship violence could save victim's life.

Some examples of verbal abuse include:

- “It’s cute that you want to be a doctor, but do you really think you’re smart enough? That’s a lot of hard work. Maybe you should do something less challenging. Leave medicine to the intelligent people.”
- “I love you, but your weight is embarrassing. I can’t be with a fat girl. Get to the gym or I will have to find someone else.”
- “I can’t believe you got a C on that paper. You are such a loser. How could you screw up such an easy assignment? You’re can’t do anything right.”
- “You can’t go out dressed like that. You look like a slut. Go cover yourself before someone sees you.”
- “Who have you been talking to? You’re with me. Stop acting like a whore!”
- “Let me do the talking. You always sound like an idiot. I’d hate for you to humiliate yourself again.”
- “Get over here NOW!! Quit acting like you’re scared of me or I’ll give you something to be afraid of!”

PHYSICAL ABUSE

Physical abuse is perhaps the most obvious type of relationship abuse because it often (though not always) leaves physical evidence of the abuse. The victim may have bruises, cuts, broken bones, and/or other physical trauma that can be seen by others. However, many abusers become quite skilled at abusing their victim in a place or manner that can easily be covered and hidden. Large sunglasses can cover black eyes and bruises may be covered by hair and by clothing.

A few examples of physical abuse include:

- Preventing their partner from leaving
- Throwing objects
- Pushing, shoving, hair-pulling
- Scratching, hitting, kicking
- Threatening, or using weapons

SEXUAL ABUSE

It is a common misconception that sexual abuse cannot occur within an intimate relationship. This myth originated from the idea that two people in an intimate relationship have given each other sweeping permission for sexual contact at any time simply by agreeing to be in the relationship. *This is false*. The requirement that an initiator be given clear, knowing, and voluntary consent prior to sexual activity does not change, regardless of relationship status. A sexual partner has the right to refuse sexual contact with his or her partner at any time and for any reason. If one partner in an intimate relationship forces or coerces unwanted sexual contact with the other partner at any time, that sexual contact is not consensual and constitutes sexual assault.

Some examples of sexual abuse include:

- “Come on. You let me do that to you last night. Why can’t I do it again now?”
- “If you loved me, you’d sleep with me.”
- “If you won’t have sex with me, I’ll find someone who will.”
- “You might as well sleep with me, because I’m going to tell everyone you did anyway. Or maybe I’ll just tell everyone you’re a tease and a prude and no one else will want you.”
- Forced sex or any sex involving a partner who just lays there and doesn’t say anything.

The Cycle of Abuse

Because abuse occurs over time, the victim often does not realize he or she is in an abusive relationship. This type of abuse generally occurs in a cycle.

1. Tension Builds:

First, tension builds up in the relationship. At this stage, abusers appear short tempered, are easily agitated, and are quick to point out the faults of others, especially their victim's. In this stage, victims often report feeling like they are "walking around on egg shells" trying not to upset their abusers. These victims feel self-conscious about what they say or do and are frequently anxious about making mistakes. Inevitably, the victim will do or say something that will anger the abuser.

2. Act of Violence:

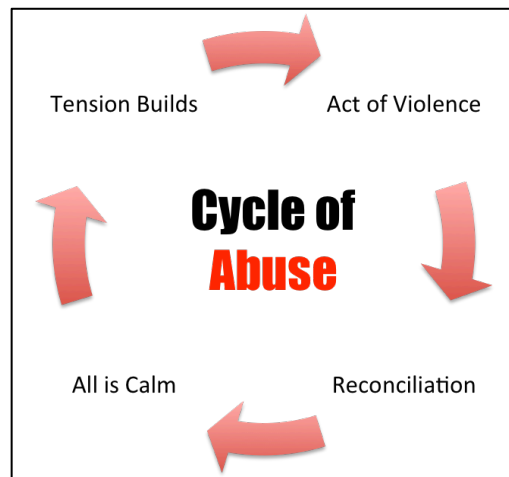
Next, the abuser lashes out in an act of verbal, emotional, or physical violence. The release of energy reduces the tension. Abusers will often feel and/or tell the victim that he or she "had it coming" to them.

3. Reconciliation:

Also called the "honeymoon" stage. The victim's self-esteem and self-worth is often diminished by the act of violence, feeling pain, fear, or humiliation. The victim may even try to win back the love and affection of the abuser by words or actions. The abuser may feel guilty, often out of fear that the victim might leave or report the incident. The abuser might make excuses for his or her behavior (with or without taking responsibility), deny the abuse, or say it wasn't as bad as the victim claims it was. The abuser may try to apologize for his or her behavior and vow to never be abusive again.

4. All is Calm:

Finally, there will be a period of "normalcy" wherein the abuser seems charming and tries to make the victim happy. This can involve the abuser buying the victim presents, agreeing to see a counselor, and in instances of intimate partner relationships, the couple may engage in passionate make-up sex. It is important to note that, eventually, tension tends to build again in the relationship and the cycle will repeat. Generally, each time the cycle begins again, the abuser becomes more aggressive, controlling, and violent.



* *Source:* Lenore E. Walker's 1979 social cycle theory.

WHY WOULD ANYONE STAY IN AN ABUSIVE RELATIONSHIP?

