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<td>National Domestic Violence Hotline</td>
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<td>Love Is Respect</td>
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Texas Tech University Recognized Regional Teaching Site at Fredericksburg is located in the Hill Country University Center (HCUC) located at 2818 E. US Highway 290 in Fredericksburg, TX. HCUC is a public, multi-educational facility built in 2010 and houses Texas Tech University and Austin Community College. It is nestled on 17.9 acres and is supported by the Hill Country University Center Foundation. The Regional Teaching Site at Fredericksburg sits on 17.9 acres and offers upper level courses towards a bachelor’s degree and professional certificates.

Given the size and scope of our community, crime prevention is a top priority. Our dedicated, professional faculty and staff work diligently to provide a safe living and learning environment for students and visitors. However, it is impossible in today’s world to absolutely guarantee our campus will not be impacted by crime.

All members of our community are encouraged to act responsibly, work collaboratively together, and whenever possible assist each other to PROMPTLY, ACCURATELY, and EFFECTIVELY report all unsafe incidents and criminal offenses to one or more campus security authorities or responsible employees.

With that goal in mind, this document is intended to familiarize everyone with important crime statistics, campus policies, procedures, and resources necessary to make informed decisions and seek help when an incident occurs.

### Fredericksburg by the Numbers:
- Nickname: Fritztown
- Population: 11,000
- County: Gillespie County
- Founded: 1846

### Jeanne Clery Act and Report Distribution
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a consumer protection law passed in 1990. The law requires all colleges and universities who receive federal funding to share information about certain crimes which occur on and around campus, as well as their efforts to improve campus safety. This information is made publicly accessible through the university's Annual Security Report (ASR).

Colleges and universities must outline specific policies and procedures within their ASR, including those related to disseminating timely warnings and emergency notifications about certain crimes, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and provide information about campus crime reporting processes.

Texas Tech University’s ASR is distributed electronically through the TechAnnounce email system, published online at [http://www.depts.ttu.edu/ttpd/clery.php](http://www.depts.ttu.edu/ttpd/clery.php), and is made available in print to all currently enrolled and prospective students and campus employees.

Parents of students will receive notification through a newsletter published by Parent & Family Relations. Additionally, an advertisement depicting publication information will be posted online with The Daily Toreador and in common areas in campus buildings that are frequented by faculty, staff, students, and visitors.

Copies of the report may be obtained in person from the Regional Site Director’s Office located at: 2818 East Hwy 290, Fredericksburg, TX 78624, or from the Texas Tech Police Department during normal business hours, 8:00 A.M.- 5:00 P.M., Monday through Friday. Additionally this report can be found on-line at the Texas Tech Police Department’s website under the link “Campus Crime Report”: [www.depts.ttu.edu/ttpd/clery.php](http://www.depts.ttu.edu/ttpd/clery.php).

### Interesting Fact:
The Texas Tech Regional Teaching Site at Fredericksburg offers hands on experience and professional certificates in Viticulture and Winemaking.
Local Law Enforcement & Fire/Life Safety

Although no written agreement is in effect, the City of Fredericksburg Police Department is the primary agency responsible for investigating criminal activity occurring in and around HCUC which hosts Texas Tech University Recognized Regional Teaching Site at Fredericksburg activities. Fredericksburg Police Department Officers patrol 24 hours each day, 365 days a year.

The Fredericksburg Police Department is located at 1601 East Main Street, Fredericksburg, Texas, 78624. Emergency phone number is 9-1-1. Non-Emergency number is (830) 997-7585

Texas Tech Fire Marshall

The Fire Marshall’s office administers a proactive Fire/Life Safety program. The program is designed to ensure all faculty, staff, students, and visitors are provided with at least the minimum required levels of protection in each campus facility.

The scope of responsibility for the Fire Marshall also involves overseeing coordination with local Fire Departments for emergency responses and routine inspection of alert and sprinkler systems for campus facilities.

The Fire Marshal’s office also aids in the development of Emergency Action Plans for campus buildings and conducts educational programs to help ensure emergency preparedness for students, staff and faculty.

Walter James CFPS CFI is the director of Texas Tech University Fire Marshal’s Office. Mr. James has been employed with the Texas Tech University Fire Marshal’s Office since 1999. He has been active in the fire service since 1983. Mr. James holds certifications as a Certified Fire Protection Specialist, Advanced Fire Inspector, Advanced Fire Investigator, Advanced Firefighter, Field Examiner, and Level 3 Fire Service Instructor. He is a past President of the West Texas Fire Arson Investigators Association and currently serves on the board of directors.

For more information about the campus Fire and Life Safety program and relevant statistics, please refer to the separate Annual Fire Report located online at:
www.depts.ttu.edu/ttpd/fire.php
Campus Facilities Access & Security

Generally the Hill Country University Center (HCUC) facilities are open to the public during regular office hours except holidays and some evening hours when classes are in session.

At other times the portion of HCUC in which Texas Tech University is housed is generally locked and only faculty, staff, some students of Texas Tech University and other HCUC educational partners along with janitorial personnel are permitted access. Please note some personnel of the Hill Country University Center (building landlord) also have full access.

Security in Campus Buildings Tips:

• Never leave your personal property unsecured or unattended.
• Look around and be aware of your surroundings when you enter and exit a building.
• Always tell someone where you are going and what time you expect to return.

Contracted janitorial and certain maintenance personnel have the responsibility to maintain the Texas Tech spaces and have keycard and physical key access to all spaces. Routine maintenance and janitorial services usually occur during daytime hours. Texas Tech policy is that these activities be conducted with focus on safety and security. Faculty, staff and students are encouraged to report security concerns observed while in the building. The university will coordinate response to reports of potential safety and security hazards, such as broken windows, locks and lighting problems with HCUC.

Members of the university community are encouraged to immediately report any security deficiencies or suspicious activity to any facilities staff member, security officer or law enforcement officer.
Crime Prevention Awareness Programs

The Texas Tech community is educated about incidents of crime and the importance of reporting those crimes, especially when defined as violent. The prevention of crime is always a priority for the institution.

From freshmen orientation to commencement, students are afforded the opportunity to learn from an array of programs designed to create a safer campus environment.

The Texas Tech supports a proactive crime prevention effort at the Hill Country University Center and online. The Regional Site Director as well as employees of Student Affairs, Risk Intervention & Safety Education (RISE), Office of Student Conduct, University Student Housing, and the Dean of Students work with members of the campus community in an effort to promote safety education.

Crime prevention and awareness programs usually begin with new student or new employee orientation sessions and are available throughout the student or employee’s tenure with the University. Topics include, but are not limited to, sexual misconduct awareness and prevention, bystander intervention, active shooter awareness and response, alcohol and substance abuse awareness, the Student Code of Conduct, academic dishonesty, civility, and hate crime awareness and prevention.

Code of Student Conduct & Disciplinary Referrals: Violations of the Code of Student Conduct may be reported to the Office of Student Conduct (806) 742-1714.

Behavioral Intervention Team (BIT) – Consisting of members of the university staff, this team is a central place for the Texas Tech University community to report student behaviors of concern for early intervention, risk assessment, and referrals to help promote student success while paying special attention to the safety and security needs of members of the University community.

Counseling and Mental Health Services: Student Counseling Center (806) 742-3674, Student Health Services (806) 743-2860, and Employee Assistance Program (806) 742-132.

Raider Assistance Program (RAP) – RAP is a comprehensive Alcohol, Tobacco, and Other Drugs (ATOD) prevention, intervention and education program. A centralized assistance center, providing education, assessment, and intervention and treatment referral is available to Texas Tech University students at Student Health Services in the Student Wellness Center. For more information about RAP call (806) 743-2844. Faculty and staff requiring assistance may contact the Employee Assistance Program at (806)) 742-1327.

Risk Intervention & Safety Education (RISE) – RISE is a new department focused on prevention and wellness education and programming for Texas Tech, including alcohol & other drugs, healthy relationships, LGBTQ resources, suicide prevention, conflict resolution services, the Protect Raiders Social Media Campaign, wellness, and violence prevention & response. For more information about RISE call 806-742-2110 or visit: http://www.rise.ttu.edu

Active Shooter Awareness and Response Training: Texas Tech Police Department offers classroom and online active shooter training. For more information call (806) 742-3931 or visit: www.depts.ttu.edu/ttpd/shotsfired.php

Alcohol EDU – Texas Tech University has contracted with the EverFi to provide alcohol education for students. AlcoholEDU is a mandatory online alcohol prevention program for new freshmen and transfer students that provides a tailored educational experience focusing on the impact of alcohol on the mind and body. It assists students in making well-informed decisions as well as cope with the potential drinking behavior of their peers. To learn more about the program please visit: http://www.depts.ttu.edu/rise/alcoholedu/

Residence Hall Programs – University Student Housing in conjunction with other departments on campus offer hundreds of programs in the residence halls each year. Program topics include topics such as safety on campus, alcohol and drug abuse, healthy relationships, violence in relationships, and personal life management skills. For more information about available programs call (806) 742-2661.

TTU ASR 7
Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking
Awareness and Prevention

Texas Tech University provides primary and ongoing prevention and awareness campaigns for students and employees promoting recognition of behaviors involved in domestic violence, sexual assault, and stalking. The following are examples of the in person and online programs, strategies, and initiatives utilized:

**Student Resolution Center:** An office dedicated to reporting and resolution of Title IX-related incidents and other discriminatory harassment, including sexual assaults, dating violence, domestic violence, and stalking. [http://sexualviolence.ttu.edu](http://sexualviolence.ttu.edu)

**Haven:** Texas Tech University contracts with EverFi education technology company to provide Haven, an online education program that takes a population-level approach to educate students on the issues associated with sexual assault and relationship violence. All new freshmen and transfer students are required to complete the Haven module that customizes the course for students’ unique perspectives and experiences. Haven includes information on consent, bystander intervention, risk reduction, and information on Texas Tech policies and resources.

**Population-Specific Programs:** A variety of programs are used to promote awareness of sexual violence to specific populations such as the Clay R Warren Risk Management Retreat featuring training for fraternity and sorority chapter officers on bystander intervention and risk reduction; the Sex Signals Improv Show on consent and healthy relationships for new students living in residence halls; and other general population programs including Sexual Assault Awareness Month, V-Day, and the Student Counseling Center Rape Talk Show.

**Faculty & Staff Training:** A series of programs hosted in coordination with the Gender Equity Council and the Teaching Learning & Professional Development Center focused on Title-IX related processes and resources including a Title IX Crash Course and training on how to handle disclosures of sexual assault.

**Bystander Intervention:** Texas Tech University partners with Step UP!, a comprehensive bystander intervention program that trains faculty, staff and students on campus to facilitate sessions to teach strategies for effective helping in situations that include sexual violence. It also includes risk reduction education and is proven with fraternities and sororities, athletes, as well as the general student population.

