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### Emergency Contact

<table>
<thead>
<tr>
<th>Service</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police, Fire, and Medical Emergencies</td>
<td>9-1-1 campus phone/cell phone</td>
</tr>
<tr>
<td>Texas Highway Patrol</td>
<td>915-849-4003</td>
</tr>
<tr>
<td>Border Patrol</td>
<td>915-834-8350</td>
</tr>
<tr>
<td>Poison Control Center</td>
<td>1-800-222-1222</td>
</tr>
<tr>
<td>El Paso Non-Emergency</td>
<td></td>
</tr>
<tr>
<td>El Paso Police Department</td>
<td>915-832-4400</td>
</tr>
<tr>
<td>El Paso Fire Department</td>
<td>915-485-5600</td>
</tr>
<tr>
<td>University Medical Center of El Paso</td>
<td>915-544-1200</td>
</tr>
<tr>
<td>El Paso Community College</td>
<td>915-831-3722</td>
</tr>
<tr>
<td>Fort Bliss Information</td>
<td>915-568-2121</td>
</tr>
<tr>
<td>Battered Woman Shelter</td>
<td>915-593-7300</td>
</tr>
<tr>
<td>Crime Stoppers</td>
<td>915-566-8477</td>
</tr>
<tr>
<td>Suicide Help</td>
<td>915-779-1800</td>
</tr>
<tr>
<td>Child Abuse Hotline</td>
<td>800-252-5400</td>
</tr>
<tr>
<td>Mental Health Crisis Line</td>
<td>915-779-1800</td>
</tr>
<tr>
<td><strong>Texas Tech Resources</strong></td>
<td></td>
</tr>
<tr>
<td>Texas Tech University at El Paso</td>
<td>915-594-2030</td>
</tr>
<tr>
<td>Texas Tech Police Department (Administrative)</td>
<td>806-742-3931</td>
</tr>
<tr>
<td>Texas Tech University Dean of Students</td>
<td>806-742-2984</td>
</tr>
<tr>
<td>Texas Tech University Fire Marshal</td>
<td>806-742-0145</td>
</tr>
<tr>
<td>Texas Tech Student Rights and Resolution Center</td>
<td>806-742-7233</td>
</tr>
<tr>
<td>Texas Tech University Student Counseling Center</td>
<td>806-742-3674</td>
</tr>
<tr>
<td>Texas Tech University Student Health Services</td>
<td>806-743-2860</td>
</tr>
<tr>
<td>Texas Tech University Student Housing</td>
<td>806-742-2661</td>
</tr>
<tr>
<td>Texas Tech University Office of Student Conduct</td>
<td>806-742-1714</td>
</tr>
<tr>
<td><strong>National Resources</strong></td>
<td></td>
</tr>
<tr>
<td>Office of Civil Rights</td>
<td>1-800-537-7697</td>
</tr>
<tr>
<td>Clery Center for Security on Campus</td>
<td>1-484-580-8754</td>
</tr>
<tr>
<td>National Drug Hotline</td>
<td>1-800-262-2463 / 1-800-COCAINE</td>
</tr>
<tr>
<td>National Drug Abuse Hotline</td>
<td>1-800-241-9746</td>
</tr>
<tr>
<td>National Clearinghouse Alcohol &amp; Drug Abuse</td>
<td>1-800-655-2255 / 1-800-SAYNOTO</td>
</tr>
<tr>
<td>National Council on Alcohol &amp; Drug Abuse</td>
<td>1-800-622-2255 / 1-800-NCACALL</td>
</tr>
<tr>
<td>National Sexual Assault Hotline</td>
<td>1-800-656-4673</td>
</tr>
<tr>
<td>National Domestic Violence Hotline</td>
<td>1-800-799-7233</td>
</tr>
<tr>
<td>Love Is Respect</td>
<td>1-866-331-9474</td>
</tr>
</tbody>
</table>
Texas Tech University Regional Site at El Paso started through a series of community initiated partnerships. The Regional Site is housed in the heart of El Paso in the historic Union Depot located at 700 W San Francisco Ave, El Paso, Texas, 79901. This building also houses Amtrak ticket offices and a public event space - the Rotunda - which is rented out by the City of El Paso for city-approved functions throughout the year.

Texas Tech University Regional Teaching Site at El Paso Architecture Program, the first architecture school on the U.S.-Mexico border, is an extension of the College of Architecture in Lubbock, Texas. The site offers a Bachelor's of Science in Architecture degree in partnership with El Paso Community College (EPCC). Transfer students accepted into the Texas Tech El Paso Architecture Program complete a two-year curriculum during the regular academic year with no courses being offered in the summer.

All members of our community are encouraged to act responsibly, work collaboratively, 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 Annual Security Report 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.

Interesting Fact:
The Texas Tech University College of Architecture at El Paso is the first architecture school on the U.S.-Mexico border.

JEANNE CLERY ACT
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 that receive federal funding to share information about certain crimes which occur on and around campus, as well as institutional 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, and is made available in print to all currently enrolled and prospective students and campus employees.

Additionally, the Parent & Family Relations department announces the publication of the ASR in a newsletter sent to the parents of students. An advertisement regarding publication information will run periodically in The Daily Toreador and will be posted in common areas in campus buildings that are frequented by faculty, staff, students, and visitors.

Copies of the ASR may be obtained in person from the Regional site Director’s office located at: 700 W. San Francisco Ave. El Paso, Texas 79901, or the Texas Tech Police Department during normal business hours, 8:00 A.M. - 5:00 P.M., Monday through Friday. Additionally, the ASR can be found on-line at the Texas Tech Police Department’s website under the link “Campus Crime Report”:
http://www.depts.ttu.edu/ttpd/clery.php
LAW ENFORCEMENT

Local Law Enforcement

Although no written agreement is in effect, the City of El Paso Police Department is the primary agency responsible for investigating criminal activity occurring in and around the Union Depot Building which hosts Texas Tech University Recognized Regional Teaching Site at El Paso activities. The Union Depot is also staffed by Texas Tech security guards who work with the City of El Paso police department to provide additional security 24-7.

The City of El Paso Police Department is a dynamic and innovative entity composed of over 1,000 officers and 205 civilian employees. The department’s focus on community relationships and on reducing crime has placed El Paso as “The Safest Large City in the United States” as ranked by the Morgan Quitno Press in 2010. Along with that ranking the department’s clearance rate for major crimes exceeds the average in most categories for cities with a population greater than 500,000. As the Department continues to confront crime in a proactive
Texas Tech Fire Marshal’s Office

The Fire Marshal’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 Texas Tech Fire Marshal’s office coordinates with local fire departments for emergency responses and routine inspection of alert and sprinkler systems for campus facilities. They also assist first responders including all law enforcement, fire, and EMS personnel during emergencies by providing up-to-date information about campus facilities, assisting with evacuations, and providing investigative assistance if a fire is determined to be caused by arson.

Most campus buildings, including residential apartments, are fully protected by fire sprinklers and smoke alarm systems. Student residents receive fire/life safety handouts at move-in and are required to participate in annual fire safety drills.

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)

General Overview
Texas Tech University Regional Teaching Site at El Paso is located in the Union Depot, 700 W San Francisco Avenue, in downtown El Paso. Occupants are Texas Tech University faculty, staff, students and occasional guests.

Texas Tech occupies three distinct zones:
- Floor 1: four offices and classrooms surrounding a Common Use area called the Rotunda.
- Floor 1 and basement: a secured area devoted only to Texas Tech use.
- Floor 2: Texas Tech classrooms.

Other building tenants include Amtrak staff of Floor 2 and Amtrak ticket offices and a dispatch room on Floor 1 adjacent to the Rotunda.

The Basement measures approximately 990 square feet and is internally located with no exterior walls, and thus, no windows. It is accessed by Texas Tech staff only and is used for storage. Floor 1 spaces surrounding the Rotunda and swipe card access spaces total 7,910 square feet. The Classroom adjacent to the Rotunda is accessed by faculty and staff only and made available for teaching courses only. Only Texas Tech staff have access to the two during office hours. The fourth room off the Rotunda is a storage room accessed by Texas Tech staff only.