Some victims report still loving their abusers and recall the “good times” more often than the abusive acts. Some victims believe they can change their abusers by showing patience and love no matter what acts of violence their abusers commit. Additionally, victims may feel shame and embarrassment for getting into such a relationship. Some victims feel pressured by family members or their community to stay in an abusive relationship for the sake of their children or even for religious reasons. Far more commonly, victims stay in abusive relationships out of fear; fear of being alone or fear that their abuser will harm or kill them if they try to leave.

HOW TO HELP SOMEONE GET OUT OF AN ABUSIVE RELATIONSHIP

It is sometimes difficult to know what to say or do for a friend or loved one in an abusive relationship. Here are a few tips to help you support a victim of relationship abuse:

- Listen with patience and give the victim time to tell their story in their own words.
- Ask them how you can help and respect their ideas. Only they can decide when and how they will end the relationship. If you try to do it for them, you may make the situation worse.
- Avoid expressing judgment towards the victim, even if it has taken them a long time to seek help. Instead express your concern for their safety and wellbeing and offer to give them support and encouragement while they get the resources they need to end the relationship.
- Understand that an “escape plan” may be vital to the victim’s successful exodus from the relationship. They may need time and assistance to gather the resources and make sure they are ready and able to financially and emotionally survive the ending of the relationship.
- Be aware of your own emotional and physical safety. You have to be strong and healthy if you want to help them get strong and healthy. If you are not in a healthy state of mind, please seek others to help you support the victim.

RESOURCES FOR VICTIMS OF RELATIONSHIP VIOLENCE

Texas Tech University and the Lubbock community have several resources available to help victims of relationship find safety from their abusers. The victim of the abuse will determine what University resources will be sought. In addition to the University resources listed in the Resources section below, the following are local and national helplines.

Women’s Protective Services of Lubbock, Inc.
(806) 747-6491
<http://www.wpslubbock.org>

The National Domestic Violence Hotline
1-800-787-SAFE (7233)
<http://www.thehotline.org/help/>

Stalking

TTU's Code of Student Conduct, specifically **Part I, Section B.2.b.6** (found [here](#)), prohibits any intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of self or others. This includes a specific provision regarding stalking, defined as:

Behavior, which includes but is not limited to, knowingly and repeatedly engaging in conduct that the individual knows or reasonably should know the other person will regard as unwelcome and would cause a reasonable person to be fearful or suffer substantial emotional distress.

WHAT IS STALKING?

Generally, stalking is a pattern of repeated behavior involving non-consensual observation of and/or non-consensual communication towards a specific person. This type of behavior must be so persistent that it would cause a reasonable person to be fearful and/or to suffer substantial emotional distress.

Some examples of stalking behavior include:

- Following the victim or the victim's family and/or friends;
- Waiting for victim outside of their homes, classes, or work places;
- Approaching friends, family members, classmates, and/or coworkers about the victim;
- Leaving messages and/or gifts on the victim's voicemail, doorstep, car windshield, etc.;
- Watching, photographing, and/or recording the victim without the victims knowledge and/or consent;
- Harassing the victim via the internet and/or social media;
- Spreading rumors about the victim.
- Arranging for a third party to deliver gifts and/or messages to the victim;
- Making explicit and/or veiled verbal and/or written threats toward the victim or their family and/or friends;
- Harming or threatening to harm the victim's pet;
- Damaging and/or threatening to damage the victim's property;

Stalking among college students often occurs when a romantic relationship ends and one party fails to accept the end of the relationship or when one party fails in the romantic pursuit of another.

WHAT IS A STALKER?

A stalker is a person who knowingly and repeatedly engages in stalking behavior towards a specific person. A stalker may be someone the victim knows or could be a complete stranger. Some stalkers will deny to themselves and others that they are engaging in stalking activities. A stalker may have a romantic interest in their victim, be curious about their victim's life, have a strong desire to be friends with their victim, or may have a desire to harm their victim. Regardless of the stalkers intentions, it is harassing, intimidating and can be terrifying for the victim.

THE EFFECTS OF STALKING

Stalking can have devastating and long-lasting effects on the victim. Some victims of stalking have reported feelings of frustration, fear, anxiety, helplessness, powerlessness, lack of trust, insomnia, weight loss or gain, depression, and suicidal thoughts.

WHAT TO DO IF YOU ARE BEING STALKED

The first thing you should do when you believe someone is stalking you is to tell your stalker that you want them to leave you alone. Be firm and clear. Do not explain your request or get drawn into a conversation about it. Do not argue with them. Tell them you do not want to communicate with them at all and then walk away.

Once you have told your stalker to leave you alone, there are steps you can take to protect yourself. The following is a list of suggestions for getting help and gathering evidence of the stalking behavior.³