**Ongoing Campaigns:** A Texas Tech student led initiative, Define Your Line, launched in spring 2014 aimed at creating conversations and answering student questions related to sexual health and obtaining consent. University Student Housing designed a campaign to educate students on consent featuring 10 different messages on posters and wall displays. The campaign is used in Texas Tech residence halls and around campus.
Applicable Reporting Locations

In order to understand crime statistics presented in this report, it is important to campus geography as defined by the Clery Act. The definitions are Clery Act specific and are the same for every institution, regardless of its physical size or configuration. Only crimes specific to requirements of the Clery Act and that occurred in the following geographic areas are included:

**On Campus** – Any building or property owned or controlled by the university within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, educational purposes, including residence halls, and any building or property that is within or reasonably contiguous that is owned by the university but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food court or retail vendor located on campus property).

**Public Property** – Includes thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus, but not extending beyond the second sidewalk on the opposing side of the public property. For instance, a city street bordering campus property and the area extending to the sidewalk on the opposite side of the street are included. Any property beyond the opposing sidewalk is not applicable.

**On Campus Student Housing** – While the Hill Country University Center does not fall into this category, Texas Tech reports any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Non-Campus Buildings or Property** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. (Examples of non-campus buildings or property include private fraternity and sorority houses located on Greek Circle and leased spaces located in properties owned by private entities including corporate offices and campus recruitment centers.) Texas Tech Police Department works with local police forces to ensure that criminal activity at these types of locations are accurately monitored and recorded.
Applicable Crimes and Offenses

Similar to applicable reporting locations and geographical considerations, not every crime is reportable under the Clery Act. Therefore, the statistics contained in this report are Clery Act specific and are divided into general categories of crime: criminal offenses, sexual assault, hate crimes, violence against women, and certain arrests and referrals for disciplinary actions.

Criminal Offenses
1. Murder and non-negligent manslaughter
2. Negligent manslaughter
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft

Sexual Misconduct & Relationship Violence
1. Rape
2. Fondling
3. Incest
4. Statutory Rape
5. Domestic Violence
6. Dating Violence
7. Stalking

Hate Crimes*
1. Larceny – Theft
2. Simple Assault
3. Intimidation
4. Destruction / Damage / Vandalism of property
(“Only when the commission of the offense was motivated by bias.”)

Certified Arrests and Referrals for Disciplinary Action

1. Weapon Violations:
   - Manufacture, sale or unlawful possession of deadly weapons
   - Unlawfully carrying deadly weapons, concealed or openly
   - Unlawful use, manufacture, etc., of silencers
   - Furnishing deadly weapons to minors
   - Attempts to commit any of the above

2. Drug Violations:
   - Production, distribution, possession, or use of controlled substances
   - Production, distribution, possession, or use of equipment or devices utilized in preparation or use of controlled substances
   - Unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled substance or narcotic substance
   - Illegally obtained prescription drugs

3. Liquor Law Violations:
   - Manufacture, sale, transporting, furnishing, possessing, or intoxicating liquor
   - Maintaining unlawful drinking places
   - Bootlegging
   - Operating a still
   - Furnishing liquor to a minor or intemperate person
   - Underage possession
   - Using a vehicle for illegal transportation of liquor
   - Drinking on a trail or public conveyance
   - Attempts to commit any of the above

By Clery Act definition, “drunkenness” and “driving under the influence” are not applicable violations and are not included in this report. (I.e. Public Intoxication and Driving While Intoxicated)
Alcohol and Illicit Drugs

Pursuant to Texas Tech Operation Policy 10.04 (Appendix A), all Texas Tech campuses have been designated “drug free.” The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Campus affiliated violators are subject to university disciplinary action, criminal prosecution, fines, and incarceration.

Texas Tech students and employees with substance abuse problems (including alcohol) create a health and safety risk for themselves and for others. Such abuses can result in a wide range of serious emotional and behavioral problems. For this reason, the university makes available to students and employees a wide variety of alcohol and substance abuse programs such as Marijuana 101, eCheckup, and BASICS/RAP. These programs are designed to discourage the use of illicit substances and to educate employees and students about the merits of legal and responsible alcohol consumption. For further information on these programs please contact the Texas Tech Center for Campus Life: 201 Student Union Building or 806.742.5433.

Texas Drinking Laws

It is unlawful to possess or consume alcohol when under 21-years of age. It is also unlawful to sell, furnish or provide alcohol to a person under the age of 21. In addition to state law, Texas Tech policies prohibit the possession and consumption of alcohol in all public and private areas of campus without prior university approval. This includes person 21 and older. Individuals, organizations, or groups violating alcohol or substance policies or laws may be subject to sanctions by the university or may be ticketed or arrested by the local police department.

The State of Texas sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Texas Alcoholic Beverage Commission (TABC).

The possession, sale or furnishing of alcohol on campus property is governed by university alcohol policies and by state law.

Laws regarding the possession, sale, consumption, or furnishing of alcohol are codified in the Texas Alcoholic Beverage Code.

Minors who purchase, attempt to purchase, possess, or consume alcoholic beverages, as well as minors who are intoxicated in public or misrepresent their age to obtain alcoholic beverages face the following consequences:

- Class C misdemeanor, punishable by a fine up to $500
- Alcohol awareness class
- 8 to 40 hours community service
- 30 to 180 days loss or denial of driver’s license

Adults and minors who give alcohol to a minor also face a stiff penalty. The punishment for making alcoholic beverages available or selling to a minor is a Class A misdemeanor, punishable by a fine up to $4,000, confinement in jail for up to a year, or both. Additionally, the violator will have his or her driver’s license automatically suspended for 180 days upon conviction.

A minor with previous alcohol-related convictions will have his or her driver’s license suspended for one year if the minor does not attend alcohol awareness training that has been required by the judge.
Title IX and Sexual Misconduct

Certain Clery specific crimes are also considered to be Title IX violations and will be handled by the university as mandated under both statutory requirements.

What is Title IX?
Under the Unites State Code of Federal Regulations, Title IX states that, “No person in the United State shall, on behalf of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” 20 USCA §1681.

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

Prohibited Conduct
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 for these reasons. 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.

Examples of the types of discrimination that are strictly prohibited by Texas Tech include but are not limited to: sexual misconduct/harassment, the failure to provide equal opportunity in athletics, discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs, and discrimination based on pregnancy.

Title IX and Sexual Misconduct Reporting

Who can you report to?
You can report an incident of a Title IX, sexual misconduct/harassment, or discrimination violation to Texas Tech University online using this form, File a Report, or based on your status with the university, by contacting directly any of the following administrators:

Students: Dr. Amy Murphy, Dean of Students and Managing Director, Center for Campus Life
201 Student Union, Box 45014, Lubbock TX 79409
806.742.5433
Amy.murphy@ttu.edu

Employees: Jodie Billingsley, Managing Director, Human Resources and Payroll Administration
160 Doak Conference Center, 2518 15th Street Lubbock, TX 79409
806.742.3851
Jodie.billingsley@ttu.edu

Athletics: Dr. Judi Henry, Senior Associate Athletics Director and Senior Woman Administrator
Athletics Offices Room 109, Box 43021 Lubbock, TX 79409
806.834.0976
Judi.henry@ttu.edu

Texas Tech Title IX Coordinator: Ronald Phillips, University Counsel, Texas Tech Office of the President Administration Building, Room 170 MS 2005 Lubbock, TX 79409
806.742.2121
Ronald.phillips@ttu.edu

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.
Sexual Assault, Relationship Violence, and Hate Crimes

In addition to the above-mentioned criminal offenses, and under the Violence Against Women Reauthorization Act, the university also reports the following sexual assault, relationship violence, and hate crimes.

- **Domestic Violence**: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or had cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- **Dating Violence**: The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

- **Stalking**: Means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other’s safety, or to suffer substantial emotional distress.

Hate crimes include all primary crimes defined in the Clery Act, as well as the following crimes if the commission of the offense was motivated by bias:

- **Larceny – Theft**: includes the crimes of Pocket Picking, Purse Snatching, Shoplifting, Theft from Building, Theft from Coin Operated Machine or Device, Theft from Motor Vehicle, Theft of Motor Vehicle Parts or Accessories, and All Other Larceny

- **Simple Assault**: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

- **Intimidation**: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to a physical attack.

- **Destruction/Damage/Vandalism of Property**: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### 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. For detailed information regarding what is consent and university policies regarding consent, please see the Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures (Appendix D; pgs. 9-14)
### Reporting Crimes

All students, faculty, staff, and visitors are encouraged to **promptly** report all crimes and public safety related incidents to the Fredericksburg Police Department in a timely manner. Doing so ensures prompt and efficient response to incidents of crime and helps to preserve important evidence needed to ensure a successful investigation and prosecution of offenders.

To report a crime or emergency that has just occurred or is in progress:

- From a campus landline phone, cell phone, or off-campus landline dial 9-1-1

Using any one of the listed methods will connect a person to an emergency dispatcher who is capable of directing Police, Fire or EMS responders to an appropriate location.

#### Reporting Non-emergencies:

- Fredericksburg Police Department: 830-997-7585
- Regional Site Director’s Office: 830-990-2717
- Texas Tech Police Department: 806.742.3931
- Dean of Students: 806.742.2984
- Texas Tech University Office of Student Conduct: 806.742.1714

In addition to law enforcement, students can report crimes and misconduct to the Regional Site Director, Responsible Employees, Campus Security Authorities, the Dean of Students, Texas Tech University Office of Student Conduct, student counselors, or anyone within the Community who is in a position to assist you.

#### Reporting to the University vs. Law Enforcement

Some instances of misconduct may also constitute a violation of state, federal, or local law. It is **always** the student’s or employee’s option to report misconduct to the University, to local law enforcement, or to both. Texas Tech administrators are happy to assist in making a report to law enforcement, and will even accompany the victim if he or she wishes. Reporting to law enforcement can lead to criminal charges and prosecution.

If a student or employee wishes to report to both law enforcement and Texas Tech, an investigator from the university will coordinate with detectives so that the student only has to give a statement one time. This will be scheduled at the earliest convenience of the student, Texas Tech, and the investigators.

#### Employee Grievances

An employee having a grievance should submit a completed Grievance Form, which is available on the TTU Human Resources website at the following link: [http://www.depts.ttu.edu/hr/formsPolProc/forms.php](http://www.depts.ttu.edu/hr/formsPolProc/forms.php) to the Office of Equal Employment Opportunity within 10 business days from the date of the action giving rise to the grievance or within 10 business days of the conclusion of informal attempts to resolve the situation. For additional information from the Office of Equal Employment Opportunity please call 806.742.3627 or visit 210 Administration Building Lubbock, TX 79409.