The second zone (not off the Rotunda) in Floor 1 is accessed by Texas Tech staff only and is secured by swipe card. All Floor 1 spaces have exterior walls and are accessed by exterior doors that are secured and only accessible by Texas Tech staff. Floor 2 measures approximately 3,300 square feet. In addition to Texas Tech classrooms, this floor also houses three Amtrak staff members who have access by swipe card only.

Tips on Campus Building Security:
- 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.

Texas Tech guards and police have full access to all Texas Tech spaces. On-site city contracted security guards are present 24/7 and monitor all interior and exterior public spaces, however, they do not have access to Texas Tech spaces.

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 the Regional Site Director’s Office: 700 W. San Francisco Ave. El Paso, Texas 79901, (915) 594-2030.

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

Campus Resource Overview

The Texas Tech community is educated about incidents of crime and the importance of reporting those crimes, especially when those crimes are 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 Police Department supports a proactive crime prevention effort. Both sworn and civilian employees of the Department, 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 covered by the programs 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:

<table>
<thead>
<tr>
<th>Counseling and Mental Health Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Student Counseling Center- (806)742-3674</td>
</tr>
<tr>
<td>• Student Health Services- (806)742-2860</td>
</tr>
<tr>
<td>• Employee Assistance Program- (806)742-0328</td>
</tr>
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<tr>
<th>Behavioral Intervention Team (BIT):</th>
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<tbody>
<tr>
<td>• 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.</td>
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<thead>
<tr>
<th>Alcohol EDU</th>
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<tbody>
<tr>
<td>• Texas Tech University has contracted with EverFi to provide alcohol education for students. AlcoholEdu is a mandatory online alcohol prevention program for 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:</td>
</tr>
<tr>
<td>• <a href="http://www.depts.ttu.edu/rise/alcoholedu/">http://www.depts.ttu.edu/rise/alcoholedu/</a></td>
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<table>
<thead>
<tr>
<th>Raider Assistance Program (RAP):</th>
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<tbody>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• For more information about RAP call (806)743-2844. Faculty and staff requiring assistance may contact the Employee Assistance Program at (806)742-1327.</td>
</tr>
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<table>
<thead>
<tr>
<th>Code of Student Conduct &amp; Disciplinary Referrals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Violations of the Code of Student conduct maybe reported to the Office of Student Conduct</td>
</tr>
<tr>
<td>• Phone: (806)742-1714</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk Intervention &amp; Safety Education (RISE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• RISE is a Texas Tech department that focuses on prevention and wellness efforts for the Texas Tech community. RISE offers prevention education and services for the areas of: alcohol &amp; other drugs, gender &amp; sexuality, peer education, safety, violence prevention and response, and wellness. For more information about RISE call (806)742-2110 or visit: <a href="http://www.rise.ttu.edu">http://www.rise.ttu.edu</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Active Shooter Awareness and Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Texas Tech Police Department offers classroom and online active shooter training. For more information call (806)742-3931</td>
</tr>
<tr>
<td>• visit: <a href="http://www.depts.ttu.edu/ttpd/active_shooter.php">www.depts.ttu.edu/ttpd/active_shooter.php</a></td>
</tr>
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<tr>
<th>Residence Hall Program</th>
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<tr>
<td>• University Student Housing, in conjunction with other departments on campus, offers hundreds of programs in the residence halls each year. Program topics include issues 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.</td>
</tr>
</tbody>
</table>
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 programs, strategies, and initiatives utilized:

- **Student Rights and 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.

- **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.

- **Risk Intervention & Safety Education**
  RISE is a Texas Tech department that focuses on prevention and wellness efforts for the Texas Tech community. RISE offers prevention education and services for the areas of: alcohol & other drugs, gender & sexuality, peer education, safety, violence prevention and response, and wellness. For more information about RISE call (806)742-2110 or visit: [http://www.rise.ttu.edu](http://www.rise.ttu.edu)

- **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.

- **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 is 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**
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 Building 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.)

### Certain 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; and,
- Attempts to commit any of the above.

#### 2. Drug Violations:
- Productions, 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; and,
- Illegally obtained prescription drugs.

#### 3. Liquor Law Violations:
- Manufacture, sale, transporting, furnishing, or possession of intoxicating liquor;
- Maintaining unlawful drinking places;
- Bootlegging;
- Operating a still;
- Furnishing liquor to a minor or intemperate person;
- Underage possession if liquor;
- Using a vehicle for illegal transportation of liquor;
- Drinking on a trail or public conveyance; and,
- 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)
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: go by room 201 of the Student Union Building or call (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 Texas Tech 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 automatically 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 United States 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:** Michael Henry, JD
  Director, Student Rights and Resolution Center and Lead Title IX Investigator
  232E Student Union, Box 42031, Lubbock TX 79409
  (806)742-SAFE (7233)
  michael.henry@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 Women’s Administrator
  Athletics Offices Room 109, Box 43021 Lubbock, TX 79409
  (806)834-0976
  Judi.henry@ttu.edu

- **Title IX Coordinator:**
  Ronald Phillips, JD 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 hates 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)
Reporting Crimes

All students, faculty, staff, and visitors are encouraged to **promptly** report all crimes and public safety related incidents to the El Paso 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 that has just occurred or is in progress:**

- Dial 9-1-1 from a campus landline phone cell phone, or an off-campus landline

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:**

- El Paso Police Department: 915-832-4400
- Regional Site Director’s Office: 915.594.2030
- 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 Responsible Employees, Campus Security Authorities, the Dean of Students, Texas Tech University Office of Student Conduct, student counselors, or anyone within the Texas Tech 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 TTUPD can lead to criminal charges and prosecution.

If a student or employee wishes to report to both the Texas Tech Police Department and the Office of Student Conduct, an investigator from the University will coordinate with TTUPD detectives so that the student only has to give a statement one time. This would be scheduled at the earliest convenience of the student and TTPD/TTU investigators.

**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.

**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 coordinator.

NOTE: 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.
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/

Emergency Operations Center, Texas Tech University
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 at 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.
NOTICE TO THE UNIVERSITY COMMUNITY: EMERGENCY NOTIFICATION & TIMELY WARNINGS

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

https://www.facebook.com/TexasTechYou?fref=nf

Twitter: @TexasTech
MISSING STUDENTS: THE 24 HOUR RULE

The Higher Education Opportunity Act of 2008 set forth requirements for educational institutions in regards to reporting, investigating, and making emergency notifications for any currently enrolled student living on campus who is believed to be missing.

Although students are under no obligation to notify the university of plans to spend time away from their residence, a student who resides in on-campus housing at Texas Tech University, or lives in temporary accommodations while attending official university events, will be presumed to be missing when his or her reported absence is found to be inconsistent with established patterns of behavior and the deviation cannot be readily explained.

Additionally, any reported absence of 24 hours, or an absence of less than 24 hours wherein there exists possible evidence of foul play, will result in the same presumption. Campus officials, including law enforcement, the student’s parent, guardian and/or designated confidential emergency contact person, will be notified. The intent is to leverage a coordinated effort between campus officials, law enforcement, family, friends and the broader community to ensure student safety.

Confidential Emergency Contact

Upon moving into an on-campus housing facility, University Student Housing will provide each student an opportunity to register a confidential emergency contact who will be notified if he or she is reported missing. This confidential contact can be any person designated by the student, including friends, roommates, co-workers, siblings or a significant other.

A record containing information about the confidential contact person will be maintained by University Student Housing as a part of the student resident’s file. This information will only be shared with authorized campus officials or law enforcement personnel in furtherance of a missing person investigation, and is otherwise exempt from disclosure.

Students with prior knowledge of a planned absence are encouraged to register a confidential contact and keep them informed about their whereabouts. This will allow university officials and law enforcement to quickly determine their status should they be reported missing.

Whenever possible, Texas Tech University will make every effort to protect an adult student’s privacy by utilizing their registered confidential contact. However, university officials reserve the right to notify a student’s parents, or anyone else deemed necessary in order to ensure the student’s health and safety.