- Trust your instincts. Do not dismiss any threat to your health and/or safety.
- Tell your friends, family, professors, and manager at work about the situation. This may help you provide witnesses for an investigation.
- If you know your stalker, write down all of the identifying information you know about them and share it with your friends and family. This will help your friends and family stay vigilant so they can tell you if your stalker is following them as well.
- Take and save pictures of any gifts received by your stalker and/or destruction of your property.
- Record all phone calls from your stalker.
- Keep all messages and gifts from you stalker. Do not throw away or delete any electronic messages, pictures, videos, or voicemail messages. These may help prove a timeline of events and the severity of the stalking behavior.
- Keep a log of the time, date, and place of each and every incident of the stalking behavior including, but not limited to:
 - Each time the stalker drives past your house
 - Each gift your stalker leaves for you
 - Each time you receive any form of communication or gift
 - Each time your stalker destroys your property
 - Any time a friend or family member reports that the stalker was seen watching you. Ask them to write a short statement of the time, date, and a brief description of the occurrence (include witness name and contact information).
- Don't give out your private information in a crowded place unless you can do so quietly. Shred any documents containing your phone number, address, social security number, or birthdate. Be aware of the personal information you post on social media including pet names, nicknames, and your parent's full names. These can be used steal your identity, hack your passwords, and/or gain your friend's and family member's trust.
- Keep your number unlisted. Screen your calls using voicemail and Caller ID and do not answer calls from strangers.
- Lock your doors and windows to your home and car at all times, even when you are home or driving. Change the locks on your home and invest in a security system for your home and vehicle. Ask the police to make a security check of your home. They can identify entry points and suggest improvements for your safety.
- Stay alert and be aware of your surroundings. Stay in populated, well-lit areas. Keep an eye out for vehicles following you. If you think you are being followed, drive to a police station, a fire station, a hospital, or a crowded area such as a mall or restaurant and honk your car horn to attract attention.
- Develop a safety plan to follow in case of emergencies. Have a safe consolidation point for your friends and/or family to meet at if you have an emergency. Plan a few different routes to get to that place in case one of the routes is blocked by your stalker.
- Contact TTUPD or Lubbock PD and report each incident of the stalking behavior so there is an official report documenting each occurrence. Provide the police with copies of all communications from your stalker.
- Request a protective from your stalker. Note that this is generally available when the victim and the stalker are related, were married, lived together, or share a child.

³ <https://www.texasattorneygeneral.gov/cvs/information-on-stalking>

Examples of Misconduct

The following are examples⁴ of behavior that would constitute violations of the TTU sexual misconduct policy, provided for illustrative, education, and preventative purposes.

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left.

Bill is responsible for violating the University Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

2. Jiang is a junior at the University. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation?

Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

⁴ Some examples provided by ©2015 ATIXA. www.atixa.org. Model Policy.

3. Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean.

This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the University expects.

4. James is a sports medicine major working on a program design project with 15 other students. Mark is a fellow sports medicine major in the group. Throughout the semester, Mark has frequently talked about his sex life in class, made sexually explicit jokes, and asked questions about the sex lives of other classmates, including James. James and the other group members have clearly expressed their discomfort with Mark's attempts to discuss his and their sex lives, yet Mark continues. James has left the class early on two occasions in an attempt to avoid Mark's unwelcomed sexually explicit jokes. Yesterday, Mark said he wanted to show James a chart Mark had created for their project. Instead, Mark tricked James into looking at a graphic image of two adults engaged in a sex act. James reported Mark's behavior to their professor.

Mark is responsible for violating the University Sexual Harassment policy. It is likely that TTU would find that the nature of Mark's unwelcome verbal, written, and physical conduct was sufficiently severe, persistent, and pervasive that it unreasonably interfered with James' educational experience and/or created a hostile educational environment.

5. Dee and Tyler met at the Carol of Lights event on campus two years ago during their freshman year and they have been a couple ever since. Two months ago, Tyler had a birthday and Dee wanted to give him a special gift. Dee trusted Tyler so she messaged him several sexy photos of herself wearing in a bikini and also a few photos of herself nude in provocative positions. Dee told Tyler to enjoy the pictures and that they were for his eyes only. Tyler kissed Dee and told her the photos were safe with him. Last week, Dee and Tyler broke up after they fought about a rumor that Dee went on a date with another guy. In a fit of anger, Tyler posted one of the nude photos of Dee to his Instagram account, which was viewable by anyone with an Instagram account. *(Continued)*

By the next day, Tyler felt guilty and removed the photo from his account. Before removing it, he saw that the photo had received more than 50 “likes” from his followers and from strangers. Yesterday, Dee was shown a screenshot of the photo by an on-campus friend who saw it on Instagram before Tyler removed it. Dee feels humiliated and angry that her fellow students have seen it.

Tyler is responsible for violating the University Sexual Exploitation policy. It is likely that that TTU would find that Tyler took non-consensual sexual advantage of Dee when he disseminated the intimate photo on his Instagram account without Dee’s full knowledge and consent.

6. Carlos and Stacy met in an engineering class. Stacy has a huge crush on Carlos and she has told all of her friends about it. Stacy follows all of Carlos’s Facebook, Instagram, and Snapchat accounts and she “likes” every post he makes. She also moved into his apartment complex to be closer to him, she leaves breakfast on his front porch every morning before school, and she leaves love notes on his car windshield in the school parking lot almost daily. Carlos has repeatedly told Stacy that he is not interested in her and has asked Stacy to leave him alone. Stacy told Carlos that she won’t stop trying to win his affections and she vows to make him love her. Stacy also told Carlos that if she can’t have him, no one else could either. He moved and changed his class schedule, but continues to show up everywhere he goes on campus. Carlos reported feeling freaked out and anxious because of Stacy’s behavior.

Stacy is responsible for violating the University Stalking policy. It is likely that that TTU would find that Stacy knowingly and repeatedly engaged in conduct she knew or reasonably should have known was unwelcome and would reasonably cause Carlos to be fearful or suffer substantial emotional stress.