#### False Reports

Under Section 42.06 of the Texas Penal Code, it is a state jail felony for an individual to knowingly initiate, communicate or circulate a report of a present, past, or future bombing, fire, offense, or other emergency that the individual knows is false, involves a public or private institution of higher education, and would:

Cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.
Responsible Employees versus Campus Security Authorities

The term “Campus Security Authority” (CSA) is used by the Clery Act to indicate someone who collects crime reports and who holds a particular capacity within the university. This includes but is not limited to campus police, a person with responsibility for campus security (kiosk guards, event security, or student escorts), or an official who has significant responsibility for students and campus activities (such as student housing, student conduct, athletics, and student organizations).

“Responsible Employees” is a term used by Title IX related to the concept of notice of sex/gender discrimination or harassment. The following employees at Texas Tech University are considered responsible employees: (1) all faculty members and instructional staff, including full-time faculty, part-time faculty, adjunct professors, and graduate teaching assistants; and (2) all staff members, including student staff, whose job responsibilities include oversight, supervision, or responsibility for students.

Employees such as pastoral counselors, physicians, psychologists, nurses, wellness counselors, and those performing services under their supervision who are religious, clinical and/or mental health professionals acting in their professional role in the provision of services within the scope of his or her license or certification are not subject to mandatory reporting requirements. These employees are encouraged to provide students with information and guidance regarding university reporting options and available student resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the disclosing student’s express permission.

Reports to CSA’s and Responsible Employees

Under Clery, a crime is “reported when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or other third party or even offender, regardless if the individual is involved in the crime, reporting the crime, or is associated with the institution.”

If a campus security authority receives the crime information and believes it was provided in good faith, he or she should document it as a crime report. In “good faith” means there is a reasonable basis for believing that the information is not simply a rumor or hearsay. That is, there is little or no reason to doubt the validity of the information. CSA’s are required to forward a CSA Incident Report Form to the Texas Tech Police Department allegations of Clery Act crimes that he or she concludes were made in good faith.

The CSA Incident Report Form can be found online at: https://www.depts.ttu.edu/ttpd/Clery/CSA_Formfillable.pdf

Under Title IX, the university must take immediate action when “notice” of sexual harassment/misconduct is received. Responsible employees have a mandatory reporting obligation when they know, or reasonably should know, about an incident of alleged sexual harassment, sexual violence, or other form of sexual misconduct. When a responsible employee becomes aware of an incident, he or she is to immediately contact the Dean of Student’s office, the deputy Title IX coordinator(s), or the Title IX

If you are an employee of Texas Tech University and are unsure of which category you fall under, what you must report and to whom, or have questions regarding training, please contact Jodie Billingsley, Deputy Title IX Coordinator for Faculty/Staff, Managing Director, Human Resources and Payroll Administration at 806.742.3851 or Jodie.billingsley@ttu.edu
Confidentiality and Confidential 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.

If a student discloses an incident to a Campus Security Authority (CSA) or responsible employee with the condition of remaining anonymous and/or confidential, the CSA or responsible employee must still forward the Clery crime statistics and/or report the existence of a Title IX incident to university officials who will maintain requests for confidentiality. However, if the circumstances indicate there is a continuing threat to either the victim or the campus community, the responsible official will contact law enforcement to ensure campus community safety.

All reports of misconduct will be maintained with the highest possible level of confidentiality. The information, once referred, will still remain private and will be shared only with those administrators who have a legitimate educational need to know, in order to best assist and support the student. Once the appropriate administrators have been notified of the incident, the university will provide resources and support, promptly investigate, and equitably resolve the allegation according to established university procedures, unless the student requests that no action be taken.

Texas Tech University does not tolerate retaliation and takes all available steps to prevent its occurrence; any retaliatory threats or actions will be addressed promptly and effectively.

Please reference OP40.03: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students (Appendix C) for Texas Tech’s policies and procedures for faculty/staff reporting requirements.

Please reference the Texas Tech University Faculty, Staff, and Student Employees Reporting Responsibilities Chart (Appendix F) for a helpful diagram on what a Responsible Employee should report and to whom.

For Texas Tech’s confidentiality policies and information on who a victim can make a confidential report to, please see Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures (Appendix D pgs. 32-33).
Notice to the University Community

Emergency Notification Procedures

Texas Tech recognizes that certain emergency situations may occur which require “immediate emergency notifications” be made to members of our community. Texas Tech University has developed a multi-hazard Emergency Management Plan that addresses mitigation, preparedness, response, and recovery. The plan is predicated on the template provided to us by the Texas Department of Public Safety, Division of Emergency Management.

A principle tenant of the plan is the use of the National Incident Management System (NIMS), which has been formally adopted by the Texas Tech University System Board of Regents as the foundation for incident command, coordination and support activities for the Texas Tech University System and its member institutions. It is the policy of the Texas Tech University System to coordinate training on the National Incident Management System and its core components to personnel responsible for managing and/or supporting major emergency and disaster operations.

Texas Tech personnel evaluate any imminent threats they become aware of with emergency response expertise. Any individual in any one of these positions is authorized and has the duty to without delay issue the appropriate emergency notification(s):

- Regional Site Director
- Texas Tech University Emergency Management Coordinator
- Designated Texas Tech University Incident Commander for a particular event
- Texas Tech Police Department

In the event that a threat, notwithstanding an imminent threat, is such that time allows for consultation with others, responsible authorities should notify and consult with one or more of the following personnel:

- Regional Site Director
- Texas Tech University Emergency Management Coordinator
- Designated Texas Tech University Incident Commander for a particular event
- Texas Tech Police Department

For more information regarding Texas Tech’s emergency notification procedures please visit the Office of Communications & Marketing’s Emergency Communications website: http://www.depts.ttu.edu/communications/emergency/
Notice to the University Community: Timely Warnings

Texas Tech University realizes that situations may arise that warrant the issuance of a timely warning for events that do not meet the elements of an emergency, such as routine criminal offenses that are likely to reoccur based upon known facts.

The Regional Site Director or Texas Tech University Emergency Management Coordinator has the responsibility to provide timely warnings to the campus community about reported crimes in a manner that will aid in the prevention of similar offenses.

The Decision to Issue a Timely Warning
A warning will be issued when the following crimes occur and applicable criteria has been met: criminal homicide, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking, or any of the above mentioned crime if the offender was motivated by bias, or any other crime or situation that poses a threat to the public health or safety of the campus community.

The Regional Site Director or Texas Tech University Emergency Management Coordinator is responsible for making the decision to issue a timely warning and will, on a case-by-case basis, determine the content and appropriate distribution method to ensure the persons as risk are notified.

Determining Whether a Continuing Threat Exists
Texas Tech will continue to alert the community until the threat of harm has ceased. The determination of whether a reported crime presents a continuing threat to the university will be decided on a case-by-case basis in light of all of the facts surrounding a crime, including but not limited to: the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

Content of the Warning
Any warning issued to the campus community will contain sufficient information about the nature of the threat to enable recipients to take action to protect themselves. While law enforcement may need to keep some facts confidential to avoid compromising an investigation, information to be issued in a timely warning includes but is not limited to:

1. A succinct statement of the incident.
2. Areas of campus the university advises students and employees to avoid, if applicable.
3. Possible connections to previous incidents, if applicable.
4. Physical description of at-large suspect, if available.
5. Composite drawing of the suspect, if available.
6. Date and time the warning was released.
7. Crime Prevention or personal safety tips.
8. Other relevant and important information.
Emergency Response Methods
Emergency Notification & Timely Warnings will be distributed in a manner likely to reach the entire campus community using the most expedient method(s) available beginning with distribution to the building or area most affected by the threat. Notifications may be made using any or all of the following means:

- Verbal announcements
- TechAlert text messaging
- TechAlert email
- Tech Alert voicemail
- Tech Announce email
- Texas Tech University Outdoor Warning Siren System
- Fire Alarm Systems
- Texas Tech Police Unit Public Address Systems
- Texas Tech University Building Public Address Systems
- Texas Tech Emergency Communications Webpage
- Texas Tech University "Home" Webpage
- Telephone
- Issuance of press statements or releases to members of the media
- Social Media
- Any other means that may be an effective tool for reaching those who might be at risk

System Testing Policies and Procedures
In accordance with Texas Education Code Section 51.217 and United States Public Law 110-315 Title IV, the Texas Tech University Emergency Management Coordinator schedules and executes at least one test of Texas Tech's emergency response and evacuation procedures annually. The tests are in the form of one of the following: a mandatory emergency drill, tabletop, functional, or full-scale exercise. The tests, at a minimum include testing of procedures for immediate emergency notifications of threats. All tests conducted are followed up by an “after action review,” the purpose of which is to determine which procedures we need to sustain and how we need to refine or improve emergency response, evacuation and emergency notification procedures.

For more information about Emergency Management Plans and relevant annexes accessible to the public, please visit:
http://www.depts.ttu.edu/ttpd/clery/ttu_emergency_plan.pdf

Get the Message
TechAlert: www.ttu.edu/emergencyalert

Social Media Alerts:
- Facebook: https://www.facebook.com/TTUFrederick?fref=ts
- Twitter: @TexasTech
Responding to an Active Shooter Situation

Campus shooting incidents are most often unpredictable. A person’s immediate response will depend upon the specific situation he or she is facing. The following steps are, if safe to do so, general recommendations that may assist a person in the middle of a campus shooting incident:

A person should exit the building immediately when he or she becomes aware of the incident and move away from the immediate path of danger. The following additional steps are recommended:

- Notify additional bystanders to immediately exit the area due to a shooter in the building.
- Call 911 via campus phones, cell phones or off-campus phones and provide the following information to the dispatcher:
  - The exact location of the incident.
  - Number and description of shooters involved.
  - Number of persons involved (Victims/Hostages).
  - Physical description of known weapons or destructive devices.
  - Injuries to anyone, if known.
  - Exact location.
  - Caller’s name and call back phone number.
  - If the caller cannot talk due to an imminent threat, leave the line open so that the dispatcher can hear what is happening and the call can be recorded.

If exiting the building is not possible, consider taking the following action:

- Go to the nearest room or office.
- Close and lock the door(s) and/or window(s).
- Turn off the lights.
- Seek protective cover.
- Keep quiet and act as if no one is in the room.
- Do not answer the door.
- Coordinate with others and be prepared to fight if confronted by the shooter prior to the arrival of law enforcement.

If it is safe to do so, call 9-1-1 or Fredericksburg Police Department: 830-997-7585 from a campus phone, cell phone, and/or pay phone, and provide the aforementioned information. Wait for police personnel to assist in exiting the building.

If not immediately impacted by the incident, take the following action:

- Stay away from the building.
- Notify anyone around to stay away from the building.
- Obey all verbal directions or commands given by police personnel.
- Take protective cover, and stay away from all doors and windows.