Any faculty, professional staff member or student employee who receives a report of a missing student shall immediately forward the information to the Residence Life Leadership Team duty phone at 806-789-6000 and the Texas Tech Police Department at 806-742-3931. These numbers are staffed 24/7/365. For information about how to register or update a confidential contact outside of the normal registration period, please contact a Residence Life Coordinator for your building or call University Student Housing at 806-742-2661 or 806-742-4996.
MISSING STUDENTS: MISSING STUDENT ACTION PLAN

The Managing Director of University Student Housing or designee, the Dean of Students, and the Director of Campus Life shall be notified immediately whenever any member of the campus community receives a report that a student is missing. The Managing Director of University Student Housing or designee will ensure the report and all other relevant information has been forwarded to the Texas Tech Police Department for coordination, investigation and follow-up.

If a determination is made that a student who is the subject of a missing person report has not been seen for 24 hours, Texas Tech University Student Housing and/or the Texas Tech Police Department will immediately:

- Notify law enforcement agencies within appropriate jurisdictions that the student has been reported missing and request assistance in locating the student.
- Notify the student’s designated confidential contact person that the student has been reported missing.
- Notify a custodial parent or guardian if the student is under 18 years of age and is not emancipated.

Although not inclusive of all possible resources, Texas Tech University officials may utilize any of the following to assist in locating the student. These resources may be used in any order or combination:

- Interviews of faculty, staff, students or known friends / acquaintances of the missing student
- Campus facility surveillance video
- Physical access to the missing student’s room by “lock out key”
- Physical inspection of any accessible campus property including academic buildings, recreation facilities, parks, or common areas within residence halls
- Student ID access logs, including building security access logs, dining plans, or other uses
- Campus vehicle registration and parking enforcement databases and subsequent inspection of any vehicle found on campus property that belongs to the missing student
- Campus e-mail & IT systems to determine last login or applicable activity information
- Student records, including judicial records
- News media releases & publications

University Officials reserve the right to initiate any other action that may be deemed appropriate and in the best interest of the missing student, and will work collaboratively with law enforcement officials until the student is located.

Helpful Tips When Traveling:

- Tell a roommate, friend, or residence advisor where you are going, for how long, and how you can be reached.
- Stay connected with the Texas Tech Parent's Association. The Road Raider Safe Travel Network provides assistance to students who may experience car trouble, need directions, or need a place to rest if they become drowsy. Road Raiders Safe Travel Network has been described as AAA for Texas Tech students and relief for their parents. For more information check out: http://www.texastechparents.org/?page=RoadRaiders
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 windows
• 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 El Paso Police Department: 915-832-4400 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. In addition to classroom instruction, the Texas Tech Police Department has developed an in house active shooter presentation video. This video may be viewed at any time by going to the following:
www.depts.ttu.edu/ttpd/active_shooter.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) 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, trauma-informed interview procedures from experts with Voices of Hope/Lubbock Rape Crisis Center, 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.
Results Disclosure and Possible Sanctions
After the case has been reviewed by 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).

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 nonconsensual 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).

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.
# Campus Victim Resources

<table>
<thead>
<tr>
<th>Campus Resource</th>
<th>Service</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Risk Intervention &amp; Safety Education (RISE)</td>
<td>Provides prevention and wellness education and programming over substance abuse, healthy relationships, LGBTQ resources, suicide prevention, conflict resolution services, and violence prevention &amp; response.</td>
<td>Phone: (806)742-2110 <a href="http://www.rise.ttu.edu">http://www.rise.ttu.edu</a></td>
</tr>
<tr>
<td>Texas Tech University Police Department</td>
<td>File a criminal report if an incident occurred on campus.</td>
<td>Phone: (806)742-2865 <a href="http://www.depts.ttu.edu/ttpd">http://www.depts.ttu.edu/ttpd</a></td>
</tr>
<tr>
<td>Student Wellness Center</td>
<td>Provides follow-up medical care for students.</td>
<td>Phone: (806)743-2848 <a href="https://www.ttuhsc.edu/studenthealth">https://www.ttuhsc.edu/studenthealth</a></td>
</tr>
<tr>
<td>Student Legal Services</td>
<td>Requests for room changes and support for students in the residence hall.</td>
<td>Phone: (806)742-3931 <a href="http://www.depts.ttu.edu/housing">http://www.depts.ttu.edu/housing</a></td>
</tr>
<tr>
<td>Support Operations for Academic Retention (SOAR)</td>
<td>Provides tutoring and other academic support.</td>
<td>Phone: (806)742-3664 <a href="http://www.depts.ttu.edu/soar/">http://www.depts.ttu.edu/soar/</a></td>
</tr>
<tr>
<td>Office of Student Conduct</td>
<td>Oversees the Code of Student Conduct. File a report here with the Office of Student Conduct.</td>
<td>Phone: (806)742-1714 <a href="http://www.depts.ttu.edu/studentconduct/">http://www.depts.ttu.edu/studentconduct/</a></td>
</tr>
<tr>
<td>Student Counseling Center</td>
<td>Provides short term counseling and consultation to students who are experiencing emotional and psychological difficulties.</td>
<td>Phone: (806)742-2984 <a href="http://www.depts.ttu.edu/scc/">http://www.depts.ttu.edu/scc/</a></td>
</tr>
<tr>
<td>Student Rights and Resolution Center</td>
<td>Facilitates situation-specific remedies and resources in order to mitigate the effects of past, ongoing, or potential Clery crimes.</td>
<td>Phone: (806)742-2661 <a href="http://www.depts.ttu.edu/titleix/students">http://www.depts.ttu.edu/titleix/students</a></td>
</tr>
<tr>
<td>University Student Housing</td>
<td>Requests for room changes and support for students in the residence halls.</td>
<td>Phone: (806)742-3931 <a href="http://www.depts.ttu.edu/housing/">http://www.depts.ttu.edu/housing/</a></td>
</tr>
</tbody>
</table>
# Off-Campus Victim Resources

<table>
<thead>
<tr>
<th>Off-Campus Resource</th>
<th>Service</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Paso Police Department</td>
<td>File a criminal report if incident occurred</td>
<td>Phone: (915)832-4400</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.co.kimble.tx.us/default.saspx?Kimble_County/Sheriff">www.co.kimble.tx.us/default.saspx?Kimble_County/Sheriff</a></td>
</tr>
<tr>
<td>El Paso Center Against Family Violence</td>
<td>Non-profit organization that offers victims of domestic violence a network of safe houses for the victims and their families.</td>
<td>Phone: (915)593-1000</td>
</tr>
<tr>
<td>University Medical Center of El Paso</td>
<td>Level 1 trauma facility providing emergency, inpatient, and outpatient care.</td>
<td>Emergency: 9-1-1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Emergency: (915)544-1200</td>
</tr>
<tr>
<td>STARS: Sexual Trauma and Assault Responsive Services</td>
<td>Provides hospital and aftercare support for sexual assault victims including aide through the reporting, medical, and evidence collection process.</td>
<td>Phone: (915)593-7300</td>
</tr>
</tbody>
</table>
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
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/
- 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. Person 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 on-campus student housing facilities at Texas Tech University. The Lubbock Apartment Association maintains a list of local apartments and housing complexes that registered offenders may contact to seek student housing.
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 D: Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX, Student Policies and Procedures:

- [http://www.depts.ttu.edu/sexualviolence/Gender-BasedHarassment_Sexual-Misconduct_Discrimination_and_TitleIX_Policies-Procedures.pdf](http://www.depts.ttu.edu/sexualviolence/Gender-BasedHarassment_Sexual-Misconduct_Discrimination_and_TitleIX_Policies-Procedures.pdf)

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

- [http://www.depts.ttu.edu/opmanual/OP40.03.pdf](http://www.depts.ttu.edu/opmanual/OP40.03.pdf)

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](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](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 Statutes 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
2015 Texas Tech University Campus Crime Statistics

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.
## 2015 ANNUAL SECURITY REPORT-EL PASO