7. Beth and Grace have been a couple for 3 years and have been cohabitating for the past year in a residence hall. This morning Grace reported that Beth destroyed Grace’s laptop during an argument last night. Grace said the laptop contained photos from her amateur photography business. Grace said that Beth has been a wonderful girlfriend, but told the investigator that Beth has destroyed some of her other belongings in the past, including a painting that Grace painted for Beth as a gift. Grace repeatedly emphasized that she could have been a better partner to Beth and probably deserved some of Beth’s actions. Grace showed the investigator several text messages, which detailed Beth telling Grace that she was fat, stupid, and worthless. In one message Beth threatened to hit Grace and kill Grace’s beloved guinea pig, Fluffy, if Grace doesn’t stop spending all of her time of photography and pay more attention to Beth. Grace reluctantly admitted that she gets scared when Beth loses her temper. Grace said she is afraid that Beth might hit her some day or follow through with the threat to hurt Fluffy.

Beth is responsible for violating the University Intimate Partner / Relationship Violence policy. The evidence shows that Beth has verbally and emotionally abused Grace and has threatened physical violence towards Grace. Relationship violence doesn’t have to include physical assault, and exists regardless of sex/gender. Note that if Beth physically assaults Grace in the future, she will violate this policy in addition to the universities conduct violation for assault.

Reporting an Incident

REPORTING TO THE TEXAS TECH POLICE DEPARTMENT

- Some instances of student misconduct may also constitute a violation of state, federal, or local law. It is **always** the student's 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 he or she wishes. Reporting to TTUPD can lead to criminal charges and prosecution.

Texas Tech Police Department
413 Flint Avenue, Lubbock, Texas 79409
(806) 742-3931

Lubbock Police Department
916 Texas Ave, Lubbock, TX 79401
(806) 775-2865

- If a student wishes to report to both the Texas Tech and TTUPD, an investigator from the University will coordinate with TTUPD detectives so that the student only has to give a statement one time. This would be scheduled at the earliest convenience of the student and TTPD/TTU investigators.
- If you feel more comfortable speaking with a female officer, TTU PD will assign a female detective when available.
- TTUPD will also explain your Crime Victim Compensation rights and are happy to assist you in filling out the necessary documentation.

REPORTING TO TEXAS TECH UNIVERSITY

NOTE: When an alleged violation of the Code of Student Conduct is reported, the University uses the term "Complainant" to refer to the party reporting an incident or alleged misconduct regarding the actions of another. The University uses the term "Respondent" to refer to the party responding to the reported complaint regarding their behavior or actions. The University uses the term "victim" when referring to the individual who was the subject of the policy violation if that individual was not the person bringing the allegation to the attention of the University. The University recognizes that some individuals prefer to self identify as victims while others prefer to self identify as survivors. The term "victim" is used here in an effort to ensure continuity throughout this policy.

We strongly encourage students, faculty, and staff who have experienced gender-based harassment or sexual misconduct to report incidents to University administrators. We understand the sensitive and private nature of these types of incidents and it is *never* our goal to exacerbate or otherwise complicate a complainant's situation. Accordingly, we work with complainants to identify remedies, resources, and options for resolution. Texas Tech is here to help remedy any situation that is reported, and if so desired by the complainant, to take disciplinary action against perpetrators in accordance with the TTU Code of Student Conduct.

HOW TO REPORT AN INCIDENT

- You can report an incident of sexual misconduct or harassment to Texas Tech University online using this form, [File a Report](#), or by contacting directly any of the following administrators:

Michael Henry, J.D.
Lead Title IX Investigator
michael.henry@ttu.edu / (806)-742-7233

Shawn Adams, J.D.
Title IX Investigator
shawn.adams@ttu.edu / (806)-742-7233

- It is highly encouraged that you speak with one of the above administrators, even if you are unsure whether you want to file a formal report. Administrators will not contact the respondent or otherwise escalate the situation without first consulting with the complainant (more on this below), and will provide information on available remedies, resources, and options for resolution.

Remedies and Resources

- Texas Tech University's primary concern is always to ensure that students are taken care of. Accordingly, administrators will assist in any way they can, offering various remedies and resources, *even if* a complainant does not wish to pursue formal student conduct processes.
- Remedies and resources will be provided on a case-by-case basis and will correspond with the needs of each individual student and each specific situation – regardless of whether the student decides to make a formal report. Those remedies and resources include, but are not limited to:
 - Implementing a No Contact Order between parties;
 - A change or modification to residence hall or living options;
 - Altering academic schedules or class modifications;
 - Referral to counseling and health services;
 - Altering student employment arrangements or work schedule modifications;
 - Assistance with extracurriculars, organization(s), activities;
 - On-campus parking considerations;
 - Providing transportation options;
 - Education to the community;
 - Police escort across campus.
- Any person can report alleged harassment or discrimination, including faculty, students, staff, administration, guests, visitors, etc.
- Texas Tech University's jurisdiction for addressing sexual misconduct is **not** limited to on-campus incidents. If the University receives notice of an incident of sexual misconduct or harassment, and the alleged misconduct impacts the educational environment of a member of the Texas Tech community, the University is required by federal law to look into the situation, regardless of where the incident occurred.

CONFIDENTIALITY IN REPORTING

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.

There are three distinct categories of individuals who can receive reports of harassment and discrimination, all three with different obligations regarding confidentiality.