Active Shooter Education - The Texas Tech Police Department presents classroom instruction and guidance on how to respond to and increase chances of survival during active shooter incidents. As part of their presentation, the police department has incorporated the video “Shots Fired, When Lightning Strikes” by the Center for Personal Protection and Safety. This video may be viewed during live presentations or any time by using your E-Raider login credentials at the following website:

www.depts.ttu.edu/ttpd/shotsfired.php

NOTE: Police Officers from multiple agencies are likely to respond to incidents involving an active shooter. Remember that the police are there to isolate and stop the shooter first, and then will make every effort to ensure the wounded are evacuated and provided with medical treatment. In the event police are encountered while still inside of a building, or within an area being targeted by the shooter, a person may be treated as a suspect or a potential threat. The procedures a person may witness are not intended to further traumatize victims, but are instead performed to ensure no potential threats are overlooked and all potential threats are stopped. A bystander should immediately obey all verbal directions and commands given, and realize the police will make every effort to ensure bystanders’ safety.
After a Crime Has Been Committed

Student Disciplinary Investigation and Procedures
The Code of Student Conduct and the Texas Tech University Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX Student Policies and Procedures outline the prompt, fair, and impartial process used by the university. This step-by-step process from intake to resolution is conducted by trained Investigators and Student conduct Officers.

The ranges of remedies, protective measures, and sanctions are also provided in this report under the Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures (Appendix D pgs. 36-49) and the Texas Tech Code of Student Conduct: www.ttu.edu/studenthandbook

Investigators and Student Conduct Officers
Investigators, student conduct officers, student conduct committees, and other staff receive training annually on issues related to sexual violence, domestic violence, dating violence, and stalking that protect the victim and promote accountability. Trainings include in-person Title IX and Investigator Training from the Association of Title IX Administrators and other webinars, case studies, and readings.

Remedial Measures
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. Regardless of whether the student or employee chooses to report the crime to the campus or local police, 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, transportation coordination, to academic schedule. Remedies will be evaluated on a case-by-case basis.

Texas Tech will also provide written notification to students and employees about exit counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and the local community.
After a Crime Has Been Committed

Results Disclosure and Possible Sanctions
After the case has been reviewed by the Regional Site Director or Office of Student Conduct, the possible outcome for offenses can range from a reprimand to expulsion from the University. All possible sanctions can be found in the Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures (Appendix D pgs. 45-47).

Both the accuser and the accused will be afforded the same opportunities throughout the investigation and at the conclusion of the investigation, must be informed of the outcome of the proceeding concerning the offense, consistent with the provisions of the Family Education Rights and Privacy Act of 1974.

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.

Student Conduct Appeal Procedures
Depending on the alleged misconduct against a member of the university, different appeal procedures are available for students. For the detailed outline of all appeal procedures available to students please see the Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures (Appendix D pgs. 47-49).

Employee Disciplinary Investigation and Procedures
Once a signed grievance form is received by the Office of EEO, an investigation may be conducted by that office and the appropriate administrative officers including, in the case of grievances involving gender discrimination, notification to the Title IX coordinator and the appropriate deputy coordinator.

The investigation will be based upon a preponderance of the evidence and may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of EEO.

Employee Remedial Measures
During the pendency of the investigation, the EEO office will confer with appropriate administrators so that the university may provide interim remedies intended to address the short-term effects of discrimination, harassment, and/or retaliation.

At the university’s discretion, these remedies may include, but are not limited to: altering work arrangements for employees, implementing contact limitations between the parties, administrative leave as provided for in OP 70.31, referral to the employee assistance program, or referral to counseling and/or other health services.
### Victim Resources

**Hill Country CARES in Gillespie County**  
(830) 997-4357. Hill Country CARES serves Kerr, Kendall, Kimble, Gillespie and Bandera counties and outlying rural areas. Hill Country CARES promotes healthy relationships and seeks to prevent domestic and sexual crimes by working with people at high risk of victimization and the perpetrators themselves.  

**City of Fredericksburg Police Department**  
(830) 997-7585  
File a criminal report if incident occurred off-campus.  

**Texas Tech University Police Department**  
(806) 742-3931  
File a criminal report if incident occurred on-campus.  
[https://www.depts.ttu.edu/ttpd/](https://www.depts.ttu.edu/ttpd/)

**County Hill Memorial Hospital**  
Emergency: 9-1-1 / Non-Emergency: (830) 997-4353  
Emergency, inpatient, and outpatient medical care.  

**Student Counseling Center**  
(806) 742-2984  
Provides short term counseling and consultation to students who are experiencing emotional and psychological difficulties.  
[http://depts.ttu.edu/scc/](http://depts.ttu.edu/scc/)

**Risk Intervention & Safety Education (RISE)**  
(806) 742-2110  
RISE is a new department focused on prevention and wellness education and programming for Texas Tech, including alcohol & other drugs, healthy relationships, LGBTQ resources, suicide prevention, conflict resolution services, the Protect Raiders Social Media Campaign, wellness, and violence prevention & response.  
[http://www.rise.ttu.edu](http://www.rise.ttu.edu)

**Student Wellness Center**  
(806) 743-2848  
Provides follow-up medical care for students.  
[https://www.ttuhsc.edu/studenthealth/](https://www.ttuhsc.edu/studenthealth/)

**Student Legal Services**  
(806) 742-3289  
Provides legal advice, counsel and limited representation for students currently enrolled at TTU/TTUHSC.  
[https://www.depts.ttu.edu/sls/](https://www.depts.ttu.edu/sls/)

**Office of Student Conduct**  
(806) 742-1714  
Oversees the Code of Student Conduct. File a report here with the Office of Student Conduct.  
[http://www.depts.ttu.edu/studentconduct/](http://www.depts.ttu.edu/studentconduct/)

**Student Resolution Center**  
(806) 742-2661  
Requests for room changes and support for students in the residence halls.  
[http://www.depts.ttu.edu/studentresolutioncenter/](http://www.depts.ttu.edu/studentresolutioncenter/)

**Absences Related to Student Illness, Injury, or Emergency**  
Students should notify the Regional Site Director or Associate Academic Dean of his/her college.

**University Student Housing**  
(806) 742-3931  
Requests for room changes and support for students in the residence halls.  
[http://www.depts.ttu.edu/housing/](http://www.depts.ttu.edu/housing/)

**Support Operations for Academic Retention (SOAR)**  
(806) 742-3664 / Holden Hall 80  
Provides tutoring and other academic support.  
[http://www.depts.ttu.edu/soar/](http://www.depts.ttu.edu/soar/)
Registered Sex Offenders

The Texas Sex Offender Registration Program (Chapter 62 of the Code of Criminal Procedure) is a sex offender registration and public notification law designed to protect the public from sex offenders. This law requires adult and juvenile sex offenders to register with the local law enforcement authority of the city they live in or, if the offender does not reside in a city, with the local law enforcement authority of the county they reside in.

Registration involves the offender providing the local law enforcement authority information that includes, but is not limited to, the offender’s name and address, a color photograph, and the offense the offender was convicted of or adjudicated for.

Registered sex offenders are required to periodically report to the local law enforcement authority and verify the accuracy of the registration information and to promptly report certain changes in the information as those changes occur. A sex offender who fails to comply with any registration requirement is subject to felony prosecution.


The Campus Sex Crimes Prevention Act required sex offenders who are required to register under state law to also provide notice of their enrollment or employment at any institution of higher learning in the state where he/she resides starting in October 2002.

Institutions of higher learning are required to issue a statement in their annual Clery Report detailing where members of their campus community can obtain information concerning registered sex offenders. [20 U.S.C. § 1092(f)(1)(I)]

Campus affiliated registered sex offender information is available for inspection by members of the community (by appointment) at the Texas Tech Police Department during normal business hours. Please call (806) 742-3931 for more information.

The Texas Tech Police Department may release sex offender information relating to campus affiliated sex offenders to anyone who:

- Is over 18-years of age and a member of the campus community
- Is not themselves a registered sex offender
- Is willing to certify to the understanding that the release of registered sex offender information is for the purpose of allowing members of the campus community to protect themselves and their children from sex offenders
- Is willing to certify an understanding that it is illegal to use the sex offender registration information to harass, discriminate, or commit a crime against any person who has been identified as a sex offender
- Is willing to sign a “Registered Sex Offender View Form”

Registered sex offender information available for public viewing includes:

- Name and known aliases
- Age, gender, race
- Physical description (including scars, marks, tattoos)
- Photograph(s) (if available)
- Crimes that were the basis for the registration requirement
- Date of last registration
Registered Sex Offenders

Public Access to Sex Offender Data
Upon registration of an offender, the Texas Tech Police Department forwards a notice, along with identifying information to campus officials. Additionally, the Texas Tech Police Department maintains links to local, county, state and federal agency websites that provide public access to sex offender data. Relevant websites where registered offender data may be found are:

http://www.depts.ttu.edu/ttpd/
http://www.city-data.com/so/so-Fredericksburg-Texas.html
https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx
http://www.nsopr.gov

Sex offender information should not be used to harass or commit any crime against a sex offender. Public safety is best served when registered sex offenders are not concealing their location to avoid harassment.

Campus Sex Offender Disclosure
The Texas Tech Police Department may proactively release details about an offender to the campus community if the offender has been designated high risk and is believed to present an imminent threat to our community or if there has been a reported offense wherein the offender is believed to be an involved party.

Sex Offender Registration Requirements
Registration with the university is required for a reoffender who:

1. Resides on property owned by Texas Tech or Texas Tech Health Sciences Center, or
   is enrolled as a student, or
2. Is a full/part time employee with or without compensation, including a volunteer, or carries on a vocation, attends school, or is a visitor to any campus property shall register within seven days with the Texas Tech Police Department.

A campus affiliated sex offender shall also notify the Texas Tech Police Department within seven working days of ceasing to be enrolled or employed, ceasing to carry on

a vocation at Texas Tech, or change of address. Notice of all registered offenders is forwarded via the police department to the respective institution’s President, Provost, Dean of Students, Managing Director of University Student Housing and relevant Academic Dean, and Human Resources Department and/or program director.

Campus affiliated registration of sex offenders will be conducted at the Texas Tech Police Department by Criminal Investigation Division personnel. Persons required to register shall do so in person Monday through Friday (excluding holidays) between 8:00 A.M. and 5:00 P.M. Registrations will be handled by appointment only. Please call (806) 742-3931.

Registered Sex Offenders are prohibited from living in student housing facilities at Texas Tech University.
Comprehensive Policies, Procedures, and Relevant Statutes

Texas Tech University has developed comprehensive operational policies and procedures for when gender-based harassment, sexual misconduct, discrimination, and Title IX violations occur. These policies and procedures include, but are not limited to, detailed information on what happens before, during, and after an alleged misconduct violation, definitions of criminal activity, safe and positive options for bystander intervention, consent, risk reduction methods, and the resolution process. Any questions on these operating policies may be directed to one of the above mentioned Title IX Coordinators or designated employees.

Students:


Appendix C: OP 40.03, Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students

For policies and procedures regarding incidents of discrimination or harassment by student organizations, see Part I, Section D in the Texas Tech Student Handbook: http://www.depts.ttu.edu/dos/handbook/conduct.php#procedures.