### TEXAS TECH UNIVERSITY
EL PASO CAMPUS

<table>
<thead>
<tr>
<th>Year</th>
<th>On-Campus Property</th>
<th>Other Property</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residence Halls</td>
<td>Campus Other</td>
<td>Public Property</td>
</tr>
<tr>
<td>2013</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2014</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2015</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### CLERY CRIMES

#### Murders / Non-Negligent Manslaughters
0
- N/A 0 0 0 0

#### Negligent Manslaughters
0
- N/A 0 0 0 0

#### Sex Offenses (Rape)
0
- N/A 0 0 0 0

#### Sex Offenses (Forcible Forcible)
0
- N/A 0 0 0 0

#### Sex Offenses (Incest)
0
- N/A 0 0 0 0

#### Robbery
0
- N/A 0 0 0 0

#### Aggravated Assault
0
- N/A 0 0 0 0

#### Burglary
0
- N/A 0 0 0 3

#### Motor Vehicle Theft
0
- N/A 0 0 1 0

#### Arson
0
- N/A 0 0 0 0

### ARRESTS

#### Weapons
0
- N/A 0 0 0 0

#### Drugs
2
- N/A 0 2 0 0

#### Alcohol
0
- N/A 0 0 0 0

### REFERRALS

#### Weapons
0
- N/A 0 0 0 0

#### Drugs
0
- N/A 0 0 0 0

#### Alcohol
0
- N/A 0 0 0 0

### VAWA OFFENSES

#### Domestic Violence
0
- N/A 0 0 0 0

#### Dating Violence
0
- N/A 0 0 0 0

#### Stalking
0
- N/A 0 0 0 0

### HATE CRIMES

#### Murders / Non-Negligent Manslaughters
0
- N/A 0 0 0 0

#### Negligent Manslaughters
0
- N/A 0 0 0 0

#### Sex offenses (Rape)
0
- N/A 0 0 0 0

#### Sex offenses (Forcible Forcible)
0
- N/A 0 0 0 0

#### Sex offenses (Incest)
0
- N/A 0 0 0 0

#### Robbery
0
- N/A 0 0 0 0

#### Aggravated Assault
0
- N/A 0 0 0 0

#### Burglary
0
- N/A 0 0 0 0

#### Motor Vehicle Theft
0
- N/A 0 0 0 0

#### Arson
0
- N/A 0 0 0 0

#### Larceny - Theft
0
- N/A 0 0 0 0

#### Simple Assault
0
- N/A 0 0 0 0

#### Intimidation
0
- N/A 0 0 0 0

#### Vandalism
0
- N/A 0 0 0 0
APPENDICES

Appendix A: Operating Police 10.04: Drug Free Schools and Communities Act
Appendix B: Operating Police 40.02: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Employees
Appendix C: Operating Policy 40.03: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students
Appendix D: Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX Student Policies and Procedures
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
Appendix G: Clery Crimes: Texas Penal Code
Appendix A: Operating Police 10.04: Drug Free Schools and Communities Act
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 Police 40.02: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Employees
OP 40.02: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws

DATE: May 26, 2016

PURPOSE: The university is an Equal Employment Opportunity (EEO) employer and ensures compliance with federal and state employment laws and regulations. In the event an individual believes his/her rights under these or other laws have been violated, 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 August of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the dean of students, and the assistant vice president for human resources with recommended revisions forwarded to the associate vice president for administration and chief of staff to the president.

POLICY/PROCEDURE

The university is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. The university is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all university students and employees, visitors, applicants for admission to or employment with the university, as well as university affiliates and others conducting business on campus.

The university does not tolerate discrimination or harassment 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 explicitly protected categories under state or federal law, it is the university’s policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed. The university expects all members of the University Community to comply with the law.
Members of the University Community who violate university policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

While sexual harassment, Sexual Misconduct, and sexual assault may constitute prohibited acts of discrimination, such complaints will be addressed through OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

1. Definitions

For purposes of this policy, the definitions below apply.

a. Employee – Any person who receives a W-2 or 1042-S from the university, including full- and part-time faculty, staff, and students.

b. Harassment – Harassment based on a person’s protected class under this policy is a form of discrimination. Unlawful harassment is verbal or physical conduct that shows hostility toward an individual 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 or educational environment;
(2) Has the purpose or effect of unreasonably interfering with an employee’s or student’s educational performance;
(3) Adversely affects an employee’s employment opportunities or student’s educational 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, cartoons, screen savers, emails, internet, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
- Derogatory remarks about a person’s sex, 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.

c. Reporting Party – A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.
d. Responding Party – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.

e. Sexual Misconduct – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, and any other form of sexual misconduct, sexual violence, or other misconduct based on sex. See OP 40.03 for matters concerning Sexual Misconduct.

f. University Community – All faculty, staff, and students of and visitors to any university premises or university-affiliated activity.

2. Equal Employment Opportunity Office and Office of the Dean of Students

On behalf of the university, the Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) is designated to formally investigate reports or notices of discrimination and/or harassment by or against employees. Accordingly, employees, students, or third parties with a complaint against an employee should contact the Office of EEO.

<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing Director</td>
<td></td>
<td>TTU Administration Building, Room 210</td>
<td><a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a></td>
</tr>
<tr>
<td>Office of Equal Employment</td>
<td>806.742.3627</td>
<td>Office of Equal Employment Opportunity</td>
<td></td>
</tr>
<tr>
<td>Opportunity</td>
<td></td>
<td>Texas Tech University System Box 1073</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, TX 79409</td>
<td></td>
</tr>
</tbody>
</table>

Employees, students, or third parties with a complaint of discrimination and/or harassment against a student should contact the Office of the Dean of Students.

<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Dean of Students</td>
<td>806.742.2984</td>
<td>201 Student Union Texas Tech University Box 45014</td>
<td><a href="mailto:deanofstudents@ttu.edu">deanofstudents@ttu.edu</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, TX 79409</td>
<td></td>
</tr>
</tbody>
</table>
In instances of complaints of gender discrimination only, persons may also contact the Title IX Coordinator.

<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTU Title IX Coordinator</td>
<td>806.742.2121</td>
<td>TTU Administration Building Room 170</td>
<td><a href="mailto:Ronald.phillips@ttu.edu">Ronald.phillips@ttu.edu</a></td>
</tr>
<tr>
<td>Ronald Phillips University Counsel, Texas Tech Office of the President</td>
<td></td>
<td>Office of the President Texas Tech University System Box 42005 Lubbock, TX 79409</td>
<td>—</td>
</tr>
</tbody>
</table>

3. **General Provisions Relating to Employees**

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

   b. This complaint 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 complaint investigations and procedures will be non-adversarial in nature and will be conducted in a fair and impartial manner. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

   No university funds may be used to pay expenses for salary, travel, or per diem of a public employee engaged in the complaint process, nor may other university resources be used, except that an employee is allowed to take vacation leave or leave without pay subject to established university operating policies and procedures to engage in this activity.

   d. Relevant administrators will be notified of formal investigations. The Office of the Provost will be notified of any complaints involving faculty.

   e. Except as otherwise provided by university policy or written contract, employment at the university 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 the university or the employee unless otherwise prohibited by law, university policy, or written contract. Nothing in this university 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.

   f. The filing of a complaint shall not affect the ability of the university to pursue disciplinary action or separation action for reasons other than the employee’s filing of a complaint.

   g. A termination of employment cannot be the subject of a complaint 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.

h. Nothing in this policy shall prevent an employee from presenting a charge of discrimination or other complaint 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, with the exception of a complaint of Sexual Misconduct, while the 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.

i. For complaints that do not involve discrimination, harassment, or protected status, see OP 70.10, Non-Faculty Employee Complaint Procedures, http://www.depts.ttu.edu/opmanual/OP70.10.pdf, or OP 32.05, Faculty Grievance Procedures, http://www.depts.ttu.edu/opmanual/OP32.05.pdf.