1. All university employees (faculty, staff, administrators, student employees) are required by federal law, as *Responsible Employees*, to immediately report actual or suspected harassment, sexual violence, or discrimination to the Title IX Coordinator and/or Deputy Coordinators. This information, once referred, will still remain private and will be shared *only* with those administrators who have a legitimate educational need to know. Nevertheless, reporting parties may want to consider whether they share personally identifiable details with non-confidential employees, as the employee must refer all known details to appropriate Title IX administrators.
2. The staff members in the Risk, Intervention, Safety, and Education (RISE) Office are a specifically designated group of administrators who, unlike those employees classified as Responsible Employees, are **not** required to refer personally identifiable information to the Title IX Coordinator and/or Deputy Coordinators. The RISE Office staff is, however, required to report information about an incident, but can do so in a “Jane/John Doe” format.

RISE Office
Suite 204, Student Wellness Center
www.rise.ttu.edu / (806) 742-3931

3. If a student wishes to talk with someone about an incident, but wants their report to remain *strictly confidential* and does not wish any personally identifiable information disclosed, the student may utilize one of the following resources:

<p>Student Counseling Center Student Wellness Center, Room 201 (806)-742-3674 http://www.depts.ttu.edu/scc/ <i>Provides short-term counseling and consultation to students experiencing emotional and psychological difficulties</i></p>	<p>Voice of Hope (Rape Crisis Center) <i>Hotline: (806) 763-RAPE (7273)</i> <i>Phone: (806) 763-3232</i> www.voiceofhopelubbock.org <i>Crisis intervention, support, and follow-up for survivors and family members</i></p>
<p>Psychology Clinic TTU Psychology building, Room 111A (806) 742-3799 psychology.clinic@ttu.edu <i>Provides psychotherapy and assessment services to the university</i></p>	<p>Student Wellness Center 1003 Flint Ave (806) 743-2122 www.ttuhs.edu/studenthealth <i>Provides follow-up medical care for students</i></p>
<p>Marriage and Family Therapy Clinic TTU Human Sciences building, Rm 165 (806) 742-3060 www.depts.ttu.edu/hs/mft/clinical_services.php <i>Provides therapeutic services to individuals, couples, and families</i></p>	<p>TTU Employee Assistance Program 3601 4th Street, Lubbock, TX (806) 743-1327 www.ttuhs.edu/centers/swiad/eap/ <i>Provides short-term counseling and assistance to employees, couples, and families</i></p>

Counselors and employees in the above departments are not required to report information to any other individual or entity, except in extreme cases of immediate threat or danger, or abuse of a minor. Counselors in the Student Counseling Center are available to assist students free of charge and can be seen on an emergency basis during normal business hours.

CONFIDENTIALITY IN STUDENT CONDUCT PROCESS

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.

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. When a Complainant wishes to pursue allegations of misconduct via the student conduct process, the Respondent has the right to know the identity of the reporting party and the opportunity to review all information and evidence that will be considered at a hearing. Where reports of misconduct involve other students or witnesses, some information may need to be shared with those involved parties in order to gather evidence and complete a thorough investigation.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, Deputy Coordinators, or designee, who will evaluate that request in light of the University's duty to ensure the safety of the campus and comply with federal law. In cases where the victim requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. In cases where Respondent behavior indicates pattern, predation, threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality. A reporting party has the right and can expect to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through the procedures outlined in this policy.

STATISTICAL REPORTING OBLIGATIONS

Under the Clery Act, certain campus officials – those deemed Campus Security Authorities – have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes. Statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. Personally identifiable information is **not** included in the report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category.

FEDERAL TIMELY WARNING OBLIGATIONS

Victims of sexual misconduct should also be aware that university administrators must issue immediate “timely warnings” for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

COMMON CONCERNS ABOUT REPORTING

What if I, or my friend, were doing something wrong (i.e., underage drinking) when the more serious incident occurred? Will I, or my friend, get in trouble if one of us reports?

Texas Tech is committed to facilitating an environment that supports students reporting incidents of sexual misconduct. As such, the University will attempt to provide educational options rather than formal conduct proceedings for what would comparatively be considered more minor violations. This is what is known as an *Amnesty Provision*. You can read more about TTU’s Amnesty Provision in Part I, Section A.12 of the TTU Student Handbook (found [here](#)).

Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct resolution?

The use of alcohol and/or drugs by either party will neither diminish the Respondent’s responsibility nor excuse a violation of TTU policy. On the other hand, alcohol and/or drug use is likely to affect the one or both parties’ memory, and may thus affect the resolution of the reported misconduct. A Complainant must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence, and/or witnesses to demonstrate that policy was violated.

Will either party’s prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

What if I would like to make a report, but I want to remain anonymous?

Texas Tech understands the sensitive nature of incidents involving sexual misconduct. Further, the University is mindful of complainants’ desire, in many cases, to report an incident without disclosing their name or other identifying information. Here’s what you should know about these types of situations:

Texas Tech will always do its absolute best to protect a student’s anonymity, if that is the student’s wish. Doing so, however, will typically make it difficult to thoroughly and effectively investigate the occurrence. The University will work with the reporting student to explain the various options for resolution and determine which approach best fits the student’s wants and needs. The only time Texas Tech may be forced to disclose a complainant’s name during an investigation is when the alleged misconduct presents a continuing threat to the campus community. This is required by federal law. That said, Texas Tech will always do the utmost to work with students who report incidents of sexual misconduct, protecting anonymity and confidentiality wherever possible.