Employees:

Appendix B: OP 40.02, Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Violation of Employment or Other Laws for Employees: Policies and procedures regarding incidents of discrimination or harassment by faculty or staff against other faculty or staff and Faculty or staff against students see https://www.depts.ttu.edu/opmanual/OP40.02.pdf.

Appendix E: Faculty, Staff & Student Employees: Title IX and Gender-Based Harassment, Discrimination, and Sexual Misconduct Resources and Reporting Informational Manual

Appendix F: Texas Tech University Faculty, Staff, and Student Employees Reporting Responsibilities Chart

Relevant Statutes

Based upon the Clery Act specific definitions, a list of Texas criminal statues can be found in the Clery Crimes: Texas Penal Code (Appendix G).

This report complies with the following provisions as codified:

- United States Code of Federal Regulations, Title 34, Chapter VI, Part 668, Section 668.46
- Violence Against Women Reauthorization Act of 2013, P.L. 113-4
The tables appearing on the following page(s) contain statistics constructed using data from documents acquired, maintained and reviewed by the Texas Tech Police Department, Center for Campus Life, Office of Student Conduct, President’s Office, General Counsel, designated Campus Security Authorities (CSAs), Responsible Employees, and cooperating external law enforcement agencies.

Data is separately represented for the current reporting year as well as the three most recent reporting years for comparison.
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**Crimes**

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Appendix A

Operating Policy 10.04: Drug-Free Schools and Communities Act
OPERATING POLICY AND PROCEDURE

OP 10.04: Drug-Free Schools and Communities Act

DATE: December 16, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free Schools and Communities Act, as amended.

REVIEW: This OP will be reviewed in November of even-numbered years by the director of Student Health Services, the managing director of Human Resources, the senior vice provost, and the vice provost for undergraduate education and student affairs with substantive revisions presented to the president.

POLICY/PROCEDURE

1. Authority

a. The Texas Tech University (TTU) policy on drug and alcohol abuse prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs by employees and students on TTU property or as a part of any officially sponsored TTU activities.

b. The Drug-Free Schools and Communities Act, as amended, Public Law 101-226, requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. In addition to meeting the requirements of the federal law, TTU also intends that this policy be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus community. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, assessment, and referral.

c. This policy is in addition to, and not in lieu of, any other TTU policy. TTU reserves the right to take disciplinary action against faculty and staff or students for violations under this or other applicable policies of the university.

2. Implementation

It is the policy of TTU to create an environment for employees and students that is free from illicit drugs and the abuse of alcohol. Accordingly, the university will provide programs designed to prevent the illegal possession, use, or distribution of alcohol and illegal drugs, as required by PL 101-226, for all faculty, staff, and students at the university.
a. The president of TTU shall designate the vice provost for undergraduate education and student affairs to be responsible for the development and continuing implementation of these programs.

b. All documents on programs referenced herein are on file in the Office of the President. The programs will include, at a minimum, the following activities:

1. Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students on TTU property or as part of any officially sponsored TTU activities;

2. The applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of alcohol and illegal drugs;

3. The health risks associated with the use of illegal drugs and the use of alcohol;

4. Drug and alcohol prevention, counseling, intervention, education, assessment, and referral, or re-entry programs available to faculty, staff, and/or students;

5. Conducting a biennial review of the TTU drug prevention program. This review shall be conducted by a committee appointed by the president of TTU from among nominees provided by the administration, Faculty Senate, Staff Senate, Human Resource Services, and Student Government Association.

6. Reporting to the president on the effectiveness of the program, including a determination that the policy and applicable disciplinary sanctions are being followed. The report shall also include recommendations for corrective actions or additional activities to enhance the program's effectiveness.

3. Penalties

Penalties for violation of this policy range from mandatory participation in university-approved drug and alcohol abuse counseling and rehabilitation programs to dismissal from the university.

a. After consultation with appropriate personnel, supervisors may recommend an option of university-approved drug counseling and rehabilitation in lieu of or in addition to the specified sanctions in the applicable university manual. Each case will be determined separately.

b. In addition to any penalty resulting from violation of this policy, the university may also refer any evidence of illegal activities by any faculty, staff, or student to the proper authorities for review and potential prosecution. Such referrals will be made through the Office of the President, Office of the Provost and Senior Vice President, Office of the General Counsel, Human Resources, and/or the Office of Student Conduct.

c. Procedures for addressing infractions include the following:

1. Faculty

   If the offender is a faculty member, the supervisor (usually the department chair) shall initially recommend to the dean and, thereafter, to the provost and senior vice president
an appropriate sanction. When termination is recommended, the faculty member may appeal to the university Grievance Committee.

(2) Staff

If the offender is a staff member, procedures outlined in OP 70.10 and OP 70.31 shall be followed.

(3) Student

If the offender is a student, the disciplinary procedures outlined in the Code of Student Conduct shall be followed. If the student found in violation of this policy is also a student employee of the university, sanctions may include termination of employment.

d. In any case, all due process procedures will be followed.

4. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of faculty, staff, and students.
Appendix B

Operating Policy 40.02: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Violations of Employment and Other Laws for Employees
DATE: July 28, 2015

PURPOSE: Texas Tech University (TTU) is an Equal Employment Opportunity (EEO) employer and ensures compliance with federal and state employment laws and regulations. In the event an employee or student believes his/her rights under these or other laws have been violated by a TTU employee, this policy sets forth the procedures to address these concerns in a fair, equitable, and prompt manner.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in January of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO) and the managing director of Human Resources with substantive revisions forwarded to the chief of staff for the president.

POLICY/PROCEDURE

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

Texas Tech University does not tolerate discrimination or harassment of or by employees (whether student, faculty, or staff) or applicants based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, 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 in employment decisions on this basis (see OP 40.04). Employment actions such as hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination shall not be made based on an employee’s protected status. Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII and Title IX and state law such as Chapter 21 of the Texas Labor Code, regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

Texas Tech expects all employees to comply with the law in connection with their employment and employment decisions. Employees who violate these policies and laws are subject to disciplinary action, up to and including termination.

1. Equal Employment Opportunity Office and Title IX Coordinator

On behalf of Texas Tech, the TTUS Office of Equal Employment Opportunity (EEO) is designated to formally investigate reports or notices of discrimination and/or harassment by or against employees. Any person who has a question or complaint of any type of discrimination
may contact the TTUS Office of EEO at (806) 742-3627; in writing to TTUS Office of EEO, Box 1073, Lubbock, TX 79409; at the Administration Building Room 210; or via email at eeo@ttu.edu. Any investigation will be conducted in a fair and impartial manner.

Additionally, Texas Tech University has a Title IX coordinator who oversees the university’s compliance with Title IX, which prohibits discrimination based on gender. Questions regarding complaints of this policy or gender discrimination may also be directed to the Title IX coordinator, Ronald Phillips, at 806-742-2121; in writing to Ronald Phillips at Texas Tech Office of the President, Administration Building, Room 170, Lubbock, TX 79409; or via email at ronald.phillips@ttu.edu. The university has also designated deputy Title IX coordinators for students, employees, and athletics, all of whom may be contacted regarding gender discrimination issues. For more information, see the university’s Title IX websites at http://www.ttu.edu/administration/president/unicounsel/titleIX.php and http://www.depts.ttu.edu/hr/TitleIX/.

The chief of staff to the president, as well as relevant unit or college administrators, will be notified of formal investigations. Furthermore, if the investigation is regarding a faculty member, the Office of the Provost will be notified.

2. Definitions

a. Discriminatory Harassment

Discriminatory harassment is verbal or physical conduct that shows hostility toward an employee based on or related to sex, race, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that:

1. Creates an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an employee’s work performance;
3. Adversely affects an employee’s employment opportunities; and
4. Is severe or pervasive.

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, emails, 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.

b. Sexual Harassment

Sexual harassment, which is another form of discriminatory harassment, is unwelcome verbal, written, or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s employment;
2. Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee;
3. Such conduct has the purpose or effect of interfering with the employee’s work performance or of creating an intimidating, hostile, or offensive working environment; or
4. In instances involving non-employee students, such conduct has the purpose or effect of unreasonably interfering with the student’s educational experience.

To constitute unlawful sexual harassment, the behavior must be severe or pervasive.

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

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a demeaning manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one’s genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Sexual assault; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

c. Grievance

A grievance is a formal complaint pertaining to adverse employment actions taken on the basis of the employee’s protected status or other violation of law or TTU policy.

If an employee separates from TTU for any reason after filing a grievance, the grievance shall be dismissed. A termination cannot be grieved unless the employee has reason to
believe that the termination was prohibited by law. A violation of a university policy alone does not necessarily constitute a violation of law or an action prohibited by law. In the event the employee alleges his or her termination was the result of discrimination or a violation of the law, an employee may file a grievance pursuant to section 3 below.

3. **General Provisions**

   a. While not appropriate, not all rude or offensive comments or conduct constitute sexual or other harassment or unlawful discrimination.

   b. This grievance procedure is applicable to all employees, whether staff or faculty, who choose to complain about unlawful discrimination or other violations of the law that adversely affect their employment.

   c. All grievance investigations and procedures will be non-adversarial in nature. The employee filing the grievance may represent himself or herself or be accompanied by a representative who does not claim the right to strike. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

   No TTU funds may be used to pay expenses for salary, travel, or per diem of a public employee who represents an employee in the presentation of grievances, nor may other resources be used, except that an employee is allowed to take annual leave, compensatory leave, or leave without pay subject to established TTU operating policies and procedures to engage in this activity.

   d. Retaliation against an employee who reports discrimination or other violation of the law or who participates in an investigation under this policy is strictly forbidden. Any manager or supervisor or other employee who is found to have taken any adverse employment action against an employee because of the employee’s good faith report of discrimination or other violation of the law or participation in an investigation under this policy is subject to severe penalties, which may include immediate termination. This may apply even if it is determined that the underlying grievance is not a violation of TTU policy or law.

   e. However, the filing of a grievance shall not affect the ability of TTU to pursue disciplinary action or separation action for reasons other than the employee’s filing of a grievance.

   f. Employment at TTU is governed by the employment at will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either TTU or the employee unless otherwise prohibited by law. Nothing in this or any other TTU operating policy and procedure constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.

   g. Nothing in this policy shall prevent an employee from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the Equal Employment Opportunity Commission or Texas Workforce Commission. However, if an employee files a complaint with an external agency, while the TTU Office of EEO may continue its investigation, the internal process shall terminate and any response to the complaint will be made to the external agency and not to the employee.

   h. In some instances, the conduct complained of may also constitute a violation of federal, state,
or local law. Employees have the option of reporting misconduct to the university, to law enforcement, or to both. An employee will be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities.

i. If a non-university individual has a complaint of discrimination or harassment by a university employee acting in the scope of his or her employment, the individual involved may file a report with the TTUS Office of EEO, and the university will investigate and take steps to address the situation.