4. Employee Complaint Procedures, Including Student Employees

a. Prior to filing a formal complaint, the employee should attempt to resolve the situation by addressing the Responding Party in an informal manner and in an atmosphere of mutual respect. However, in cases of Sexual Assault and Interpersonal Violence, as defined in OP 40.03, the foregoing provision does not apply (see OP 40.03). If the employee is not comfortable addressing that individual, the prospective Reporting Party may address 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 complaint. Informal resolution will not be used in complaints of Sexual Assault and Interpersonal Violence.

An employee may also consult with the Office of EEO to determine if he/she wishes to file a formal complaint. While an investigation is not normally initiated without a written complaint submitted by the employee, the Office of EEO or the university 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 the Responding Party of the university’s non-discrimination policies, and educating departments and supervisors as needed on this and other policies.

b. An employee having a complaint should submit a completed Complaint of Discrimination form, which is available on the university’s Human Resources website at the following link: http://www.depts.ttu.edu/hr/formsPolProc/forms.php. Except as otherwise provided by university policy or law, this complaint should be submitted to the Office of EEO within 30 days from the date of the complained of action.

A written complaint shall contain:

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

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

d. Once a signed complaint form is received by the Office of EEO, an investigation may be conducted by that office and the appropriate administrators.

e. The investigation may consist of review of the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to present his/her side and identify witnesses and other relevant evidence. 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. Investigations will be completed as expeditiously as possible.

g. After the investigation is complete, the Office of EEO will provide a written determination to the Reporting Party, the Responding Party, and to the appropriate department administrator.

h. The findings of the Office of EEO are final.

i. 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 counseling up to and including termination. Termination procedures for tenured faculty will be conducted pursuant to OP 32.02.

j. Any employee subjected to disciplinary action may appeal any such action, but not the findings of the Office of EEO, within the time periods and through the procedures established or 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.

k. Any disciplinary action taken in connection with a complaint 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.

l. At the conclusion of the investigation, the Reporting 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 complaint has taken place the employee should contact the Office of EEO and/or file a complaint for retaliation.

m. In the event of a finding of a violation of this policy, the Office of EEO will follow up with the Reporting Party 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 complaint of discrimination or harassment by another student, see Part I, Section C: Conduct Procedures for Students in the TTU *Student Handbook*. [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook).

   b. If a student has a complaint regarding discrimination or harassment involving a student organization, see Part I, Section D: Conduct Procedures for Student Organizations in the TTU *Student Handbook*. [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook).

   c. If a student has a non-employment based complaint of discrimination or harassment by an employee, the student should follow the processes outlined in Part II, Section C: Anti- Discrimination Policy in the TTU *Student Handbook*. [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook).

   d. Student employees having a complaint of discrimination or harassment in employment should follow the procedure set forth in the previous section of this policy.

   e. If an employee has a complaint of discrimination or harassment against a student, the employee should contact the Office of Student Conduct and/or file an incident report form, found at [www.depts.ttu.edu/studentconduct](http://www.depts.ttu.edu/studentconduct).

   f. This policy does not apply to grade appeals, regardless of the basis of the appeal. All grade appeals will be handled pursuant to the university’s grade appeal policy. See OP 34.03, Student Grade Appeal.

6. **Complaints Involving Non-University Individuals**

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

   b. If a student or university employee has a complaint of discrimination or harassment by a non- university party that affects the student’s educational environment or the employee’s work environment, the individual may make a report to the Office of the Dean of Students or the Office of EEO. The university may 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, the university may take steps to provide appropriate remedies for the employee and, where appropriate, the broader University Community.

7. **Retaliation**

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual’s employment or education. The university will take appropriate steps to assure that a person who in good faith reports, complains about, or
participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the university using the same procedure outlined in this policy.

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

8. Interim Measures

The Reporting Parties may request and the university may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate university officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to:

- Separating the Reporting Party’s and Responding Party’s academic or working situations;
- Forbidding contact between parties involved in a complaint;
- Suspending the right of the Responding Party to be present on campus or otherwise altering the university status of the Responding Party.

Other interim measures may be implemented depending upon the Responding Party’s relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal university or criminal action.

9. Reporting Requirements

All employees who witness 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 Texas Tech Police Department, or other appropriate law enforcement authority. A supervisor who receives a report of discrimination shall notify the Office of EEO of such report.

For reporting requirements relating to claims of Sexual Misconduct, see OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

10. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the university to the extent possible without compromising the university's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the University Community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.
11. **Interference with an Investigation**

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

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

12. **Training**

All employees must attend EEO non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental EEO non-discrimination training every two years.

Employees are informed of the EEO policy through new employee orientation, EEO training sessions, this non-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 policy can also be obtained from Human Resources, at the Texas Tech University System EEO Office, at [http://www.tuctext.edu/offices/equal-employment/](http://www.tuctext.edu/offices/equal-employment/).

Students are informed of policies regarding non-discrimination at new student orientation and via the *Student Handbook* and other outreach, awareness, and educational programs offered by the university.

13. **Authoritative References**

- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Equal Pay Act
- Texas Labor Code Chapter 21
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act
- Rehabilitation Act of 1973
- Civil Rights Act of 1991
- Vietnam Era Veterans Readjustment Assistance Act of 1974
- Title II of the Genetic Information Nondiscrimination Act of 2008

14. **Right to Change Policy**

The university 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.
Appendix C: Operating Policy 40.03: Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Students
OP 40.03: Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

DATE: May 26, 2016

PURPOSE: This policy provides information regarding the university’s prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence, and stalking. The policy provides students and employees with their rights and options and also explains how the university will proceed once it is made aware of allegations of prohibited conduct in keeping with the university’s values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), Texas Education Code, Section 51.9363, and other applicable law.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in August of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the Title IX coordinator, the dean of students and, if different than the Title IX coordinator, the assistant vice president for human resources with recommended revisions forwarded to the associate vice president for administration and chief of staff to the president. Any substantive changes to this policy must be approved by the Board of Regents.

POLICY/PROCEDURE

The university is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the university prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university’s policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.
This policy applies to all university students and employees, visitors, applicants for admission to or employment with the university, as well as university affiliates and others conducting business on campus. This policy will apply to on-campus and off-campus conduct of which the university is made aware and which adversely impacts the educational and employment environments of the university. The university will take all reasonable steps to prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Reporting Party and others, if appropriate.

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

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

For complaints relating to any form of discrimination not covered by this policy, see OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

1. **Definitions**

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at [http://www.depts.ttu.edu/titleix/](http://www.depts.ttu.edu/titleix/).

a. Consent – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

   Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to engage in sexual activity.


b. Employee – Any person who receives a W-2 or 1042-S from the university, including full- and part-time faculty, staff, and students.

c. Incapacitation – A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability

d. Interpersonal Violence – An offense that meets the definition of domestic violence or dating violence:

   - Domestic Violence – Abuse or violence committed by a current or former spouse or
intimate partner of the Reporting Party, by a person with whom the Reporting Party
shares a child in common, by a person with whom the Reporting Party is cohabiting
(or has cohabited) with a spouse or intimate partner, by a person similarly situated to
a spouse of the Reporting Party under the domestic or family violence laws of the
state of Texas, or by any other person against an adult or youth victim who is
protected from that person’s acts under the domestic or family violence laws of the
state of Texas.

Domestic violence is also defined in Texas Family Code, Chapter 71, Section
71.004 (http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.004).

• Dating Violence – Abuse or violence committed by a person who is or has been in a
social relationship of a romantic or intimate nature with the Reporting Party. The
existence of such a relationship will be determined based on the Reporting Party’s
statement and with consideration of the type and length of the relationship and the
frequency of interaction between the persons involved in the relationship. Two
people may be in a romantic or intimate relationship regardless of whether the
relationship is sexual in nature; however, neither a casual acquaintance nor ordinary
fraternization between two individuals in a business or social context shall
constitute a romantic or intimate relationship. This definition does not include acts
covered under domestic violence.