If I report an incident, will my parents be notified?

No, not unless you tell them. Whether you are the reporting party or the responding party, the University's primary relationship is to the student and not to the parent. It is, however, strongly encouraged that students inform their parents of incidents that may impact their health, academics, or disciplinary standing with the University. If a student wishes the University to notify parents of an incident, the University will do so at the student's request provided the student has signed a FERPA waiver. The University may, however, be required to notify parents regarding incidents of abuse or physical injury where the student is a minor.

Will the Respondent know my identity?

If a Complainant reports an incident to the University and wants to pursue disciplinary action via a formal investigation and hearing per the Code of Student Conduct, then yes. The Respondent has the right to know the identity of the reporting party. However, the University has various options for limiting Complainant and Respondent interaction throughout the investigation and hearing process, such as Skype/video conferencing into the hearing from a different location, a room divider in the hearing room, and the use of the Investigator as a medium for posing questions to the other party.

Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the Respondent. You can report the incident without the identity of the Respondent, but doing so may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor (see *Student's Right to be Accompanied by an Advisor* section below). You may also contact the Dean of Students Office of the Office of Student Conduct, where administrators can explain the University's policies and procedures for addressing sexual misconduct reports. You are also highly encouraged to talk to a confidential counselor at the Student Counseling Center or seek other community assistance.

Do I need an attorney?

Victims of criminal sexual assault do not need to retain a private attorney to pursue criminal prosecution because representation will be handled by the District Attorney's office. Victims may want to retain an attorney if they are considering filing a civil action against the responding party. The Respondent may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution. Both the Complainant and Respondent may also use an attorney as their advisor during the University student conduct process, but the assistance of an attorney is not necessary. Attorneys are subject to the same restrictions as other advisors in the process (see *Student's Right to be Accompanied by an Advisor* section below).

The University provides legal assistance via Student Legal Services. However, most incidents of student misconduct will create a conflict of interest and prevent SLS from providing representation. A referral list may be provided upon request.

The Student Conduct Process

Upon notice of an alleged violation of the *Code of Student Conduct*, The Dean of Students or The Managing Director of the Office of Student Conduct will appoint a Student Conduct Officer/ Investigator to review allegations of misconduct. The Student Conduct Officer/Investigator will inquire, gather and review information about the reported student 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. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Complainant statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the Student Conduct Officer/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 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.

REMEDIES AND RESOURCES

The University will take immediate action 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 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, victim's advocate assistance, 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.

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 RISE Office is also available to help students understand the student conduct process and identify resources. For more information, please visit the *Resources* section at www.sexualviolence.ttu.edu.

Interim Actions

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus Hearing on alleged

violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, 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 on participation in the community for no more than ten (10) business days pending the scheduling of a campus Hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. 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 Dean of Students 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 Dean of Students (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 by the official notice procedures outlined in Part I, section A.3 of the *Code of Student Conduct*. Interim action is not a sanction. 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 is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim administrative action may result in additional allegations of the *Code of Student Conduct*.

Types of Interim Actions

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. The Office of Student Conduct or Dean of Students Office will issue a No Contact Order 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 immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Immediate Temporary Suspension – Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Dean of Students, or on recommendation of a Student Conduct Officer/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 Dean of Students or designee will notify the Managing Director of the Office of Student Conduct to initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

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. 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;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim 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.

4. Non-Student Interim Actions

Any guest to the University who is alleged to have violated the *Code of Student Conduct* 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).

THE FORMAL CONDUCT PROCESS

Notice of Involvement

A student will be given notice of his or her involvement in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of Involvement/Need to Talk" Letter or email. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Student Conduct Officer/Investigator. In addition to the possible sanctions, and 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 Student Conduct Officer/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 a Student Conduct Officer/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.

RIGHTS AND RESPONSIBILITIES

Prior to any investigation or student conduct proceeding, Texas Tech wants students to know and understand their rights and responsibilities during the University conduct process. These rights and responsibilities apply to all involved parties, whether Complainant (victim), Respondent (accused), or witness. If you have questions as you review this document, please don't hesitate to ask.

A Student Has The Right To The Following:

- The right to a prompt, fair, and equitable investigation and appropriate resolution of all credible reports of sexual misconduct, harassment, or discrimination.
- The right to be notified of and have access to campus resources, such as counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community.
- The right to available and appropriate campus resources, remedies, and support.
- The right to a campus No Contact Order when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the student's welfare.
- The right to be fully informed of the policies and procedures of the student conduct process and, if accused of a policy violation, the right to timely written notice of all alleged violations expounded by an investigation report (See www.ttu.edu/studenthandbook).
- The right to know all possible sanctions that could be imposed if a violation is found to have occurred.
- The right to bring an advisor of the party's choosing to any student conduct meeting or hearing.
- The opportunity to provide information and evidence in support of their case.
- The right to refrain from making any statement relevant to the investigation.
- Know that any information provided by the student may be used in a conduct proceeding.
- Know that if a student intentionally makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.
- The right to be informed of the names of all witnesses who give testimony, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons.
- The opportunity to challenge documentary evidence and add additional evidence prior to the hearing.
- The right to ask the investigators to question the complainant and/or relevant witnesses.
- The right to cross-examine the opposing party during the prehearing and the hearing. However, all such cross-examinations will be done indirectly through the Investigator. The parties will not be permitted to directly antagonize each other during the hearing process.
- The right to be present for all testimony given and evidence presented during the hearing.
- The right to a decision based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, and without prejudice.
- The right to make or provide an impact statement in person or in writing to the hearing body following a determination of responsibility, but prior to sanctioning.
- The right to receive a written statement of the hearing findings, reason for the decision, and any sanctions to be delivered promptly following the completion of the hearing.
- Know that a record of the investigation report (including all statements and evidence) and the full hearing will be kept on file with the University.
- The right to be informed in advance, when possible, of any public release of information regarding the report.