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

4. Employee Grievance Procedures, Including Student Employees

a. Prior to filing a formal grievance, the employee should attempt to resolve the situation by addressing the offending party in an informal manner and in an atmosphere of mutual respect. If the employee is not comfortable addressing the offending party, he/she may address his/her concerns to his/her first or second level supervisor. If the situation is not resolved by informal means or if the employee is not comfortable with doing so, the employee may file a formal grievance.

An employee may also consult with the Office of EEO to determine if he/she wishes to file a formal grievance. While an investigation is not normally initiated without a written grievance submitted by the employee, the EEO Office or TTU may take action as deemed appropriate by the office. Such action may include notifying key personnel with a need to know about the allegations, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility, informing alleged offenders of TTU’s policy, and educating departments and supervisors as needed on this and other policies.

b. An employee having a grievance should submit a completed Grievance form, which is available on the TTU Human Resources website at the following link: http://www.depts.ttu.edu/hr/formsPolProc/forms.php to the Office of EEO within 10 business days from the date of the action giving rise to the grievance or within 10 business days of the conclusion of informal attempts to resolve the situation.

A written grievance shall contain:

(1) A clear and concise statement of the grievance;
(2) The date the incident took place;
(3) The name and contact information of the grieving party, the party complained about, and any witnesses;
(4) The specific resolution sought by the employee; and
(5) Additional relevant information to be considered in support of the grievance.
Any changes to the grievance must be in writing.

c. Only one subject matter shall be covered in any one grievance.

d. Once a signed grievance form is received by the Office of EEO, an investigation may be conducted by that office and the appropriate administrative officers including, in the case of grievances involving gender discrimination, notification to the Title IX coordinator and the appropriate deputy coordinator.

e. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of EEO. Any findings in the investigation will be based upon a preponderance of the evidence (i.e., whether the findings are more likely than not).

f. During the pendency of the investigation, the EEO office will confer with appropriate administrators so that the university may provide interim remedies intended to address the short-term effects of discrimination, harassment, and/or retaliation. At the university’s discretion, these remedies may include, but are not limited to:

- Altering work arrangements for employees;
- Implementing contact limitations between the parties;
- Administrative leave as provided for in OP 70.31;
- Referral to the Employee Assistance Program; or
- Referral to counseling and/or other health services.

g. Investigations will be completed as expeditiously as possible. In the case of complaints that may be covered by Title IX, all efforts will be made to complete such investigation within 60 days.

h. After the investigation is complete, the Office of EEO will provide a written determination to the employee who has filed the grievance and to the appropriate department administrator.

i. The finding of the Office of EEO is final.

j. In the event of a finding of a violation of this policy or other violation of the law is made, appropriate disciplinary action will be taken as determined by the appropriate administrator. Disciplinary action may range from coaching up to and including termination. Termination procedures for tenured faculty will be conducted pursuant to OP 32.02.

k. Any employee subjected to disciplinary action may appeal any such action, but not the determination of the EEO office, within 10 business days through procedures established for faculty in OP 32.05 and for staff in OP 70.10. A copy of the appeal should be forwarded to the Office of EEO.

l. Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Office of EEO at the time the disciplinary
action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.

m. At the conclusion of the investigation, the complaining party shall be advised that if the discrimination or unlawful activity persists the employee should contact the Office of EEO. Likewise, in the event the employee believes unlawful retaliation for filing a grievance has taken place the employee should contact the Office of EEO and/or file a grievance for retaliation.

n. In the event of a finding of a violation of this policy, the Office of EEO will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.

5. Complaints by Students or Involving Students

a. If a student has a non-employment based complaint of discrimination or harassment by an employee, whether faculty, staff, or student, the student should contact the Office of the Dean of Students and/or file an incident report form, found at the Office of Student Conduct website: https://publicdocs.maxient.com/reportingform.php?TexasTechUniv&layout_id=12.

(1) Student complaints of discrimination or harassment by an employee will be investigated jointly by the Office of EEO and the Office of the Dean of Students.

(2) The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of EEO or the Office of the Dean of Students. Other administrators may be consulted to assist with the investigation.

(3) After the investigation is complete, the Office of the Dean of Students or the Office of EEO will provide a written determination to the student who has filed the grievance, to the accused parties, and to the appropriate administrators.

(4) The finding of either the Office of the Dean of Students or the Office of EEO is final and not appealable by either party.

(5) In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.

(6) If either party disagrees with the imposed disciplinary action or lack thereof, he or she may appeal within 10 business days through procedures established in OP 32.05 for faculty and OP 70.10 for staff.

b. Student employees having a complaint of discrimination or harassment in employment should follow the procedure set forth in section 3 above.

c. If an employee has a complaint of discrimination, harassment, or other misconduct against a student, the employee should contact the Office of the Dean of Students and/or file an incident report form, found at the Office of Student Conduct website: https://publicdocs.maxient.com/reportingform.php?TexasTechUniv&layout_id=12.
6. **Reporting Requirements**

All employees who are either the subject of, witness to, or receive a report of unlawful
discrimination or other violations of the law have the obligation to report such actions to their
immediate supervisor, the Office of EEO, the Title IX coordinator, a deputy Title IX
coordinator, the Texas Tech Police Department, or other appropriate law enforcement
authority.

For reporting requirements relating to claims of gender based discrimination or harassment or
other forms of sexual misconduct involving non-employee students, see OP 40.03.

7. **Confidentiality**

The confidentiality of both the employee and the party who is the subject of the complaint will
be honored to the extent possible without compromising the university's commitment to
investigate allegations of discrimination or violations of law and to the extent allowed by law.
The willful and unnecessary disclosure of confidential information by anyone, including the
employee filing the grievance, regarding a complaint of discrimination or violation of law to
any person outside of the investigation process may result in appropriate disciplinary measures
against the offending party.

Students may make confidential disclosures to the Texas Tech University Student Counseling
Center.

8. **Training**

Pursuant to state legislation, all employees must attend EEO non-discrimination and
sex/gender discrimination, harassment, and campus crime mandated reporter training within
the first 30 days of employment and receive supplemental training every two years.
Compliance records for training requirements are retained in the university’s learning
management system administered by Human Resources.

Employees are informed of the EEO and Title IX policy through new employee orientation,
EEO training sessions, this anti-discrimination policy and other operating policies, and the
placement of the EEO federal and state posters at various locations throughout the campus.
Information about the Texas Tech EEO and Title IX policy can also be obtained from Human
Resources, at the Texas Tech University System EEO Office, at
http://www.depts.ttu.edu/hr/TitleIX/, or at http://www.texastech.edu/offices/equal-
employment/.

Students are informed of policies regarding or related to discriminatory harassment, sexual
harassment, sexual violence, and other forms of sexual misconduct at new student orientation
and via the Student Handbook and other outreach, awareness, and educational programs
offered by the university.

9. **Authoritative References**

- Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment
  Opportunity Act of 1972
- Age Discrimination in Employment Act of 1967
- Title IX of the Education Amendments of 1972
10. **Right to Change Policy**

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

The employee *Grievance* form is available on the TTU Human Resources website at the following link [http://www.depts.ttu.edu/hr/forms.asp](http://www.depts.ttu.edu/hr/forms.asp).
Appendix C

Operating Policy 40.03: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students
OP 40.03: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students

DATE: August 17, 2015

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

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

POLICY/PROCEDURE:

1. Statement of University Policy

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

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

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

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

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

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

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

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

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

3. Employee Reporting Requirements

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

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

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

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

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

4. Complaints Involving Non-University Parties

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

5. Right to Change Policy

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

6. Authoritative References

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

Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures
What is Sexual Misconduct?

Per the TTU Student Code of Conduct, “Sexual Misconduct” is any of the following:

**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 victim's educational experience." This includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, purposeful dissemination of sexually explicit content, etc.

**SEXUAL ASSAULT**

*Non-consensual Sexual Contact*

“Intentional sexual touching of another’s private areas without consent.” Private areas include butt, breasts, mouth, genitals, groin area, or other bodily orifice.

*Non-consensual Sexual Intercourse*

"Sexual penetration or intercourse without consent." Penetration can occur with any part one’s body or with any object.

**SEXUAL EXPLOITATION**

“Taking sexual advantage of another person for his/her own advantage or benefit.” Includes, but is not limited to:

- Sexual Voyeurism – watching someone undress, “peeping tom,” etc.
- Recording (pictures, video, or audio) another person engaged in a sexual act or private activity.
- Inducing another student to expose his/her genitals or private areas.
- Prostituting another student.
- Engaging in sexual activity while knowingly infected with an STD.

**Other prohibited conduct includes:**

**RELATIONSHIP VIOLENCE / DOMESTIC VIOLENCE**

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

**STALKING**

“Behavior which includes, but is not limited to, knowingly and repeatedly engaging in conduct that the individual knows or reasonably believes the other person will regard as threatening or would cause a reasonable person to be fearful.”

**HAZING**

“Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students.”

For more information on TTU’s sexual misconduct policy:

What do I do if something like this happens to me?

**Keeping your Options Open: Preservation of Evidence**

- First and foremost, **if you need immediate medical attention**, you should call 9-1-1 or go to the nearest emergency room.
- Secondly, 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). You should do this even if you are unsure whether you want to report the incident, as this type of 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.
  - **University Medical Center**
    602 Indiana Ave, Lubbock, TX 79415
    (806) 775-8200
  - **Covenant Medical Center**
    3615 19th Street, Lubbock, TX 79410
    (806) 725-0000

**If you just need to talk ...**

- If you have family or friends that you trust, it is always 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 confidential assistance and support, and are free for Texas Tech students.
  - **Student Counseling Center**
    Second floor of the Student Wellness Center, Room 201 (on the NE corner of Flint Ave. & Main St.)
    Visit [www.depts.ttu.edu/scc/](http://www.depts.ttu.edu/scc/) for more information.
  - **Voice of Hope** (Rape Crisis Center)
    Hotline: (806) 763-RAPE (7273) / Phone: (806) 763-3232
    For more information, visit [www.voiceofhopelubbock.org](http://www.voiceofhopelubbock.org).

How do I make a report and what happens if I do?

**Reporting to Texas Tech University**

- You can report an incident of sexual misconduct to Texas Tech University by contacting any of the following administrators:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amy Murphy, Ph.D.</td>
<td>Dean of Students / Deputy Title IX Coordinator</td>
<td><a href="mailto:amy.murphy@ttu.edu">amy.murphy@ttu.edu</a> / (806)-742-5433</td>
</tr>
<tr>
<td>Michael Henry, J.D.</td>
<td>Title IX Investigator / Student Resolution Center</td>
<td><a href="mailto:michael.henry@ttu.edu">michael.henry@ttu.edu</a> / (806)-742-7233</td>
</tr>
<tr>
<td>Denise Tijerina</td>
<td>Senior Administrator / Case Manager</td>
<td><a href="mailto:denise.tijerina@ttu.edu">denise.tijerina@ttu.edu</a> / (806)-742-2984</td>
</tr>
</tbody>
</table>

- 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. Student reports are kept confidential and shared only with essential university personnel in order to better remedy the student’s situation (housing, parking, class schedule, etc.). Administrators will not contact the respondent (suspect) or otherwise escalate the situation without first consulting with the student.
- 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 you do not wish to pursue formal student conduct process.
- **Texas Tech wants you to feel safe.** 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 report. Those remedies and resources include, but are not limited to:
  - A No Contact Order;
  - A change or modification to residence hall or living options;
  - Academic scheduling or class modifications;
  - Employment options or work schedule modifications;
  - Assistance with extracurriculars, organization(s), activities;
  - On-campus parking considerations;
  - Police escort to your vehicle.
• Once the university receives a report, an investigator will be assigned to gather information, create a full report, and present the incident to a hearing body for a decision. If a provision of the TTU Code of Student Conduct has been violated, this process can lead to sanctioning against involved student(s) or student organization(s). The range of potential sanctions are reprimand, probation, deferred suspension, suspension, and expulsion.
• Texas Tech University’s jurisdiction for addressing sexual misconduct is not limited to on-campus (or near-campus) incidents. If the alleged misconduct impacts the educational environment of a member of the Texas Tech community, regardless of where the incident occurred, the university is required by federal law to address the situation.

Reporting to the Texas Tech Police Department
• If the alleged conduct violates state or federal law, you should report the incident to the Texas Tech Police Department. Reporting to TTU PD can lead to criminal charges and prosecution.
  o Texas Tech Police Department
    413 Flint Avenue, Lubbock, Texas 79409
    (806) 742-3931
• In most cases, incidents involving sexual misconduct will violate both state law as well as a provision(s) of the TTU Code of Student Conduct. In those cases, an investigator from Texas Tech University will coordinate with TTU PD 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.
• TTU PD will also explain your Crime Victim Compensation rights and are happy to assist you in filling out the necessary documentation.

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 otherwise be minor violations. This is what is known as an Amnesty Provision. You can read more about TTU’s Amnesty Provision in Part 1, Subsection C of the 2014-2015 Student Handbook.

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 likely make it rather difficult to thoroughly and effectively investigate the occurrence. The university will walk through a student’s various options at this point 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 real and substantial 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 whenever possible.

Is my report confidential?

Any report of sexual misconduct made to Texas Tech administrators 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.
**How does the Conduct Process work?**

The following is taken directly from the 2014-2015 Texas Tech University Student Handbook. You can access the full handbook here: [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook)

**Texas Tech will assess the situation – Initial Inquiry**

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 not be forwarded for a hearing unless 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. Unsupported allegations with no credible information will not be forwarded to a hearing.

When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student 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.

**Texas Tech will attempt to remedy any immediate concerns related to the alleged misconduct**

**Remedies**

The University will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This includes immediate steps to protect complainants even before the final outcome of the investigations, including prohibiting the respondent from having any contact with the complainant. These steps will attempt 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, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

**No Contact Orders**

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. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student’s official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order 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.
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 Student Resolution Center is also available to help students understand the student conduct process and identify resources.

In certain situations, Texas Tech will utilize Interim Actions to prevent further conflict

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 interim suspension:
1. A significant and articulable threat to the health or safety of a student or other member(s) of the University community.
2. 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.
3. Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats.
4. 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.
5. Violation of a No Contact Order.
6. Retaliatory harm, discrimination or harassment.

Immediate Temporary Suspension of Registration – Student Organizations
If it is determined that a student organization’s actions or activities are detrimental to the educational purposes of the University and/or not in accordance to the Student Handbook, that student organization will not be officially registered with the Center for Campus Life. The registration of a student organization may be temporarily suspended while an investigation is pending involving an alleged violation of registered student organization policies and procedures as outlined in the Student Handbook. The registered student organization will be afforded all due process guidelines as described in the Student Handbook.

Conduct, on or off campus, of members of a student organization that typically results in interim suspension:
1. Violent or harassment-type hazing
2. Organization events and activities resulting in allegations against individual students that typically result in individual student interim suspension (as outlined in Interim Action 4a)
3. Cease and desist directives from regional or national organizations
4. Alcohol/drug policy violations during recruitment or social events
Texas Tech will inform all students of their Rights and Responsibilities prior to formal investigation

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the investigator/student conduct officer. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Those rights include:

a.) Refrain from making any statement relevant to the investigation. Students have the right to refuse to participate in the investigation process, either in part or entirely. However, a student’s refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. Expressly, if a student does not provide information during the investigation, he or she will not be allowed to present new information during the hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the investigator’s questions but not others), then during the hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the hearing that was available during the investigative process for the purpose of disadvantaging the other party. (Note: see Pre-Hearing for details on inclusion of new, previously unavailable information after conclusion of the investigative process)

b.) Notification of the alleged misconduct.

c.) Know the source of the allegation(s).

d.) Know the specific alleged violation(s) prior to the Formal Hearing.

e.) Know the sanctions, conditions, and/or restrictions that may be imposed because of the alleged violation(s).

f.) Be accompanied by an advisor at any Office of Student Conduct proceeding or any other related proceeding. An “advisor” can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a Victim’s Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the University. The complainant and/or the student accused of alleged misconduct is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer upon written request five (5) University working days in advance of the scheduled hearing date.

g.) To have the opportunity to respond to the allegation(s) and/or present information. In the event that you need additional time to gather information, please inform your conduct officer.

h.) Know that the standard of proof is a preponderance of the evidence. This differs from the standard of proof in a criminal legal proceeding – beyond a reasonable doubt. To make a finding under a preponderance of the evidence, it must be more likely than not that a certain behavior took place. In other words, if the evidence indicates that there is a 51% likelihood that a student violated the Code of Conduct, then that student should be found responsible.

i.) Know that the proceedings are not restricted by the Rules of Evidence that govern criminal and civil trials. This means that all evidence and information can be taken into consideration in evaluating a situation, regardless of the source or means used to acquire that evidence or information.

j.) Know that any statements made by the student, or student representing a registered organization, can be used during the proceeding.

k.) Know that if it is discovered that the student made any false or misleading statement(s) during the student conduct process, that student will be subject to further disciplinary action under the Code of Student Conduct.
Texas Tech will formally investigate the alleged misconduct

A trained investigator/student conduct officer will conduct a thorough, reliable, and impartial investigation of the reported incidents including meeting with the party bringing the complaint to finalize the complainant’s statement, interview witnesses, collect evidence, create timelines, and receive information from the respondent.

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

Once the investigative process is complete, the investigator/student conduct officer will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations.

A student will have access to the completed Investigation Report for his or her case at the Pre-Hearing phase, after the formal investigative process has concluded. In order to protect confidentiality, students will not be allowed to take a copy of the Investigation Report.

Texas Tech will then conduct the Pre-Hearing

Once the investigative process is complete, the student 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 Formal Hearing.

During this meeting, students will be given the opportunity to review the Investigation Report and other documents or evidence to be used in the Formal Hearing. While students may identify errors in their statements at this point, they are not able to add additional information to the Investigation Report during the Pre-Hearing unless that information, in the judgment of the investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Formal Hearing, the student should inform the investigator/student conduct officer immediately. If the new information is pertinent to the consideration of the case, the investigator/student conduct officer will determine whether the new information should be included in the Investigation Report or presented verbally during the Formal 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 Formal Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are behaviors identified as Misconduct in Part 1B and are assigned for deliberation in the Formal Hearing by the Administrative Hearing Officer or University Discipline Committee to determine the student’s responsibility for misconduct. An Allegation Letter will be provided to the student in the Pre-Hearing Meeting or via other methods of notice.

Students may indicate whether an Administrative Hearing or University Discipline Committee Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or University Discipline Committee hearing will be held notwithstanding the student’s preference.
In cases requiring a University Discipline Committee, the investigator/student conduct officer will share the pool of faculty, staff, and students trained for University Discipline Committees. Students will be given the opportunity to strike any member of the University Discipline Committee whose impartiality may be in question. Once the composition of the University Discipline Committee is set, the investigator/student conduct officer will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Office of Student Conduct upon consultation with the involved student(s).

**Texas Tech will then conduct a Formal Hearing**

Cases involving sexual misconduct are decided by a University Discipline Committee Hearing. Hearings are closed to the public. Both the complaining and responding students have the right to be present at the Formal 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 be in the hearing room at the same time.

A University Discipline Committee Hearing panel consists of five (5) committee members including faculty, staff and students. 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 Investigator/Student Conduct Officer presents the investigation report, evidence, witnesses, allegations, and questions for deliberation. The University Discipline Committee may question the investigator/student conduct officer, complainant, respondent and any witnesses. The complainant and respondent do not have the right to question each other nor witnesses directly but may do so through the investigator/student conduct officer. The complainant and respondent have the right to add or make additional comments about the facts of the case. Should new evidence be presented without prior discussion with the investigator/student conduct officer, 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, conditions and/or restrictions if applicable. The chair of the University Discipline Committee will inform the Managing Director of the Office of Student Conduct in writing of the decision(s).

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 Formal Hearing. Students may utilize Disciplinary Appeal Procedures as outlined in Part 1, D11.

**If a student is found responsible for sexual misconduct, the committee will assign sanction(s), condition(s), and/or restriction(s).**

The University Discipline Committee may impose sanctions, conditions and/or restrictions as a result of a Formal Hearing where the student is found responsible. Potential sanctions, conditions and/or restrictions are listed in the Code of Student Conduct grid at [http://www.depts.ttu.edu/studentconduct](http://www.depts.ttu.edu/studentconduct). The grid is provided only as a guideline for administering sanctions, conditions, and/or restrictions, by the University Discipline Committee. The University Discipline Committee may deviate from the grid.

**Possible sanction(s), condition(s), and/or restriction(s) include, but are not limited to:**

a.) **Sanctions**

Sanctions are defined as the primary outcome of the alleged violation. If a student or student organization is found responsible, the range of sanctions includes the following outcomes:
1. **Disciplinary Reprimand:**
The disciplinary reprimand is an official written notification using the notice procedures outlined in Part 1, A3 to the student that the action in question was misconduct.

2. **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, conditions and/or restrictions.

3. **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 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, conditions and/or restrictions.

4. **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 Dismissal”. Upon written request by the student to the University Registrar, the notation of “Disciplinary Dismissal” may be removed from the transcript at the discretion of the University upon readmission or the completion of the disciplinary suspension period. In cases of discriminatory harassment or sexual misconduct, the notation of disciplinary suspension will not be removed. 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 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 sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Student Conduct Officer 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.

5. **Student Organizations**
Student organizations may also be subject to suspension of their organization’s registration. Time-limited disciplinary suspension is a specific period of time in which a student organization’s registration and privileges are suspended. Upon written request by the registered student organization’s representative to the Center for Campus Life, the notation of disciplinary suspension may be removed from the registration record of the student organization upon completion of the disciplinary suspension period. Notification of disciplinary suspension of an organization will indicate the date on which the suspension begins and the earliest date the application for re-registration will be considered. The Student Conduct Officer may deny an organization’s request for re-registration if the organization’s misconduct during a period of suspension would have warranted additional disciplinary action. If the organization has failed to satisfy any sanctions, conditions, and/or restrictions that have been imposed prior to application for re-registration, the Student Conduct Officer may deny re-registration to the organization. On denial of an organization’s application for re-registration, the Student Conduct Officer will set a date when another application for re-registration may be made.

6. **Disciplinary Expulsion:**
Disciplinary expulsion occurs when the student is permanently withdrawn and separated from the University. The status of expulsion will be shown permanently on the student’s academic record, including the transcript or student organization’s registration. Disciplinary expulsion is noted on the student’s transcript by the phrase “Administrative Dismissal.” An administrative hold will be placed on the student record by the Managing Director of Student Conduct to prevent future registration.
b.) Conditions
A condition is an additional component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:
1. Personal and/or academic counseling intake session.
2. Discretionary educational conditions and/or programs of educational service to the University and/or community.
3. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
4. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
5. Monetary assessment owed to the University.
6. Completion of an alcohol or drug education program.
7. Referral to the BASICS Program for assessment.

c. 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 sanction and will usually be time specific. Some examples of restrictions include, but are not limited to:
1. Revocation of parking privileges.
2. Denial of eligibility for holding office in registered student organizations.
3. Denial of participation in extracurricular activities.
4. Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
5. Loss of privileges on a temporary or permanent basis.
6. Withdrawal of University funding (Student Government Association, departmental, Student Services Fees, etc.)
7. Restrictions associated with violations of Part X, section B.3 (academic integrity) include, but are not limited to, dismissal from a departmental program, denial of access to internships or research programs, loss of appointment to academically-based positions, loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities, and/or removal of fellowship or assistantship support.

Both the complainant and the respondent may appeal the decision

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Office of Student Conduct by submitting a written petition to the designated appeal officer within five (5) University working days of receiving the written 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. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
b. 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; and

c. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The designated appeal officer will 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 an appeal is granted, the results of the appellate process, as outlined [specifically in the Student Handbook], will be final.
CONFIRMATION OF RECEIPT

Your signature on this page confirms your receipt of the attached Sexual Misconduct Information Packet and affirms that any and all questions that you have at the time of receipt have been addressed and/or answered.

Should you have additional questions or concerns, please do not hesitate to contact any of the following Texas Tech administrators:

1. Dr. Amy Murphy, Dean of Students
   a. Center for Campus Life, 201 Student Union Building
   b. (806) 834-0293

2. Michael Henry, J.D., Title IX Investigator
   a. Student Resolution Center, Suite 232E Student Union Building
   b. (806) 834-4919

3. Denise Tijerina, Senior Administrator / Case Manager
   a. Center for Campus Life, 201 Student Union Building
   b. (806)-742-2984

Student’s Signature: ____________________________ Date: __________
Appendix E

Faculty, Staff & Student Employees: Title IX and Gender-Based Harassment, Discrimination, and Sexual Misconduct Resources and Reporting Informational Manual
MANDATORY REPORTING AND RESPONSIBLE EMPLOYEE
The university must take immediate action when notice of sexual misconduct is received.

NOTICE
The university has notice if a Responsible Employee knew or, in the exercise of reasonable care, should have known about the misconduct.

RESPONSIBLE EMPLOYEE
A Responsible Employee includes any faculty, staff, or student employee who has the authority to take action to redress the harassment, has the duty to report sexual harassment or other misconduct to appropriate university officials, or whom a student could reasonably believe has this authority or responsibility.

All university faculty, staff, or student employees who are either the subject of, witness to, or receive a report of gender-based harassment, discrimination, or sexual misconduct, including sexual harassment, sexual violence, domestic violence, dating violence, and stalking are considered Responsible Employees and have the obligation to report such information.

This does not mean the individual’s name or other personally identifying information must be shared as sometimes the individual will request that the Responsible Employee not tell anyone of the report. Rather, by contacting either the EEO Office, Title IX Coordinator, or a Deputy Coordinator listed in the Resources section of this brochure, a Responsible Employee may both satisfy the reporting and notice requirements as well as obtain information about remedies, resources, and university processes that he or she can then pass along to the individual as a follow-up. In this way, Responsible Employees can provide reluctant individuals with valuable information while still protecting the individual’s confidence, trust, and anonymity. Alternatively, when individuals do wish to report, Responsible Employees are instrumental in referring them to the administrators who can most effectively assist them.

CONFIDENTIAL REPORTING
Texas Tech University will protect the confidentiality of the identities of and the statements made by parties and witnesses involved in a report or complaint to the extent permitted by law and to the extent that continued protection does not interfere with the university’s ability to investigate allegations of misconduct and to take corrective action. Willful and unnecessary disclosure of confidential information by anyone, including the employee filing the grievance, regarding a complaint of discrimination or violation of law to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

RETALIATION
Retaliation against an employee who reports discrimination or other violations of the law or who participates in an investigation under this policy is strictly forbidden. Any manager, supervisor, other employee who is found to have taken any adverse employment action against an employee because of the employee’s good faith report of discrimination or other violation of the law or participation in an investigation under this policy is subject to severe penalties, including immediate termination. This may apply even if it is determined that the underlying grievance is not a violation of TTU policy or law.

GRIEVANCE PROCEDURES
Grievance procedures are applicable to all employees, whether faculty or staff. Please refer to OP 70.28 Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.

PURPOSE AND DISCLAIMER
The purpose of this brochure is to provide you with a general understanding of The Clery Act and Title IX federal laws. This brochure is not intended to be all encompassing, but rather to give you knowledge about where to find additional information and who to call for assistance if you are a victim of or witness to discriminatory behavior or harassment. In the event of a conflict between this brochure and federal or state law, the law will prevail.
Appendix F

Texas Tech University Faculty, Staff, and Student Employees Reporting Responsibilities Chart
## TEXAS TECH UNIVERSITY

**FACULTY, STAFF, AND STUDENT EMPLOYEES REPORTING RESPONSIBILITIES**

<table>
<thead>
<tr>
<th>GROUP 1</th>
<th>GROUP 2</th>
<th>GROUP 3</th>
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<tbody>
<tr>
<td><strong>Mandated Reporters:</strong>&lt;br&gt;<strong>Full Reporting</strong>&lt;br&gt;Must report all known information regarding an incident to the Title IX Coordinator, Deputy Coordinator, or the Office of Equal Employment Opportunity without delay&lt;br&gt;All faculty, staff, and student employees except those in Groups 2 and 3</td>
<td><strong>“Jane Doe/John Doe” Anonymous Reporting</strong>&lt;br&gt;Report all information known about an incident except any personally identifying information about those involved&lt;br&gt;Specifically designated employees</td>
<td><strong>“Confidential” Reporting</strong>&lt;br&gt;Report only non-identifiable, aggregate information regarding incidents disclosed to them</td>
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Appendix G

Clery Crimes: Texas Penal Code
Clery Crimes: Texas Penal Code

Based upon the Clery Act specific definitions, the following criminal offenses are applicable:

- Texas Penal Code 12.47 – Offense Committed because of Bias or Prejudice
- Texas Penal Code 19.02 – Murder
- Texas Penal Code 19.03 – Capital Murder
- Texas Penal Code 19.04 – Manslaughter
- Texas Penal Code 21.11 – Indecency with a Child
- Texas Penal Code 22.01 – Assault
- Texas Penal Code 22.011 – Sexual Assault
- Texas Penal Code 22.021 – Aggravated Sexual Assault
- Texas Penal Code 25.02 – Prohibited Sexual Conduct
- Texas Penal Code 28.02 – Arson
- Texas Penal Code 29.02 – Robbery
- Texas Penal Code 29.03 – Aggravated Robbery
- Texas Penal Code 30.02 – Burglary
- Texas Penal Code 31.03 – Theft (Motor Vehicle Theft Only)
- Texas Penal Code 31.07 – Unauthorized Use of a Vehicle
- Texas Penal Code 49.031 – Possession of Alcohol in a Motor Vehicle
- Texas Alcoholic Beverage Code 106.04 – Consumption of Alcohol by a Minor
- Texas Alcoholic Beverage Code 106.05 – Minor in Possession of Alcohol
- Texas Alcoholic Beverage Code 106.06 – Making Alcohol Available to a Minor
- Texas Health and Safety Code 481.1121 – Manufacture or Delivery of a Controlled Substance PG 1A
- Texas Health and Safety Code 481.113 – Manufacture or Delivery of a Controlled Substance PG 1
- Texas Health and Safety Code 481.113 – Manufacture or Delivery of a Controlled Substance PG 2
- Texas Health and Safety Code 481.114 – Manufacture or Delivery of a Controlled Substance PG 3-4
- Texas Health and Safety Code 481.115 Possession of a Controlled Substance PG 1
- Texas Health and Safety Code 481.116 – Possession of a Controlled Substance PG 2
- Texas Health and Safety Code 481.117 – Possession of a Controlled Substance PG 3
- Texas Health and Safety Code 481.120 – Delivery of Marijuana
- Texas Health and Safety Code 481.121 – Possession of Marijuana
- Texas Health and Safety Code 481.129 – Possess or Obtains a Controlled Substance by Fraud
- Texas Health and Safety Code 483.041 – Possession of a Dangerous Drug
- Texas Health and Safety Code 483.042 – Delivery of a Dangerous Drug
- Texas Penal Code 46.02 – Unlawfully Carrying a Weapon
- Texas Penal Code 46.03 – Places Weapons Prohibited
- Texas Penal Code 46.05 – Prohibited Weapons

Additionally, any violation that meets Clery Act specific categories but does not otherwise apply to the aforementioned penal offenses or those categorized by Uniform Crime Reporting (UCR) guidelines are also included.

Some examples of offenses that meet Clery Act specific definitions for one or more categories but are not counted unless certain qualifying conditions are met are:

- Texas Penal Code 22.01 – Assault (Forcible Fondling / Sex Offense & Hate Crimes)
- Texas Penal Code 22.07 – Terroristic Threats (Hate Crimes)
- Texas Penal Code 28.03 – Criminal Mischief (Hate Crimes)
- Texas Penal Code 28.08 – Graffiti (Hate Crimes)
- Texas Penal Code 31.02 – Theft (Hate Crimes)
- Texas Penal Code 33.07 – Online Harassment (Hate Crimes)
- Texas Penal Code 39.03 – Harassment (Hate Crimes)
- Texas Penal Code 42.072 – Stalking (Hate Crime)