Dating violence is also defined in Texas Family Code, Chapter 71, Section 71.0021
(http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021).

e. Public Indecency – Engaging in private or sexual acts in a publicly viewable location,
such that it is offensive to accepted standards of decency including, but not limited to:

• Exposing one’s genitals or private areas;
• Public urination;
• Defecation; and/or
• Public sex acts.

f. Reporting Party – A person or entity (in the case of the university) who submits a
complaint alleging a violation of this policy.

g. Responding Party – Generally, the Responding Party is the person who is alleged to
be responsible for the prohibited conduct alleged in a complaint.

h. Responsible Employee – A university employee who has the authority to take action to
redress an alleged violation of this policy; who has been given the duty of reporting such
allegations to the university Title IX coordinator or Title IX deputy coordinators; or whom
an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

• Administrators;
• Academic advisors;
• Coaches and other athletic staff who interact directly with students;
• Faculty members, including professors, adjuncts, lecturers, instructors, and
teaching assistants;
- Student services personnel;
- Graduate research assistants;
- Residence life or community advisors;
- Student organization advisors;
- All supervisory personnel;
- Human Resources personnel; and
- The Texas Tech Police Department.

i. Sex Discrimination – An act that deprives a member of the university community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the person’s sex.

j. Sexual Misconduct – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.

k. Sexual Assault – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse.

(1) Nonconsensual Sexual Contact – Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:

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

(2) Nonconsensual Sexual Intercourse – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.
Sexual assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011).

1. Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge or consent;
- Sexual voyeurism;
- Inducing another to expose one’s genitals or private areas;
- Prostituting another; or
- Knowingly exposing someone to or transmitting a sexually transmitted disease.

m. Sexual Harassment – 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 employment or education;
(2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
(3) Such conduct has the purpose or effect of interfering with the individual’s work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe 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 manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Nonconsensual video or audio-taping of sexual activity;
- Exposing one’s genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Nonconsensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking,
or violence.

n. Stalking – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and similarly situated to the Reporting Party. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (http://www.statutes.legis.state.tx.us/SOTWDocs/PE/html/PE.42.htm#42.072).

o. University Community – All faculty, staff, and students of and visitors to any university premises or university-affiliated activity.

For acts of gender/sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this policy, please see OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

2. Title IX Coordinator and Equal Employment Opportunity Office

The university has a Title IX coordinator who oversees the university’s compliance with Title IX, which prohibits discrimination based on sex. The university has also designated Title IX deputy coordinators for students and employees.

The Office of the Dean of Students will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of sexual misconduct by or between employees.

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<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
<th>EMAIL</th>
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<tbody>
<tr>
<td>TTU Title IX Coordinator</td>
<td>806.742.2121</td>
<td>TTU Administration Building, Room 170</td>
<td><a href="mailto:ronald.phillips@ttu.edu">ronald.phillips@ttu.edu</a></td>
</tr>
<tr>
<td>Ronald Phillips</td>
<td></td>
<td>Office of the President Texas Tech University System Box 42005 Lubbock, TX 79409</td>
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<tr>
<td>University Counsel,</td>
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<td>Texas Tech Office of the President</td>
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<tr>
<td>Dean of Students</td>
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<p>| TTU Title IX Deputy Coordinator for Students | 806.742.7233 | Suite 201 AA, Student Union Building | <a href="mailto:deansoftstudents@ttu.edu">deansoftstudents@ttu.edu</a> |</p>
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<tbody>
<tr>
<td>TTU Title IX Deputy Coordinator for Employees</td>
<td>806.742.3851</td>
<td>160 Doak Conference Center Office of Human Resources Texas Tech University 2518 15th Street Lubbock, TX 79409</td>
<td><a href="mailto:jodie.billingsley@ttu.edu">jodie.billingsley@ttu.edu</a></td>
</tr>
<tr>
<td>Jodie Billingsley Assistant Vice President for Human Resources</td>
<td>806.834.0976</td>
<td>Athletic Office, Room 109 Texas Tech University 2526 6th Street Lubbock, TX 79409</td>
<td><a href="mailto:judi.henry@ttu.edu">judi.henry@ttu.edu</a></td>
</tr>
<tr>
<td>TTU Title IX Deputy Coordinator for Athletics</td>
<td>806.742.3627</td>
<td>Office of Equal Employment Opportunity TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409</td>
<td><a href="mailto:eco@ttu.edu">eco@ttu.edu</a></td>
</tr>
<tr>
<td>Charlotte Bingham Managing Director of the Office of Equal Employment Opportunity</td>
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3. **Reporting Sexual Misconduct**

a. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the university Title IX coordinator, Title IX deputy coordinators, or Office of EEO.

b. Mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence, as defined in this policy.

c. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting parties may choose to notify law enforcement and will be provided the assistance of a Title IX coordinator, Title IX deputy coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of law enforcement agencies, please see section 13 of this policy. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.

d. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that
provides SAFE services. For more information about the SAFE, see http://hopelaws.org/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors.

c. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.

d. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the university Title IX coordinator, Title IX deputy coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.

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

4. Complaints by or against Students

a. If a student has a complaint of Sexual Misconduct by another student, see Part I, Section C: Conduct Procedures for Students in the TTU Student Handbook. www.ttu.edu/studenthandbook.

b. If a student has a complaint regarding Sexual Misconduct involving a student organization, see Part I, Section D: Conduct Procedures for Student Organizations in the TTU Student Handbook. www.ttu.edu/studenthandbook.

c. If a student has a non-employment based complaint of Sexual Misconduct by an employee, see Part II, Section C: Anti-Discrimination Policy in the TTU Student Handbook. www.ttu.edu/studenthandbook. Alternatively, the student may contact the Office of the Dean of Students or the Office of EEO. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Office of the Dean of Students and the Office of EEO.

d. If a student employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the university, against an employee, the student should follow the procedure set forth for employees in this policy.

e. If an employee has a complaint of Sexual 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 Title IX website: http://titleix.ttu.edu/students/.
5. **Employee Complaint Procedures, Including Student Employees**

a. If an employee has a complaint of Sexual Misconduct against another employee, the general provisions relating to employees and the employee complaint procedures set forth in OP 40.02 shall apply. An employee having a complaint under this policy (OP 40.03) should submit a completed *Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct* form, which is available on the university’s 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).

b. In addition, in complaints of Sexual Misconduct, the following provisions shall control.

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

2. Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication, with the university Title IX coordinator, a Title IX deputy coordinator or the Office of EEO. However, electing to remain anonymous may greatly limit the university’s ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

3. Mediation will not be used to resolve complaints of Sexual Misconduct.

4. Both parties have the right to be accompanied by an advisor of the individual’s choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.

5. After the investigation is complete, the Office of EEO will simultaneously provide notice in writing to the Reporting Party, to the Responding Party, and to the appropriate administrators of the following:

   - Determination of the outcome;
   - The finding of the Office of EEO is final and not appealable by either party;
   - 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; and
   - If either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, he or she may appeal within five business days to the Title IX coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to OP 32.02.
6. Complaints Involving Non-University Individuals

a. If a non-university individual has a complaint of Sexual Misconduct by a student or university employee acting in the scope of his or her employment, the individual involved may file a report with either the Office of the Dean of Students or the Office of EEO, and the university may investigate and take steps to address the situation.

b. If a university employee or student has a complaint of Sexual Misconduct by a non-university party that affects the employee’s work environment or student’s educational program or activity, the employee or student may make a report to the Title IX coordinator, Title IX deputy coordinators, Office of EEO, or Office of the Dean of Students. The university may 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, the university may take steps to provide appropriate remedies for the employee or student and, where appropriate, the broader University Community.

7. Retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual’s employment or education. The university will take appropriate steps to assure that a person who, in good faith, reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the university using the same procedure outlined in this policy.

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

8. Interim Measures

The Reporting Parties may request and the university may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate university officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to:

- Separating the Reporting Party’s and Responding Party’s academic or working situations;
- Forbidding contact between parties involved in a complaint;
- Suspending the right of the Responding Party to be present on campus or otherwise altering the university status of the Responding Party.
Other interim measures may be implemented depending upon the Responding Party’s relationship with the university. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal university or criminal action.