- Be aware that information gathered may also be disclosed in compliance with a lawfully issued subpoena, a judicial order, or under a specific exception to the Family Education Rights and Privacy Act (FERPA).

It is the Student's Responsibility to:

- Be responsive to all correspondence from the University.
- Provide information relevant to the incident or situation.
- Be honest and provide true and accurate information during the investigation.
- Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.

STUDENTS' RIGHT TO BE ACCOMPANIED BY AN ADVISOR

The Complainant and Respondent are entitled to an advisor of their choosing to assist, support, and accompany them throughout the student conduct process. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them who is both eligible and available. Witnesses or other parties directly involved in a case may not serve as advisors. Complainants and Respondents may elect to change advisors during the process, and are not locked into using the same advisor throughout.

All parties have the right to be accompanied by their advisor in all meetings and interviews, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same rules regarding participation, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview, or hearing, and should request or wait for a break in the proceeding if they wish to interact with University administrators. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors are permitted to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting.

Involved parties are not explicitly restricted from discussing and sharing information related to an incident with others who may support them or assist them in preparing and presenting. Accordingly, advisors are expected to maintain the privacy of the records shared with them during the course of the student conduct process. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Lastly, the University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person the opportunity to attend a meeting by telephone, video, and/or virtual meeting when available.

Investigation

The Dean of Students or a designee will appoint a Student Conduct Officer/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 Student Conduct Officer/Investigator will, where possible, collaborate with the Texas Tech Police Department during the investigation. Elements of this collaborative investigation may include the Student Conduct Officer/Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Student Conduct Officer/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 investigative process, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Student Conduct Officer/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 interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Student Conduct Officer/Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to 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 Investigative process has concluded. In order to protect confidentiality however, students are not given copies of Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigative Process at which point the Student Conduct Officer/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, including the assignment of allegations.

Informal Resolution

If after the Initial Inquiry/Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student may, depending on the type and severity allegation, choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Student Conduct Officer/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 Student Conduct Officer/Investigator. The case will only be reopened if new material, previously unavailable is presented. Mediation will not be used to resolve cases involving Title IX-based allegations. The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of nonconsensual sexual intercourse.

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

Pre-Hearing Process

In cases involving an Administrative or University Discipline Committee Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the Complainant and Respondent will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students 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 University Discipline Committee Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or University Discipline Committee Hearing. Other documents reviewed may include notification of Respondent's allegations, Committee 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.

If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or University Discipline Committee Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or University Discipline Committee 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 University Discipline Committee 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 Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report. (*Note:* Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.)

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

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 University Discipline Committee Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative or University Discipline Committee 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 University Discipline Committee Hearing, the Student Conduct Officer/Investigator or the University Discipline Committee may consider the information contained in the Investigation Report and render a decision.

Hearings are closed to the public. The Complainant and the 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 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.

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 Student Conduct Officer/Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director of the Office of Student Conduct, 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 Disciplinary Appeal Procedures outlined in Part II, section C.5.

University Discipline Committee Hearing

A University Discipline Committee Hearing panel consists of five (5) University Discipline Committee Members including faculty, staff and students. Availability may determine a different composition for the Hearing panel. In cases involving Part II, section B.1 (Academic Misconduct), the Committee is comprised only of students and faculty. In cases including discrimination, sexual misconduct, or other sensitive issues, the Committee will only include faculty and staff.

During the University Discipline Committee Hearing, a designated Committee Chairperson will facilitate the Hearing process. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be recorded by the University.

The Managing Director of the Office of Student Conduct, or designee will appoint a Committee Resource Person to serve as a non-voting participant in the University Discipline Committee Hearing. The Committee Resource Person will be a trained University staff member who may:

- Prepare the University Discipline Committee Hearing materials;
- Record the University Discipline Committee proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the University Discipline Committee Hearing;
- Ensure the procedural soundness of the University Discipline Committee Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;

- Transcribe the findings of the University Discipline Committee Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to add or

make additional comments about the facts of the case. The University Discipline Committee may question the Student Conduct Officer/Investigator, Complainant, Respondent and any witnesses. The Complainant and Respondent do not have the right to question each other or witnesses directly, but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/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 chair 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.

Following the Hearing, the University Discipline Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. Should the University Discipline Committee have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent, the University Discipline Committee Hearing will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

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

NOTICE OF OUTCOMES & 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 victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing. Additional information on Student Records is available in The Student Handbook, Part II, Section O.

Once the student conduct process has been completed, the outcome of a formal conduct hearing is part of the education record of the Respondent and is protected from release under a federal law (FERPA). However, Texas Tech observes the legal exceptions as follows:

- The Complainant involved in an incident of non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, or intimate partner / relationship violence has an absolute right to be simultaneously informed of the outcome, the rationale for that outcome, and any sanctions that may result. The Complainant will be informed in writing, without condition or limitation, and without substantial delay between notifications to each party.