9. **Confidentiality**

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

The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

Students may make confidential reports to the university Student Counseling Center. Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

10. **Interference with an Investigation**

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

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

11. **Training and Education**

The university’s commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new employees and ongoing education to both employees and students. This policy is published on the university’s website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All employees must attend EEO non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report
incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, university employees and administrators responsible for implementing this policy, including the Title IX coordinator, Title IX deputy coordinators, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

12. **Websites and Other Resources**

The university maintains websites that provide comprehensive information about this policy, its procedures, Title IX, available resources, remedial support options, local support services, and illustrative examples of definitions contained herein.

- Title IX compliance and directory – [titleix.ttu.edu](http://titleix.ttu.edu)
- Title IX for students – [titleix.ttu.edu/students](http://titleix.ttu.edu/students)
- Title IX for faculty/staff – [http://www.depts.ttu.edu/hr/TitleIX](http://www.depts.ttu.edu/hr/TitleIX)
- Office of the Dean of Students - [http://www.depts.ttu.edu/dos/](http://www.depts.ttu.edu/dos/)
- Risk Intervention & Safety Education (RISE) - [http://www.depts.ttu.edu/rise/](http://www.depts.ttu.edu/rise/)
- TTU Student Counseling Center – [http://www.depts.ttu.edu/scce/](http://www.depts.ttu.edu/scce/)
- TTU Operating Policies & Procedures - [http://www.depts.ttu.edu/opmanual/](http://www.depts.ttu.edu/opmanual/)
- TTU Employee Assistance Program - [http://www.depts.ttu.edu/hr/benefits/health.php](http://www.depts.ttu.edu/hr/benefits/health.php)

The following additional resources are available:

<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>806.742.2121</td>
<td>170 Administration Building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Box 2005</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, Texas 79409</td>
</tr>
<tr>
<td>Office of the Dean of Students</td>
<td>806.742.2984</td>
<td>Suite 201 AA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Student Union Building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, TX 79409</td>
</tr>
<tr>
<td>EEO Office</td>
<td>806.742.3627</td>
<td>210 Administration Building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Box 41073</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, Texas 79409</td>
</tr>
<tr>
<td>Human Resources</td>
<td>806.742.3851</td>
<td>160 Doak Conference Center</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2518 15th Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, TX 79409</td>
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OP 40.03
<table>
<thead>
<tr>
<th><strong>Student Counseling Center</strong></th>
<th><strong>806.742.3674</strong></th>
<th>Room 201 Student Wellness Center Lubbock, Texas 79409</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee Assistance Program</strong></td>
<td><strong>806.743.1327</strong></td>
<td>3601 4th Street Lubbock, Texas 79430</td>
</tr>
<tr>
<td><strong>TTU RISE Office</strong></td>
<td><strong>806.742.3931</strong></td>
<td>Suite 204 Student Wellness Center Lubbock, Texas 79409</td>
</tr>
<tr>
<td><strong>Psychology Clinic</strong></td>
<td><strong>806.742.3799</strong></td>
<td>TTU Psychology Building, Room 111A Lubbock, Texas 79409</td>
</tr>
<tr>
<td><strong>Marriage and Family Therapy Clinic</strong></td>
<td><strong>806.742.3060</strong></td>
<td>TTU Human Sciences Building, Room 165 Lubbock, Texas 79409</td>
</tr>
<tr>
<td><strong>Lubbock Voice of Hope</strong></td>
<td><strong>806.763.7273</strong></td>
<td>P.O. Box 2000 Lubbock, Texas 79457</td>
</tr>
<tr>
<td><strong>Legal Aid of NorthWest Texas</strong></td>
<td><strong>800.733.4557</strong></td>
<td>1711 Avenue J Lubbock, Texas 79401</td>
</tr>
<tr>
<td><strong>Legal Aid Society of Lubbock</strong></td>
<td><strong>806.762.2325</strong></td>
<td>906 Main St. # 103 Lubbock, Texas 79401</td>
</tr>
<tr>
<td><strong>University Medical Center</strong></td>
<td><strong>806.775.8200</strong></td>
<td>602 Indiana Ave Lubbock, Texas 79415</td>
</tr>
<tr>
<td><strong>Covenant Medical Center</strong></td>
<td><strong>806.725.0000</strong></td>
<td>3615 19th Street Lubbock, Texas 79410</td>
</tr>
</tbody>
</table>

13. **Outside Agencies**

Nothing in this policy shall limit a person from seeking assistance or filing a complaint with an outside agency.

**Administrative Agencies**

<table>
<thead>
<tr>
<th><strong>CONTACT</strong></th>
<th><strong>PHONE</strong></th>
<th><strong>ADDRESS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Equal Employment Opportunity Commission</td>
<td>1.800.669.4000</td>
<td>300 E. Main Dr. Suite 500 El Paso, Texas 79901</td>
</tr>
<tr>
<td><strong>Texas Workforce Commission</strong></td>
<td><strong>512.463.2222</strong></td>
<td>101 E. 15th Street Austin, Texas 78778</td>
</tr>
<tr>
<td><strong>U.S. Department of Education, Office of Civil Rights</strong></td>
<td><strong>214.611.9600</strong></td>
<td>1999 Bryan Street, Suite 1620 Dallas, Texas 75201</td>
</tr>
</tbody>
</table>
Law Enforcement Agencies

<table>
<thead>
<tr>
<th>CONTACT</th>
<th>PHONE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTU Police Department</td>
<td>806.742.3931</td>
<td>413 Flint Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, Texas 79409</td>
</tr>
<tr>
<td>Lubbock Police Department</td>
<td>806.775.2865</td>
<td>916 Texas Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, Texas 79401</td>
</tr>
<tr>
<td>Lubbock County Sheriff’s</td>
<td>806.775.1400</td>
<td>811 Main Street</td>
</tr>
<tr>
<td>Department</td>
<td></td>
<td>P.O. Box 10536</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lubbock, Texas 79407</td>
</tr>
<tr>
<td>Texas Department of Public</td>
<td>512.424.2000</td>
<td>5805 North Lamar Blvd.</td>
</tr>
<tr>
<td>Safety</td>
<td></td>
<td>Austin, Texas 78752</td>
</tr>
</tbody>
</table>

14. Authoritative References

- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Texas Labor Code Chapter 21
- Violence Against Women Act (VAWA)
- Campus Sexual Violence Elimination Act of 2013 (Campus SaVE)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Texas Education Code, Section 51.9363

15. Right to Change Policy

The university 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.
Appendix D: Texas Tech Student Handbook: Gender-Based Harassment, Sexual Misconduct, Discrimination, and Title IX Student Policies and Procedures
SECTION H. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION, AND TITLE IX

Student Policies & Procedures
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 their 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.

Student policies and procedures regarding incidents of discriminatory or gender-based harassment, including sexual harassment, sexual assault, sexual exploitation, relationship or domestic violence, or stalking are available at http://sexualviolence.ttu.edu.
Appendix E: Faculty, Staff & Student Employees: Title IX and Gender-Based Harassment, Discrimination, and Sexual Misconduct Resources and Reporting Informational Manual
Faculty, Staff & Student Employees

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

titleix.hr.ttu.edu
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 faculty, staff, students, 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 in education programs and activities or employment decisions. 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. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, 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.

**TITLE IX OVERVIEW**

Title IX of the Educational Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance.”

**CLERY ACT, VAWA, CAMPUS SAVE ACT OVERVIEW**

The Clery Act promotes campus safety by ensuring students, employees, parents, and the broader community are well informed about important public safety and crime prevention matters. The Violence Against Women Reauthorization Act (VAWA) amended the Clery Act under its Campus Sexual Violence Elimination Act (SAVE Act) provision by expanding reporting requirements to include offenses involving domestic violence, dating violence, and stalking.

**TITLE IX AND GENDER-BASED HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT INCLUDES:**

**SEX/GENDER-BASED HARASSMENT**

Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that is sufficiently severe, persistent, or pervasive, even if those acts do not involve conduct of a sexual nature.

**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, genetic information, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from education.

**SEXUAL MISCONDUCT**

Sexual misconduct is any non-consensual behavior of a sexual nature that is committed by force, intimidation, or is otherwise unwelcome that is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from education programs and activities or employment at Texas Tech University. Sexual misconduct offenses include, but are not limited to sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation.

**SEXUAL HARASSMENT**

Sexual harassment is a form of discriminatory harassment and is defined as unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from education programs and activities or employment at Texas Tech University.

**SEXUAL VIOLENCE**

Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to age or use of drugs or alcohol or an intellectual or other disability that prevents the student from having the capacity to give consent). Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**RESOURCES**

**OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY**
Charlotte Bingham
Assistant Vice Chancellor for Administration, Managing Director for EEO
Texas Tech University Administration Building, Rm 210
806-742-3627
charlotte.bingham@ttu.edu

**TITLE IX COORDINATOR**
Ronald Phillips
University Counsel
Texas Tech University Administration Building, Rm 170
806-742-2121
ronald.phillips@ttu.edu

**DEPUTY COORDINATOR FOR ATHLETICS**
Dr. Judi Henry
Senior Associate Athletics Director, Senior Woman Administrator
Athletic Office, Rm 109
806-834-0976
judi.henry@ttu.edu

**DEPUTY COORDINATOR FOR EMPLOYEES**
Jodie Billingsley
Assistant Vice President for Human Resources
Texas Tech University Doak Conference Center, Rm 160
806-742-3851
jodie.billingsley@ttu.edu

**DEPUTY COORDINATOR FOR STUDENTS**
Michael Henry, JD
Director of Student Resolution Center
Texas Tech University
Student Union Building, Rm 232E
806-742-7233
michael.henry@ttu.edu

**TEXAS TECH POLICE DEPARTMENT**
On-campus crimes
Emergencies: Dial 9-1-1
Non-emergencies: 806-742-3931

**LUBBOCK POLICE DEPARTMENT**
Off-campus crimes
Emergencies: Dial 9-1-1
Non-emergencies: 775-2865

**COVENANT MEDICAL EMERGENCY ROOM**
3615 19th Street
Lubbock, Texas 79410

**UNIVERSITY MEDICAL CENTER EMERGENCY ROOM**
602 Indiana Avenue
Lubbock, Texas 79415

**TEXAS TECH UNIVERSITY EMPLOYEE ASSISTANCE PROGRAM (EAP)**
Dr. Alan Korinek, Director
Texas Tech University Health Sciences Center
3601 4th Street
Lubbock, Texas 79430
806-743-1327

**VOICE OF HOPE LUBBOCK RAPE CRISIS CENTER**
Hotline: 806-763-7273
Non-hotline: 806-763-2325

**WEBSITES**

Title IX resources for Faculty, Staff and Student Employees
www.titleix.hr.ttu.edu

Title IX Coordinator website
http://www.ttu.edu/administration/president/uniconcounsel/titleIX.php

Title IX resources for Students
www.depts.ttu.edu/sexualviolence/index.php
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. 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.

RETRIALATION
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 40.02 Anti-Discrimination, Sexual Harassment, and Title IX Policy and Grievance Procedure for Violations of Employment and Other Laws for Employees.

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
<table>
<thead>
<tr>
<th><strong>GROUP 1</strong></th>
<th><strong>GROUP 2</strong></th>
<th><strong>GROUP 3</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mandated Reporters:</strong> Full Reporting</td>
<td>“Jane Doe/John Doe” Anonymous Reporting</td>
<td>“Confidential” Reporting</td>
</tr>
<tr>
<td>Must report all known information regarding an incident to the Title IX Coordinator, Deputy Coordinator, or the Office of Equal Employment Opportunity without delay</td>
<td>Report all information known about an incident except any personally identifying information about those involved</td>
<td>Report only non-identifiable, aggregate information regarding incidents disclosed to them</td>
</tr>
<tr>
<td>All faculty, staff, and student employees except those in Groups 2 and 3</td>
<td>Specifically designated employees</td>
<td>Only professional counselors, medical providers, and clergy</td>
</tr>
<tr>
<td><strong>Title IX Coordinator</strong></td>
<td><strong>Risk Intervention &amp; Safety</strong> Education (RISE)</td>
<td><strong>Voice of Hope Lubbock Rape Crisis</strong> Center Hotline: (806) 763-7273 Phone: (806) 763-3232 <a href="http://www.voicesofhopolubbock.org">www.voicesofhope lubbock.org</a> Crisis intervention, support, and follow-up for survivors and family members</td>
</tr>
<tr>
<td>Ronald Phillips University Counselor Texas Tech University Administration Building, Room 170 (806) 742-2121 <a href="mailto:ronald.phillips@ttu.edu">ronald.phillips@ttu.edu</a></td>
<td><a href="mailto:RISE@ttu.edu">RISE@ttu.edu</a> (806) 742-2110 Prevention and wellness efforts for the Red Raider Community</td>
<td></td>
</tr>
<tr>
<td><strong>Deputy Coordinator for Students</strong> Dr. Amy Murphy Dean of Students &amp; Managing Director of Center for Campus Life Texas Tech University Student Union Building, Room 201 (806) 742-5433 <a href="mailto:amy.murphy@ttu.edu">amy.murphy@ttu.edu</a></td>
<td><strong>Texas Tech Employee Assistance Program</strong> 3601 4th Street, Lubbock, Texas 79430 (806) 743-1327 <a href="http://www.ttuhscc.edu/centers/swiaed/eap/">www.ttuhscc.edu/centers/swiaed/eap/</a> Provides short-term counseling and assistance to employees, couples, and families</td>
<td></td>
</tr>
<tr>
<td><strong>Deputy Coordinator for Employees</strong> Jodie Billingsley Assistant Vice President for Human Resources and Payroll Services Texas Tech University Doak Conference Center, Room 160 (806) 742-3851 <a href="mailto:jodie.billingsley@ttu.edu">jodie.billingsley@ttu.edu</a></td>
<td><strong>Student Counseling Center</strong> Student Wellness Center, Room 201 1003 Flint Ave (806) 742-3674 <a href="http://www.depts.ttu.edu/scc/">www.depts.ttu.edu/scc/</a> Provides short-term counseling and consultation to students who are experiencing emotional and psychological difficulties</td>
<td></td>
</tr>
<tr>
<td><strong>Deputy Coordinator for Athletics</strong> Dr. Judi Henry Senior Associate Athletics Director &amp; Senior Woman Administrator Athletic Office, Room 109 (806) 834-0976 <a href="mailto:judi.henry@ttu.edu">judi.henry@ttu.edu</a></td>
<td><strong>Student Wellness Center</strong> 1003 Flint Ave (806) 743-2122 <a href="http://www.ttuhscc.edu/studenthealth/">http://www.ttuhscc.edu/studenthealth/</a> Provides follow-up medical care for students</td>
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<td><strong>Office of Equal Employment Opportunity</strong> Charlotte Bingham Assistant Vice Chancellor for Admin &amp; Managing Director EEO Texas Tech University Administration Building, Room 210 (806) 742-3627 <a href="mailto:charlotte.bingham@ttu.edu">charlotte.bingham@ttu.edu</a></td>
<td><strong>Marriage and Family Therapy Clinic</strong> Texas Tech University Human Sciences building, Room 165 15th Street and Akron (806) 742-3060 <a href="http://www.depts.ttu.edu/hs/mft/clinical_services.php">www.depts.ttu.edu/hs/mft/clinical_services.php</a> Provides therapeutic services to individuals, couples, and families</td>
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<td><strong>Psychology Clinic</strong> Texas Tech University Psychology building, Room 111A 19th Street and Boston (806) 742-3799 <a href="mailto:psychology.clinic@ttu.edu">psychology.clinic@ttu.edu</a> Provides psychotherapy and assessment services to the university</td>
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Appendix G: Clery Crimes: Texas Penal Code
APPLICABLE TEXAS CRIMINAL STATUTES

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 481.114 – Manufacture or Delivery of a Controlled Substance PG 2
- 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)

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