- The University may release publicly the name, nature of the violation, and the sanction imposed for any student who is found to have violated any of the following University policies: a “crime of violence,” including arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner / relationship violence, stalking, and kidnapping/abduction. In doing so, the University will not release any information that could lead to the identification of the reporting party.

SANCTIONS

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a University Discipline Committee may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or University Discipline Committee 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 Student Conduct Officer/Investigator, Administrative Hearing Officer, or the University Discipline Committee. The Student Conduct Officer/Investigator, Administrative Hearing Officer and/or the University Discipline Committee may deviate from the grid.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal Resolution process are final upon effectuation of the Informal Resolution. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. Upon the judgment of the Managing Director of the Office of Student Conduct, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

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 University Discipline Committee Hearing and/or Disciplinary 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:

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.

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.

Deferred Disciplinary Suspension

Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

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 or University related activities. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Time-limited 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. The notation of disciplinary suspension will remain on the transcript indefinitely. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer/Investigator 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 Student Conduct Officer/Investigator may deny readmission to a student. On denial of a student's readmission, the Managing Director of the Office of Student Conduct will set a date when another application for readmission may again be made. An administrative hold will be placed on the student record to prevent registration during the Disciplinary Suspension.

Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The 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 "Disciplinary Expulsion" and the date in which the student's expulsion was effective. An administrative hold will be placed on the student record to prevent future registration.

Conditions

A condition is an educational or personal element that is assigned by Student Conduct Officer/Investigator, Administrative Hearing Officer, or University Discipline Committee. Costs associated with conditions may be the responsibility of the student and will be billed to the student's account. 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;
- Required participation in a Sexual Misconduct Rehabilitative Educational Program;
- 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.

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.

CONDUCT APPEAL PROCEDURES

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or University Discipline Committee Hearing by submitting a written petition to the designated appeal officer within five (5) University working days of the delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, 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 Student Conduct Officer/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.

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 response.

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.

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 University Discipline Committee. 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 notify the student(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. 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.

APPROXIMATE TIMEFRAMES FOR TITLE IX COMPLAINT PROCESS

The University's goal is to resolve all allegations of sexual misconduct and harassment within sixty (60) days from the time an incident is reported. This 60-day timeframe refers to the full investigation and adjudication process, but does not include the appeals process. The sixty-day approximation may be extended as necessary on a case-by-case basis, such as during breaks in the school year or when there is a concurrent criminal investigation.

Complaint Filed

- Report submitted to the University.
- Title IX Investigator is informed of the reported incident.

Initial Intake (Approximately 3 days)

- Report reviewed by the Dean of Students and/or the Title IX Investigator.
- The Dean of Students and/or the Title IX Investigator will determine if reasonable cause exists to warrant an investigation. The determination will be made based on whether the behavior giving rise to the complaint could possibly violate the Code of Student Conduct, not whether the behavior actually occurred.
- If necessary, interim actions will be taken to protect the student and to prevent further policy violations.
- Resources will be made available to assist the student after an incident has occurred.

Investigation Preparation (Approximately 5 days)

- The Title IX Investigator will send a "Notice of Involvement/Need to Talk" notification to involved parties.
- The Title IX Investigator may identify potential witnesses and evidence for report development.
- The Dean of Students and the Title IX Investigator may discuss strategies for the investigation.

Investigation and Report Development (Approximately 35 days)

- The Title IX Investigator will interview the Complainant and Respondent. In cases where a Complainant wishes to file a report with both the University and TTUPD, these interviews may be done in conjunction with law enforcement at the request of the student.
- The Title IX Investigator conducts witness interviews, copies of evidence, and drafts a written report of all statements and evidence.
- The Title IX Investigator identifies specific provision(s) of the Code of Student Conduct is alleged to have been violated based on the evidence collected.

Pre-Hearing Process (Approximately 7 days)

- The Title IX Investigator will conduct separate Pre-Hearing Meetings with the Complainant and Respondent.
- The Complainant and Respondent have the opportunity to review the completed Investigation Report and identify any missing information.
- The Complainant and Respondent are given the opportunity to submit questions to each other through the Investigator.
- The Complainant and Respondent are given a script of the upcoming hearing.

University Hearing Committee (Approximately 10 days)

- Either an Administrative Hearing or a University Discipline Committee will be scheduled outside of both students' academic schedule.
- The hearing body will issue findings based on the information in the Investigation Report and gathered during the hearing. The hearing body will assign applicable sanctions if a violation of the Code of Student Conduct is found to have occurred.

Appeal Process (Approximately 5 days)

- The Complainant and Respondent may appeal the findings and/or sanctions of the hearing body within five University business days in accordance with TTU appeal procedures.
- The Appeals Officer's final decision will be made within approximately five University business days.

New Hearing, if applicable (Approximately 14 days)

- In rare instances, an Appeals Officer may remand a case back to either the original hearing body or to a new hearing body for review.

University's Right to Revision

TTU students are responsible for knowing the information, policies and procedures outlined in this document.

The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at www.ttu.edu/studenthandbook for the updated versions of all policies and procedures. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. Reports of misconduct made after the fact may raise issues of policy and procedure application, if policies and procedures have changed. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution.