



*2021 Texas Tech University Health Sciences Center El Paso
Annual Security Report (with Crime Statistics for 2020, 2019, and 2018)*

Section I- Introduction:	1
Requirement for the Annual Security Report	4
Overview of the Annual Security Report	5
Policy for Preparing the Annual Security Report	5
Publication of, and notifications regarding, the Annual Security Report	6
Section II- Crime or Emergency Reporting	7
Reporting Crimes and Emergencies	7
Anonymous / Confidential Reporting	7
Reporting to Texas Tech Police	8
Reporting to Campus Security Authorities	9
TTUHSC El Paso Campus Security Authorities	11
Reporting to Title IX	13
Reporting to Human Resources and Office of Equal Opportunity	13
Non- Campus Student Organizations	13
Non-Campus Student Housing	14
Confidential Reporting Options	14
Understanding Your Reporting Options	17
Campus Incident Reporting forms	19
Section III- Campus and Community Resources	21
TTUHSC El Paso Threat Assessment Team	22
TTUHSC El Paso Crisis Management Team	23
Texas Tech Police Department (TTPD)	23
Local Law Enforcement	25
TTUHSC El Paso Title IX Office	26
Texas Tech University HSC El Paso Office of Student & Services Engagement	27
Important Campus and Community Resources Contact List	30
Section IV: Campus Safety	31
Security, Access, and Maintenance to Campus Facilities	31
Emergency Response and Evacuation Procedures	33
Off-campus Emergencies	36
Security Awareness Programs for Students and Employees	37
Campus Security Policies	38
Travel Safe on Campus	39
Sex Offender Information	40
Section V: Campus and Community Notifications	42
Daily Crime Log	42
Timely Warnings Emergency Notifications	43
Emergency Notifications	45
Registering for STAT!Alert	46
Determining the Content of the Emergency Notification or Timely Warning	47
Section VI: Title IX and Response to Sexual Misconduct, Domestic Violence, Dating Violence and Stalking	50
Policy Statement	50
Title IX Definitions	52
Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	54
Texas Criminal Laws	56
Be an Active Bystander	58
Risk Reduction	59
Programs to Prevent Domestic Violence Dating Violence, Sexual Assault, and Stalking	60
Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs	62
Reporting Incidents to the University	63
Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported	65
Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a criminal, civil, or tribal court	69
Accommodations and Protective Measures Available for Victims	70
Confidentiality	71
Campus and Community Services for Victims	72

University Grievance Procedures	74
General Requirements of the Grievance Process.....	76
General Requirements of the Hearing Process	79
Employee Non-Title IX Sexual Misconduct Complaint, Investigation, and Response.....	81
Appeals Process	82
Notification to Victims of Crimes of Violence	84
Informal Resolution Process	84
Sanction and Remedies	84
Student Rights and Responsibilities.....	85
Protections against Retaliation.....	86
Remediative Steps Available	87
Section VII: Policies Governing Alcohol, Illegal Drugs, Substance Abuse, and Weapons	89
Drug and Alcohol Abuse Prevention Program (DAAPP):	89
Student and Employee Services for Alcohol and/or Drug Issues.....	92
Laws Pertaining to Alcohol	93
Consequences of Alcohol Related Violations.....	93
Laws Pertaining to Drugs	94
Consequences of Drug Related Violations	95
Health Risks Associated with Alcohol and Drugs	96
Alcohol and Other Drugs Education and Outreach.....	98
Firearms, Weapons, and Explosives Policy	100
Section VIII: Campus Crime Statistics	101
Clery Geography	101
Clery Reporting Crime Definitions.....	102
Violence Against Women Act Offenses	103
Arrest and Disciplinary Referrals Definitions	105
Hate Crimes	105
Crime Statistics Tables (2020, 2019, 2018).....	109

Section I- Introduction:

MESSAGE FROM THE OFFICE OF THE PRESIDENT AND DEAN

“Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso), a component institution under the Texas Tech University System, is the only health sciences center on the U.S.-Mexico border. Located at the western-most point of Texas and sharing borders with New Mexico and Mexico, TTUHSC El Paso is a microcosm of the nation’s future cultural make-up. Age-old and emerging diseases cross borders, making our location a prime spot to acquire and apply treatment and research skills. Dedicated researchers work diligently to unravel the mysteries of these diseases and integrate that knowledge into the education of our learners in the Paul L. Foster School of Medicine, Gayle Greve Hunt School of Nursing, Graduate School of Biomedical Sciences, and Woody L. Hunt School of Dental Medicine. At our Texas Tech Physicians of El Paso offices, our faculty offer comprehensive care in general medicine, pediatrics, and the full spectrum of specialties. Our community strives to ensure that those living in the region have quality health care available now and for decades to come. TTUHSC El Paso is the culmination of this determined, pioneering spirit.”

Richard Lange, M.D., M.B.A.

President, Texas Tech University Health Sciences Center El Paso;
Dean, Paul L. Foster School of Medicine



The mission of Texas Tech University Health Sciences Center at El Paso is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

This mission is carried out by a diverse community of students, residents, faculty and staff, who all strive toward the ultimate goal of service excellence in every situation. In Fall 2020, between the Gayle Greve Hunt School of Nursing, the Graduate School of Biomedical Sciences, and the Paul L. Foster School of Medicine, TTUHSC El Paso had a total enrollment of 775 students, and 246 medical residents. In the Spring of 2021, the inaugural class of 40 students began at the School of Dental Medicine. 305 students graduated from the institution in the Fall of 2020. In addition to the steady growth of the student population, there were 1,659 personnel, including both faculty and staff, across TTUHSC El Paso schools, clinical, and administrative departments.

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 Texas Tech Police Department (TTPD), or any campus security authority or responsible employee. Instructions for reporting campus policy violations, crimes, and Title IX incidents are included in this report.

Choosing an institution of higher education or considering a place of future employment is a major decision. This report outlines the policies and procedures, which have been established to ensure that all who come into contact with the institution - whether as students, residents, faculty, staff, patients or visitors - are provided with a safe and secure environment, and it should be a valuable, informative tool. Please review the information on campus policies, procedures, reporting options, and resources (including the campus safety tips) carefully, as we need your assistance in maintaining a safe campus environment. Together, we can make a difference.

MESSAGE FROM THE TTU SYSTEM CLERY COMPLIANCE DIRECTOR

The Clery Act was created to provide transparency about campus safety, policies, procedures, and crimes occurring on college and university campuses across the United States. Over the years the Clery Act has grown to encompass policies and procedures outside of the typical law enforcement realm. Accomplishing the task of compliance takes a University wide initiative and the TexasTech University System has taken that initiative across all system institutions.

As the Director of Clery Compliance for the System, I am excited about the opportunity to work with each institution to develop a compliance program which will ensure campus safety, consistent policy and procedures, and a process where everyone is encouraged to report incidents to the police or University. Beginning September 1, 2021 the Texas Tech University System is growing as Midwestern State University will be joining the System. I will continue institution-wide education about the Clery Act and believe Clery is more than a requirement of the law, but a way to create a safer campus for everyone.

Myself, along with the employees across the Texas Tech University System are dedicated to ensuring accuracy, transparency, and care for our university communities in all aspects of Clery Act compliance. This report is assembled by those dedicated individuals with a goal of ensuring all current and prospective students and employees have the information they need to stay safe while on campus or make an informed decision about choosing a university. Thank you for taking the time to read this report.

Chad M. Beights



Chad M. Beights M.L.S., CCCO
Texas Tech University System
Clery Compliance Director



TEXAS TECH UNIVERSITY SYSTEM



Requirement for the Annual Security Report

The Crime Awareness and Campus Security Act was enacted in 1990 to assist students in making decisions which may affect their personal safety and to ensure that institutions of higher education provide current students and employees, and prospective students and employees information they may need to avoid becoming victims of campus crime. This Act amended the Higher Education Act of 1965, and was subsequently amended in 1992, 1998, 2000, and 2008. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 CFR §668.46) significantly expanded institutional obligations under the Act. The Act was later renamed the “Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act” (Clery Act).

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

Ultimately, the Clery Act is a consumer protection law. The law requires all colleges and universities which 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.

Clery Act regulations require colleges and universities to do the following:

- Publish an annual report by October 1st containing three years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms.

Note: The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have significant responsibility for student and campus activities.

- Provide “timely warning” notices of crimes which have occurred and pose an ongoing threat to the safety of students and employees.
- Issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- Disclose in a public crime log all crimes and alleged crimes which occurred on campus or within the patrol jurisdiction of campus police reported to the campus police.
- Submit collected crime and fire statistics to the U.S. Department of Education.

Included as one component of the Clery Act is the requirement for the Institution to publish an Annual Campus Security Policy and Crime Statistics Report. This document has been developed and published with the specific intent to meet that requirement. Questions about this report should be directed to the TTPD at ttpelpaso@ttuhsc.edu or by calling 915-215-7111.

Overview of the Annual Security Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) [20 USC §1092(f), 34 CFR §668.46], TTUHSC El Paso is required to distribute the information contained in this Annual Security Report (ASR) to all current and prospective students and employees. This information is also available on the TTPD website: <http://www.depts.ttu.edu/clery/>. This report also contains numerous links to websites with supplemental information.

The ASR contains statistics about specific crimes and related incidents that have been reported to the TTPD, local law enforcement agencies, Campus Security Authorities (CSAs), and other campus officials over the past three years. All incidents contained within this report have either occurred in or on TTUHSC El Paso campus and off-campus buildings or property, on (or near) property owned or controlled by TTUHSC El Paso, or public property within or immediately adjacent to and accessible from the campus.

This report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline policies, campus security resources, community safety alerts, crime prevention, access to campus facilities and properties, and personal safety tips. The policy statements included in each section of this report are applicable to all TTUHSC El Paso affiliated spaces, including those that are identified as non-campus geography.

TTUHSC El Paso does not have residence halls affiliated with the institution. Therefore, some regulatory compliance issues, such as the Fire Safety report and Missing Student policies, are not applicable.

The TTPD and the TTUHSC El Paso Department of Safety Services (Safety Services) strongly encourage the reporting of all criminal offenses and campus safety and security concerns. Appropriate information on how to report crimes or security concerns is provided in this publication.

Policy for Preparing the Annual Security Report

In accordance with HSCEP Operating Policy 76.40 Annual Crime Reporting-Clery Act Compliance and Texas Tech University System Regulation 07.05, each University under the System is responsible for complying with all of the Clery Act's requirements as described in the federal regulation and as directed by the System Clery Compliance Director. TTUHSC El Paso has implemented a procedure where the Campus Safety Survey Administrator (CSSA) and the TTPD are responsible for preparing and distributing the Clery Act required Annual Security Report (ASR). The ASR, which is published by October 1 each year, contains information and statistics obtained from various sources, such as TTPD reports, local law enforcement agency reports, CSAs, and other campus officials.

The CSSA and TTPD, with assistance and oversight from the Institutional Compliance Committee- Clery Sub-committee, compose the ASR, which includes three years of selected crime statistics and any required campus security policy statements. The Clery Compliance Sub-committee includes representatives from all departments which have a role in ensuring that the institution maintains compliance with the requirements of the Clery Act. This includes representatives from the TTPD, the Title IX office, Human Resources, Student Services and Student Engagement, the Provost, Contracting, Safety Services, and the System level Clery Compliance office.

This sub-committee is tasked with developing policies and procedures that are focused on the general safety, security and overall well-being of the faculty, staff, students and visitors who utilize the institution's resources and with evaluating processes and resources which are needed to fulfill the institution's safety and security mission. The committee's Clery specific scope of work includes, but is not limited to identifying and training Campus Security Authorities, identifying and maintaining Clery geography, ASR preparation and review including policy statements and updates, distribution of the ASR, and compliance with the Drug-Free Schools and Community Act and Violence Against Women Act. The committee will review initial and ongoing training as it relates to the Clery Act and other issues regarding campus safety and security.

Publication of, and notifications regarding, the Annual Security Report

Each year, all students, faculty, and staff at TTUHSC El Paso will receive a STAT-Alert message and e-mail notification regarding the publication of this report, including a direct web link to its location. In addition, an announcement on the TTUHSC El Paso announcement web portal features the link to the ASR. Additional notices will be displayed on electronic message boards located in common areas in campus buildings that are frequented by students, faculty, staff, and visitors.

In order to make this report readily accessible to both prospective students and prospective employees, a direct link to this document has been placed on the institution's website homepage, as well as on the Prospective Students and Residents and Human Resources landing pages. (<https://ttuhscep.edu/prospective/default.aspx> or <https://ttuhscep.edu/hr/> respectively)

Copies of this report may be obtained in person from the TTPD, free of charge, or online at the Police Department's website:

https://www.depts.ttu.edu/clery/reports/2021_Clery_TTUHSC_El_Paso.pdf.

Copies may also be requested via electronic or U.S. mail by contacting the TTPD via email at ttpelpaso@ttuhsc.edu, or during normal business hours (8:00 am to 5:00 pm Monday thru Friday) at 915-215-7111. Copies can also be obtained by contacting the TTUHSC El Paso Office of Student Services and Student Engagement at 915-215-4363.

Section II- Crime or Emergency Reporting

Reporting Crimes and Emergencies

All students, faculty, staff, and visitors are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University's Clery geography to the TTPD or applicable law enforcement agency in an accurate, prompt, and timely manner, including times when the victim of a crime elects not to, or is unable to make a report. Accurate and prompt reporting ensures efficient response to incidents of crime and helps to preserve important evidence needed to ensure a successful investigation and prosecution of offenders.

Reporting Crime

TTUHSC El Paso considers the safety of students, faculty, staff, patients, visitors, and other members of the campus communities a priority and encourages individuals to promptly report any of the following:

- On-campus emergencies;
- Criminal offenses;
- Suspected criminal offenses;
- Accidents; or
- Other emergencies or public safety related incidents or concerns.

If a crime or other serious incident is reported to the TTPD, local law enforcement, or a CSA, the appropriate authorities will promptly respond to determine if immediate action is required or if a follow-up investigation is warranted. Crimes should be reported to TTPD, local law enforcement, or to a CSA to ensure timely warning notices are delivered to the campus as needed, and for inclusion in the annual crime statistics.

In addition to law enforcement, students can report crimes and misconduct to Responsible Employees or Campus Security Authorities, the Student Conduct Administrator, Title IX Administrator, Office of Student Services and Student Affairs, the Human Resources or anyone within the TTUHSC El Paso Community who is in a position to assist you. 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. Reporting to Texas Tech Police or any of the above allows the University to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure.

Anonymous / Confidential Reporting

In certain instances, a crime victim may be reluctant to file a report fearing the process or the loss of his or her anonymity or privacy. In such circumstances, crime victims are encouraged to make a confidential report to the TTPD, local law enforcement, or one or more designated CSAs.

At a minimum, crime victims will receive important counseling and referral information. Confidential reports are important because they provide valuable information that can enhance the safety of the campus community-at-large and such reports will provide a more accurate portrait of actual campus crime.

The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the campus community. If requested, TTPD, local law enforcement, or CSAs will provide only the statistical data to the TTPD for inclusion in this report.

Note: Student or employee assistance programs are not considered "Campus Security Authorities," but as a matter of policy they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Reporting to Texas Tech Police

Crimes in Progress, Serious Crimes and Incidents Should Be Reported By Calling 911

For non-emergency incidents please call TTPD for assistance at 915- 215-7111. If you are on campus, there are Blue Light Emergency Phones strategically placed around campus which connect the caller directly with Texas Tech Police. Concerns off campus, within the El Paso city limits, should be reported to the El Paso Police Department, 915-832- 4400.

For students conducting courses of study at sister institutions, you should contact 911 or the local campus police department to report any crimes.

Reporting crimes and emergencies will generate a law enforcement response. Whenever possible, the survivor or witness of the crime should call directly to report the incident. Firsthand information is always preferred.

Any suspicious activity or person(s) seen in the parking lots or loitering around vehicles, buildings or around residence halls should immediately be reported to police. Accurate and prompt reporting ensures a law enforcement response. In addition to the importance of reporting, timely information assists responders in developing warnings for the university community.

Officers will respond without delay to all calls for police service. Emergency calls will take precedence, but calls will be answered as soon as possible.

Police, fire or medical emergencies can be reported by dialing 911 from any campus or off- campus telephone or cell phone. Calls will be answered by the local police department dispatchers. TTPD in El Paso is linked directly to the 911 Dispatch Center via the Computer Aided Dispatch (CAD) system. Any calls requiring response to the main campus are routed to TTPD, as initial responders.

Off-campus calls for emergency assistance will be answered by, and result in dispatch of, local law enforcement.

Remember cellphones do not automatically register a caller's identity and exact location information in the 911 system. When calling 911 from a cellphone, tell the dispatcher where you are calling from, the phone number you are calling from or another number where you may be reached. Cellphone 911 calls may be directed to the TTPD, the El Paso Police Department, or the El Paso County Sheriff's Office.

Consider programming your phone with the TTPD number for general, non-emergency use: 915- 215-7111. When calling to report a crime or incident, please be ready to give as much of the following information as you can:

- A brief description of the occurrence.
- When and where the incident occurred.
- If there were any weapons involved.
- Where and when the suspect(s) was last seen.
- A description of the suspect(s) (including gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars, etc.).
- Any other relevant information.

Reporting to Campus Security Authorities

In addition to TTPD or local law enforcement, crimes or incidents may also be reported to a *Campus Security Authority* (CSA). Although it is encouraged to report campus criminal activity directly to the TTPD or local law enforcement, in some instances members of the campus community may choose to file a report with a CSA. All CSAs will provide guidance and support to reporting parties and will collect any statistical data required by the Clery Act.

A Campus Security Authority (CSA) is a Clery specific term encompassing four groups of individuals and organizations associated with an institution. These four groups are defined by the Clery Act as:

- Group #1: A campus police department or a campus security department of an institution. All individuals who work for the campus police department are CSA's.
- Group #2: Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property). Access monitors, contract security officer, event security officers, staff who provide safety escorts on campus (professional and student staff) are CSA's.
- Group #3: Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- Group #4: An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

An official is defined by Clery as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Throughout the year, Campus Security Authorities report Clery Act reportable crimes using the online [Clery Incident Report Form](#). Each of these reports is reviewed by Clery staff within TTPD to confirm it meets the requirements under the Clery Act.

In most cases, it is possible for a CSA to fulfill his or her reporting responsibilities and maintain victim confidentiality. CSA reports are used by the institution to compile statistics for Clery Act reporting. CSA reports also help determine if there is a serious or ongoing threat to the safety of the campus community requiring an alert (timely warning or emergency notification). The responsibilities of a CSA can usually be met without disclosing any personal identifying information.

A CSA report does not have to automatically result in the initiation of a police or disciplinary investigation, if the victim chooses not to pursue this action. While the University has identified a number of CSAs, designated departments listed below serve as locations, where campus community members should report crimes for timely warning notice and statistical reporting purposes.

TTUHSC El Paso Campus Security Authorities

President, TTUHSC El Paso

Provost and Vice President, Academic Affairs

Assistant Vice President, Research

Assistant Vice President, Student Services and Student Engagement

Assistant Vice President, Human Resources

Title IX Coordinator

Paul L. Foster School of Medicine:

Dean, PLFSOM

Assistant Deans for Medical Education

Associate Dean, Research

Associate Academic Dean, Medical Education

Associate Dean for PLFSOM Student Affairs

Assistant Dean for Student Affairs

Gayle Greve Hunt School of Nursing:

Dean, GGHSON

Assistant Dean, Undergraduate Program

Assistant Dean, R.N. to B.S.N.

Assistant Director, Office of Student Affairs GGHSON

Graduate School of Biomedical Sciences:

Dean, GSBS

Director, Office of Student Affairs GSBS

Woody L. Hunt School of Dental Medicine:

Dean, WLHSDM

Associate Academic Dean, WLHSDM

Faculty Advisors of Student Organizations and College Mentors

All faculty advisors of student organizations, as well as all College mentors and members of the Grading and Promotion Committee, are identified as Campus Security Authorities.

What Does a Campus Security Authority Do?

The function of a campus security authority is to collect crime report information. CSAs are responsible for reporting allegations of Clery Act crimes reported to them in their capacity as a CSA. This means CSAs are not responsible for investigating or reporting incidents they overhear students talking about in a hallway conversation; a classmate or student mentions during an in-class discussion; a victim mentions during a speech, workshop, or any other form of group presentation; or the CSA otherwise learns about in an indirect manner.

What Does a Campus Security Authority Not Do?

A campus security authority is not responsible for determining authoritatively whether a crime took place. A campus security authority should not try to apprehend the alleged perpetrator of the crime. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

A Campus Security Authority is required to report sufficient details, such as dates and times of the incidents, the location, a detailed description of what they were told about the incident, and, where appropriate, personal identifying information. Detailed information is important to aid law enforcement in addressing and categorizing the crime. Personal identifying information is important to avoid double counting crimes. If a victim doesn't want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Campus Security Authorities should report information immediately for consideration of a Timely Warning Notice. If a crime is reported to a CSA, but goes no further than that, the University won't have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus.

Reporting to Title IX

You can report an incident of a Title IX, sexual misconduct/harassment, or discrimination violation to TTUHSC El Paso online using this form <https://elpaso.ttuhsc.edu/title-ix/default.aspx>, or based on your status with the University, by directly contacting any of the following administrators or offices:

Title IX Coordinator: Dr. Linda Ellis
Medical Education Building, Rm 2140D
5001 El Paso Drive, El Paso, TX 9905
Linda.S.Ellis@ttuhsc.edu or 915-215-5439

Deputy Title IX Coordinator for Employees: Charlotte Bingham
TTU System Administration Building
1508 Knoxville Ave, Suite 208
Lubbock, TX 79409
806-834-2713
TitleIXCoordinator@ttuhsc.edu

Reporting to Human Resources and Office of Equal Opportunity

As an employee, you may contact Human Resources for assistance by calling 915-215-4151 or coming to the HR offices located at 200 Rick Francis in the Administrative Support Building.

Responsible Employees

All employees (including student employees) who witness or receive information, in the course and scope of their employment, about sexual misconduct, sexual harassment, sexual assault, dating violence, domestic violence, and stalking that involve a current student or employee are required to promptly report incidents to the Title IX Coordinator. Employees have a duty to report all known details of the incident, including the name of the involved party/parties.

Employees are also encouraged to report any incidents of public indecency, sex discrimination, or any other form of discrimination based on a protected class.

Non- Campus Student Organizations

TTUHSC El Paso has officially recognized student organizations which utilize non-campus facilities. Most of those facilities are within the jurisdiction of the El Paso Police Department or the El Paso County Sheriff's Office and they respond to those locations when police services are required. The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving TTUHSC El Paso students and recognized student organizations, on campus and at non-campus locations. If El Paso police respond to a non-campus student organization property in response to a citizen complaint or police officer concern, the police may notify Texas Tech police to provide support or assistance to one of those locations. However, the police do this out

of courtesy and they are not required to notify or involve Texas Tech police when they respond to a call involving non-campus or private property.

When there is a potential that a TTUHSC El Paso student is involved in an offense while off campus, Texas Tech officers may assist with the investigation in cooperation with local, state or federal law enforcement. The El Paso Police Department may provide information about criminal activity at properties owned or controlled by registered student organizations to TTPD. Again, the sharing of this information is done out of courtesy and is not required under any official agreement between law enforcement partners. If the TTPD learns of criminal activity at off campus or Clery non-campus locations involving students or student organizations officially recognized by the institution, it will forward information about the situation to the Office of Student Conduct.

For purposes of reporting the data in the Annual Disclosure of Crime Statistics section of this report, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. TTUHSC El Paso has no responsibility for security policies, procedures, or safety at these locations.

Non-Campus Student Housing

Periodically, TTUHSC El Paso students participate in programmatic activity at sister institutions, such as ASU or Alpine. In these instances, non-campus student housing is coordinated by TTUHSC El Paso. Students who have housing arranged by the institution in the residence halls at one of these partnering institutions should report all criminal activity to the school’s police department, who will assess the event for any needed timely warning notices and will be responsible for documenting the incident to comply with Clery Act regulations. When students reside in off-campus housing, they should report all criminal activity to the local police resources. Students should also report crimes and any incidents of Title IX, sexual misconduct/harassment, or discrimination violations to the sister institution’s Title IX Coordinator and/or the Student Conduct Administrator. These individuals will then provide guidance to the students, complete the appropriate documentation and initiate any needed response actions. The sister institution shares this information with TTUHSCEP administration in order for them to assess the situation for impact on our students and take any needed corrective actions.

Confidential Reporting Options

TTUHSC El Paso is committed to ensuring confidentiality during all stages of the reporting 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, offering 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 forward the Clery crime statistics and/or report the existence of a Title IX incident to the University, including the names of involved parties, and officials will review the 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. In Title IX matters, law enforcement will not be contacted unless requested by the complaining party.

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.

Voluntary Confidential Reporting

A person may choose to make a report and request it remain confidential. Even if you do not want law enforcement or the University involved in the process, the university will work to comply with your request to keep your identity confidential, while also providing information to help ensure the future safety of the reporting person and the campus community.

An individual's request regarding the confidentiality of reports of sexual assault, harassment, stalking, and/or dating and domestic violence will be considered in determining an appropriate response; however, such request will be considered in the dual contexts of the university's legal obligation to ensure a working and learning environment free from sexual assault, harassment, stalking, and/or dating and domestic violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible. Using the information provided in the confidential report, the university can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community of potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

Confidential Reporting Options for Students

Students may make confidential reports to professional counselors provided via contracted counseling services under the Office of Student Services and Student Affairs. Professional Counselors in their capacity and function do not make identifiable reports of incidents unless the student specifically requests them to do so; however, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to TTPD or local law enforcement.

Amendments to 20 U.S.C. Section 1092(f) in 1998 clarified who is considered to be a campus security authority. Pastoral counselor and professional counselor are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus

security authorities under the Clery Act. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the official capacities as employees.

The pastoral or professional counselor exemption is intended to ensure these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are under a legal obligation to report a crime.

Counselors are defined as:

PASTORAL COUNSELOR

A pastoral counselor is an employee of an institution who is associated with a religious order or denomination, who is recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

PROFESSIONAL COUNSELOR

A professional counselor is a campus employee whose official responsibilities include providing psychological counseling to members of the campus community and who is functioning within the scope of his or her license or certification.

The professionals working to provide student counseling services are licensed counselors and are exempt from reporting requirements when they are acting in their official capacity as a counselor.

Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, TTUHSC El Paso encourages such counselors to tell victims about the confidential reporting process if, in their judgment, it is appropriate to discuss crime reporting with the victim.

Confidential Reporting for Employees

If an employee would like the details of an incident to be kept confidential, the employee may discuss the matter confidentially with the Employee Assistance Program (EAP), TTUHSC El Paso's confidential, on-site counseling service. The EAP is a professional assessment and/or short term counseling service offered to employees with personal problems that may be affecting their jobs. No information is released to the employer or a supervisor concerning the nature of the problem, and it does not become a part of the employee's personnel record. Confidentiality is regulated by federal guidelines.

An employee may voluntarily seek assistance either by requesting help from a supervisor, the Human Resources Department, or by contacting the EAP directly. If an employee contacts a supervisor for assistance, the supervisor should assist the employee in contacting the EAP but should not attempt to diagnose the problem or counsel the employee. An employee may seek assistance by contacting the EAP directly at (915) 215-6256. The EAP is headquartered in the TTUHSC El Paso Department of Psychiatry.

Anonymous Reporting

TTPD, unless otherwise prescribed by law or as set forth within this Annual Security and Safety Report, does not take anonymous incident reports.

Understanding Your Reporting Options

Texas Tech Police are responsible for responding to all crime or emergencies reported on campus property. The response will depend on how the report was made and to whom it was made. Certain reports, like a report made to a Campus Security Authority, will not automatically generate a police response.

Some instances of misconduct may also constitute a violation of state, federal, or local law. It is the student's or employee's option to report misconduct to the University, local law enforcement, or both. TTUHSC El Paso administrators are happy to assist in making a report to law enforcement and will even accompany the victim if requested. Reporting to TTPD can lead to an investigation, criminal charges and prosecution.

If a student or employee wishes to report to both TTPD and the Student Conduct Administrator and/or Title IX coordinator, an investigator from the University will coordinate with TTPD detectives so the student only has to give one statement. This would be scheduled as soon as possible.

Reports made to a CSA may generate a police report if the victim requests to talk to police and file a police report. Information submitted in the CSA report determines the University response. Some reports, such as a police report, will generate a police investigation and possible university investigation.

Response Options Based on Reporting Method

Below are the response options consistent with the reporting method.

Police Response

Texas Tech Police are available 24 hours a day to take reports and answer questions. TTPD is responsible for dispatching officers to calls for service. When a call is received reporting a crime or an emergency, the officer will initiate the required action by responding to the incident, requesting additional officers or additional services. All criminal reports are investigated by the responding officer. Officers will search for the suspect(s), collect available evidence, and file a report. Reports requiring additional investigation are forwarded to the relieving shift officers and may be transferred to TTPD Criminal Investigations Division. Police reports may be shared with several university offices including the Office of Student Services and Student Affairs, Title IX, and other departments as necessary for review and referral for potential action under the Student Handbook, Employee Handbook, or other actions or services required based on the reported incident.

When responding to an emergency, officers will evaluate the situation and summon the appropriate resources. If assistance is required from the local police or fire departments, dispatchers will initiate all requests for assistance. If a sexual assault or other violent crime is reported, a variety of services including medical, counseling, and psychological assistance will be offered.

For non-campus property, local law enforcement resources respond to any reports of criminal activity. These local resources can, as a courtesy, share information with TTPD; however, there is not a formal agreement requiring them to do so. Students, faculty and staff who have been victims of a crime at a non-campus location should also report the incident to TTPD who will follow up with TTUHSCEP administration, as necessary. For those undergoing a course of study at a sister institutions, the campus police department will receive the report of criminal activity and will respond. In all cases, 911 should be used when needing to report an emergency situation.

WHAT POLICE DO

When Texas Tech Police, other campus police or local law enforcement agency responds to a criminal incident they may:

- Take an initial statement from victims, witnesses, others involved
- Begin follow up interviews with all parties involved: survivors, witnesses, suspects, and others who may have been identified through initial statements
- Collect any available evidence
- Review video, if available
- Make an arrest or referral
- Complete a written report which is submitted to the District Attorney's Office and various university departments

Upon police arrival to an incident, if a victim is not ready to file a report for criminal charges, an informational report can be generated, and the officer will explain the process. A victim may meet with an officer at the police department, residence, or their place of choosing. A support person may accompany a victim when filing a police report.

University Response to Reports

A report for some instances may be made directly to the University and not involve law enforcement. Students are encouraged to speak with a CSA, faculty or staff for assistance in filing a report. Whether or not they choose to file a report with law enforcement, the University will offer a variety of options for assistance and will work to address any factors which may have led to this crime.

A report to the University allows for the initiation of interim protective measures such as academic accommodations, changes to housing, and changes to class or work schedules. A victim may bring someone with them for support while making a report, to include a friend, roommate, or family

member. If a report involving a Title IX violation is submitted to the university through a campus security authority, an employee, or the police, the university will begin its own independent investigation.

Response by 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, they should document it as a crime report. In “good faith” means there is a reasonable basis for believing 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 TTPD for allegations of Clery Act crimes that he or she concludes were made in good faith. The CSA Incident Report Form can be found online

https://elpaso.ttuhschool.edu/safety/_documents/CSA_El_Paso_Incident_Report_Form_fillable.pdf

Campus Incident Reporting forms

There are times when calling the police is not necessary or you chose to not involve law enforcement. TTUHSC El Paso has several online reporting forms that can assist with a variety of needs. None of these forms will generate an immediate police response.

Clery Incident Report Form (CSA Reporting Form)

https://elpaso.ttuhschool.edu/safety/_documents/CSA_El_Paso_Incident_Report_Form_fillable.pdf

TTUHSC El Paso encourages reporting and the accurate collection of campus crime statistics to promote crime awareness and to enhance campus safety through reliable statistical records. The purpose of this report form is to provide a uniform procedure for documenting the (What, When, Where) of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred within one of the four reporting locations and which have been reported to a Campus Security Authority (CSA) other than TTPD. Data collected on this form is used to increase public safety, not to identify the victim; therefore, no personal identifying information shall be included on this form. All cooperating victims who do not wish to remain anonymous should be directed to TTPD or the law enforcement agency having jurisdiction where the crime occurred.

Title IX/ Sexual Misconduct Report

This form should be used to report concerns pertaining to possible violations of TTUHSC El Paso Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX policy such as gender based discrimination, dating violence, domestic violence, hostile environment, sexual assault, nonconsensual sexual contact, sexual exploitation, sexual harassment, stalking, retaliation, or other forms of sexual misconduct. <https://elpaso.ttuhschool.edu/title-ix/default.aspx>

The following **Student Grievance forms** can be found in the Institutional Student Handbook, which can be accessed using the following link:
<https://elpaso.ttuhschool.edu/studentservices/documents/Institutional-Handbook-2020-2021.pdf>

Student Conduct Incident Form

This form is to be used for an official complaint that involves a person who is or students who are enrolled at TTUHSC El Paso for alleged violations of the Code of Professional and Academic Conduct. The student(s) could be the accused or the complainant. This form is to be submitted to the Executive Associate or Assistant Vice President for Student Services and Student Engagement (SSSE) at TTUHSC El Paso. A separate form must be completed for each individual student accused of violations of the Code.

Student Organization Grievance Form

TTUHSC El Paso understands that reporting violations against a student organization can be difficult and will provide options for reporting parties to assist with concerns such as retaliation. Upon receipt of this online form, a TTUHSC El Paso staff member will contact you to discuss options and resources based on your report. While you can report anonymously, the inability to validate the source of the complaint does limit TTUHSC El Paso's ability to investigate and respond.

Section III- Campus and Community Resources

There are numerous safety and security resources available to the TTUHSC El Paso community. This listing is not all-inclusive, but represents a broad overview of the types of resources which are available to students, faculty, and staff as appropriate.

Emergency Services

POLICE

Call 911 for Emergency

Texas Tech Police Department 915-215-7111

200 Rick Francis Drive

El Paso Police Department 915-832-4400

911 N. Raynor Drive

El Paso County Sheriff's Office 915-832-4408

12501 Montana Ave.

FIRE

TTUHSC El Paso Fire Marshall 915-215-4825

5310 El Paso Drive

El Paso Fire Department 915-832-4432

416 N. Stanton

HEALTH & MEDICAL

Texas Tech Physicians of El Paso at Hague 915-215-5810

(Student Health Services)

125 W. Hague, Suite 340

University Medical Center Employee Health Clinic 915-521-7866

4824 Alberta Ave, 4th floor

CAMPUS RESOURCES

Office of Student Services and Student Engagement 915-215-4370

Medical Sciences Building II, Rm 2C201

137 Rick Francis Street

School-level Student Affairs: Located in each respective school's administrative offices.

- Foster School of Medicine Office of Student Affairs 915-215-4370
- Hunt School of Nursing Office of Student Affairs 915-215-4749
- Graduate School of Biomedical Sciences Office of Student Affairs 915-215-4158
- Hunt School of Dental Medicine Office of Student Affairs 915-215-4320

Title IX Coordinator

Medical Education Building, Rm 2140D 915-215-5439
5001 El Paso Drive

Human Resources 915-215-4151
200 Rick Francis Drive

Employee Assistance Program 915-215-5865

In addition to those listed above, TTUHSC El Paso also has the following institutional resources in place to address security related concerns.

TTUHSC El Paso Threat Assessment Team

TTUHSC El Paso is committed to providing a safe and secure workplace, free from threats and violence, for all those involved in the business of the University. Operating Policy and Procedure HSCEP OP 76.08, Violence and Workplace Threats states “threats (including those made by mail, over the telephone, by fax, by e-mail, or on social media), intimidation, and acts of violence, with or without the presence of a weapon, will not be tolerated at TTUHSC El Paso. Reported violations of this policy will be investigated, documented, and may result in disciplinary actions, up to and including immediate suspension and/or dismissal, and the filing of appropriate criminal charges.”

All employees are responsible for the immediate reporting of any threats received, witnessed, or communicated to them. The Chief of Texas Tech Police Department, or designee, should be called immediately when a potentially threatening event is suspected or has occurred. This operating policy and procedure identifies the Threat Assessment Team to gather information, and develop a plan of action to ensure the safety of the TTUHSC El Paso community. The team consists of the chief of Texas Tech Police or designee, the assistant vice president for Human Resources or designee, the director of the Employee Assistance Program (EAP) or designee, the director of Equal Employment Opportunity or designee, the managing director of Communications and Marketing or designee, a member of Texas Tech executive management (i.e., vice president level or above) and a representative from the Office of the General Counsel, and additional members as warranted.

TTUHSC El Paso understands the sensitivity of the information provided and/or alleged in such reports as it pertains to employees' rights to privacy and confidentiality. Appropriate procedures will be followed to limit the dissemination of reports to a need-to-know basis.

Should a report prove to be false or actions misinterpreted as threats of violence, all reasonable steps should be taken to ensure the continued acceptance and effectiveness of the accused employee. The Threat Assessment Team's goal in this regard is to balance the safety and security of students and employees against the need for confidentiality of information.

TTUHSC El Paso Crisis Management Team

The Crisis Management Team provides support services during or after a traumatic event. The team's services are not limited to violent acts. The team includes the chief of Texas Tech Police or designee, the assistant vice president for Human Resource or designee, the director of EAP or designee, the managing director of Communications and Marketing or designee, the director of Equal Employment Opportunity or designee, a member of Texas Tech executive management (i.e., vice president level or above) or designees and a representative from the Office of General Counsel or designee, and additional members as warranted.

Should an act of violence occur, the Crisis Management Team will consider the impact of the incident on the campus community and initiate appropriate debriefing, counseling, and support actions for the victims, co-workers, and families. An incident in this category may include serious or fatal injuries to one or more campus members in a manner that frightens or shocks segments of the community for a continuing period.

TTUHSC El Paso worked to formalize a CARES Team policy, which will address situations in which a person is a threat to self and/or a threat to others. This policy HSC OP 77.19 Campus Assessment Response and Education Team (CARE Team) for Students was formally approved in May 2021.

Texas Tech Police Department (TTPD)

The Texas Tech Police Department is the primary agency responsible for investigating criminal activity occurring on the TTUHSC El Paso campus. The police department is under the direction of Chief Kyle K. Bonath. Chief Bonath earned an MBA and a BBA in accounting from Texas Tech University. Prior to accepting the Chief position in September 2015, Chief Bonath served 25 years as a Special Agent in the FBI.

TTPD is a model police organization which provides immediate response to all police, fire, and medical emergencies, as well as general police services such as accident investigation and crime prevention. Officers are duly sworn and licensed Peace Officers of the State of Texas and have all completed the training requirements set forth by the Texas Commission on Law Enforcement. As such, they are fully empowered by the state and have authority to stop vehicles, make arrests, and enforce all state laws. They are commissioned by the Texas Tech University System Board of Regents pursuant to the Texas Education Code, Section 51.203. Their primary duty and jurisdiction is to serve the TTUHSC El Paso community. In partnership with the Tech community, it operates in a participative, team-based environment and delivers quality community-oriented services in a proactive and efficient manner. Texas Tech officers patrol the campus 24 hours each day, 365 days a year. The TTPD's jurisdiction does not include non-

campus properties owned or controlled by registered student organizations. The El Paso Police Department provides information about criminal activity at properties owned or controlled by registered student organizations to TTPD. TTUHSC El Paso has no responsibility for security policies, procedures, or safety at these locations. More information about non-campus buildings and crime statistics can be found in Section 9.

Texas Tech police officers carry out numerous law enforcement tasks including patrolling assigned areas, responding to calls for police service, investigating motor vehicle crashes, enforcing traffic laws, investigating crimes, and arresting offenders. Our officers are expected to be professional and to build positive relationships within the community. Working in a spirit of cooperation with citizens, our officers suppress crime and resolve problems in the community, thereby making TTUHSC El Paso a safer place to live and work.

Patrol Division

Officers within the police department have the opportunity to serve within the patrol division where their primary purpose is to provide law enforcement services and community assistance. The patrol division is led by a captain. Officers work campus social events, and home athletic activities, and participate in crime prevention and community-oriented policing programs.

Officers respond to calls for law enforcement and general service, take reports of criminal incidents, respond to fire and intrusion alarms, assist in medical emergencies and handle traffic accidents, in addition to various other duties.

Investigations Division

The Investigations Division provides general and administrative investigations and special drug enforcement. The Investigations Division is led by a captain who oversee the daily operations of the unit. Detectives receive specialized training in many areas, including (but not limited to): interview and interrogation; sexual assault investigation; burglary investigation; crime scene processing; computer crimes; and current drug trends.

Administrative Division

Officers can also be assigned to the Crime Prevention Unit and Training/Recruiting. These officers are responsible for providing community educational programs across campus as requested or as the need arises. Training and Recruiting is responsible for the hiring of new employees, background investigations of applicants, and training of those new employees and the overall general ongoing training of the officers within the department.

Communications Division

The Communications Center comprises police dispatcher who operate a 24- hour, seven-days-a-week dispatch center. Dispatchers are responsible for monitoring and dispatching officers to calls for service, assisting the community, and coordinating information flow between the public safety agencies in the area.

Guards

In addition to police officers, the police department employs guards. Guards patrol the campus as necessary, including monitoring the flow of traffic entering campus property. Guards provide crowd control and provide personal safety security at athletic events, university functions, graduations, and other special events. Guards have the authority to enforce university policies, but will call for an officer in most situations. Guards do not have the authority to arrest and their primary jurisdiction is all property owned by TTUHSC El Paso.

Fire Marshal's Office

The TTUHSC El Paso fire marshal, working out of the Safety Services Department, 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 TTUHSC El Paso fire marshal 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. The fire marshal 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.

Local Law Enforcement

Texas Tech Police maintain professional working relationships with local law enforcement agencies through active interaction and memoranda of understanding to help ensure timely, coordinated, efficient, and effective response to all crimes and emergencies occurring on campus. The law enforcement agencies TTPD works with include but are not limited to the El Paso Police Department, the El Paso County Sheriff's Office, the Criminal District Attorney's Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, FBI, ATF, and the U.S. Marshals Service.

Additionally, TTPD maintains close working relations with University Medical Center Security, the STARS Rape Crisis Center, and Women's and Children's Protective Services.

Mutual Aid Agreements

TTPD has formally entered into a Memorandum of Understanding for Law Enforcement Services with the El Paso Police Department and the El Paso County Sheriff's Office. This agreement addresses providing additional officers and equipment necessary to protect health, life, and property against violations of criminal law, including sexual assault investigations occurring on or off TTUHSC El Paso property.

TTUHSC El Paso Title IX Office

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?

The United States Code of Federal Regulations, Title IX states, "No person in the United States 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.

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

Prohibited Conduct

TTUHSC El Paso does not tolerate and prohibits discrimination or harassment of students based on, or related, to sex (including pregnancy, sexual orientation and gender identity), race, national origin, religion, age, disability, protected veteran status, or other protected categories, classes, or characteristics. 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.

Who can you report to?

You can report an incident of a Title IX violation, sexual misconduct/ harassment, or a discrimination violation to TTUHSC El Paso online using the form on the Title IX webpage, <https://elpaso.ttuhschool.edu/title-ix/report-incident.aspx>, or based on your status with the University, by directly contacting any of the following administrators or office.

Title IX Coordinator: Dr. Linda Ellis

Medical Education Building, Rm 2140D 5001 El Paso Drive, El Paso, TX 9905

Linda.S.Ellis@ttuhsc.edu or 915-215-5439

Deputy Title IX Coordinator for Employees: Charlotte Bingham TTU System

Administration Building

1508 Knoxville Ave, Suite 208

Lubbock, TX 79409

806-834-2713

TitleIXCoordinator@ttuhsc.edu

Texas Tech University HSC El Paso Office of Student & Services Engagement

The TTUHSC El Paso Office of Student Services and Student Engagement (SSSE) leads an institution-wide effort focused on non-academic matters affecting student life, student success, and student learning. Services are provided to all levels of students. Distance education students access resources via online options, phone call communication, and established connections in the community in which the student resides. Representation from this office chairs the TTUHSC El Paso Behavioral Intervention Team responding to students in crisis.

SSSE supports the campus community through:

- encouraging student responsibility and leadership;
- providing wellness and student life programming
- providing access to counseling services for students during times of crisis
- assisting faculty and staff in resolving student concerns;
- active involvement in issues related to student life at TTUHSC El Paso;
- student support services including accessibility, accommodations, registrar and financial aid; and
- collaborating with the Office of Diversity, Inclusion and Global Health and the Council on Diversity and Inclusion to advocate for the enhancement of the overall TTUHSC El Paso student experience.

More information about the SSSE can be found at <https://elpaso.ttuhsc.edu/student-services/>, by calling 915-215-4370 or stopping by the office located in Medical Sciences Building II in Room 2C201.

In collaboration with the institutional Office of SSSE, each professional school has additional staff available to support students within their school. School-based Offices of Student Affairs include:

- Foster School of Medicine Office of Student Affairs
<https://elpaso.ttuhsc.edu/som/studentaffairs/>
- Hunt School of Nursing Office of Student Affairs
<https://elpaso.ttuhsc.edu/son/gghson-student-affairs/default.aspx>

- Graduate School of Biomedical Sciences Office of Student Affairs
<https://elpaso.ttuhschool.edu/gsbbs/student-affairs-gsbbs.aspx>
- Hunt School of Dental Medicine Office of Student Affairs
<https://elpaso.ttuhschool.edu/sdm/student-affairs/default.aspx>

TTUHSC El Paso Student Conduct Board

The Office of Student Services and Student Engagement provides administrative support for the Student Conduct Board (SCB) and the AVP of SSSE serves as the Student Conduct Administrator. The SCB is responsible for supporting the development of community standards in order to provide a safe learning and living environment in partnership with various campus units, including those which are identified as outside of the main campus geography. The SCB adjudicates alleged violations of the Code of Student Conduct in a fair and educational manner. The Office of Student Conduct meets with both undergraduate and graduate students to address potential violations of the Code of Student Conduct and encourages students to be ethical, independent and well-rounded individuals.

You can visit the SSSE website at <https://elpaso.ttuhschool.edu/studentservices/institutional-handbooks.aspx> or contact them at: 915-215-4370. The Student Conduct Administrator is located in Room 2C216 in the Medical Sciences Building II.

Student Counseling Services

Student Counseling Services available for TTUHSC El Paso students are offered through a variety of local contracted providers. These services, provided through students' payment of the Student Services Fee, enhance wellness by providing students the opportunity to manage life's problems before they become serious and impair academic and professional performance.

These services include:

- Short-term counseling sessions (Individual, Couple, and Family Counseling)
- Providers in El Paso and via telepsychiatry so that you can choose the right provider for you and make your own appointment.
- Confidentiality assured. TTUHSC El Paso receives no information with student names related to student counseling services.

Students initiate service by contacting providers directly and identify as a TTUHSC El Paso student. The current lists of available providers include the following:

Texas Tech Physicians - Child and Adolescent 800 N. Mesa Street El Paso, Texas 79902 915-215-6170	Texas Tech Physicians 4615 Alameda Avenue El Paso, Texas 79902 915-215-5850
EyeLink Technologies (telepsychiatry) 1 Village Drive, Suite 350 Abilene, TX 79606 eyelinkceo@gmail.com http://www.eyelinktechnologies.com 325-733-0770	Living Hope Christian Counseling Service 1801 Wyoming Ave., Suite 102 El Paso, TX 79902 915-772-2237
Counseling Center of Expressive Arts 1600 Medical Center, Suite B-1 El Paso, Texas 79902 915-845-3122	Martha Dominguez, LCSW 5959 Gateway Blvd. W Suite #501 El Paso, TX 79925 915-772-1829
Richard B. Patterson, Ph.D. 1605 Beech, Suite B El Paso, TX 79925 915-778-2458	Norma Reed, LCSW, LMFT, LSOTP, LISW 1310 Montana Ave El Paso, TX 79902 915-542-1582

Twenty-four-hour crisis services are provided by Emergency Health Network 24-hour Crisis Line at 915-779-1800.

For more information visit the TTUHSC El Paso SSSE website at <https://el Paso.ttuhsc.edu/studentservices/SCS.aspx> or contact the Office of Student Engagement and Wellness at 915-215-4786. The office is located in the Medical Sciences Building II in Room 2C201.

Important Campus and Community Resources Contact List

Emergency Services	Number
Police (Emergencies Only)	911
Emergency Medical Services	911
Fire	911 or activate fire alarm pull station
Poison Control Center	1-800-222-1222

Other Local Services	Number
Texas Tech Police Department (non-emergency and escort services)	915-215-7111
El Paso Police Department (non-emergency)	915-832-4400
El Paso County Sheriff's Office (non-emergency)	915-832-4408
Texas Department of Public Safety(non-emergency)	915-598-3487
El Paso Crime Stoppers	915-566-8477
El Paso Fire Department/EMS (non-emergency)	915-832-4432
El Paso STARS Rape Crisis Center	915-535-7700 / 1-800-656-4673
Crisis Line (Suicide Prevention 24/7)	915-779-1800 / 1-877-562-6467
Emergence Health Network	915-779-1800
TTUHSCEP Student Counseling Services	https://elpaso.ttuhsce.edu/elpaso/studentservices/SCS.aspx
TTUHSCEP Employee Assistance Program (EAP)	915-215-5865 or 915-215-5861 (24-hour)
TTUHSCEP Office of Institutional Advancement	915-215-4850
TTUHSCEP Office of General Counsel	915-215-4435
TTUHSCEP Building Maintenance & Operations	915-215-4500
TTUHSCEP Department of Safety Services	915-215-4820
TTUHSCEP Office of Student Services and Student Engagement	915-215-4370
TTUHSCEP Office of Human Resources	915-215-4151

Other General Services	Number
Child Abuse Hotline	800-252-5400
Mental Health Crisis Line	915-779-1800
U.S. Department of Education Office of Civil Rights	800-421-3481
Clery Center	484-580-8754
National Drug Hotline	800-521-7182
National Drug Abuse Hotline	800-241-9746
National Clearinghouse Alcohol & Drug Abuse	800-655-2255
National Sexual Assault Hotline	800-656-4673
National Domestic Violence Hotline	800-799-7233

Section IV: Campus Safety

TTUHSC El Paso is committed to maintaining a safe, healthy, and educational environment for all students, employees and visitors to the campus community. The success of individuals and the university does not rest solely on Texas Tech Police, but depends on our commitments to looking out for others. What we do, or fail to do, affects our own safety and the safety of others. The university has certain policies to establish and maintain the safety and well-being of its students, employees and the campus community. Violators of those policies risk disciplinary actions from the University as well as prosecution by federal, state and local law enforcement agencies. Texas Tech Police deter criminal opportunities by educating the university community. This education encourages students, faculty and staff to be responsible for both their own safety and the safety of others. Throughout the academic year, various departments on campus provide additional prevention education and awareness programs on sexual assault, domestic violence, dating violence, stalking, drug and alcohol awareness, and maintaining a healthy lifestyle.

Security, Access, and Maintenance to Campus Facilities

Access to Campus Facilities

Deans, directors, or department heads are responsible for determining access to facilities under their control.

TTUHSC El Paso academic and administrative buildings are typically open to the public during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks, and other means may be employed to limit access. The TTPD and Security Officers generally are not assigned to specific academic or administrative buildings; however, they patrol such areas on a regular basis. Note: TTUHSC El Paso does not have residence halls affiliated with the institution.

It is unlawful for any person to trespass on the grounds of any state institution of higher education or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (Texas Education Code, Section 51.204)

The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (Texas Education Code, Section 51.209)

Maintenance of Campus Facilities

TTPD is responsible for the secure access at all TTUHSC El Paso campus properties and non-campus properties owned by the institution. The security of campus is provided by the on-site police and security presence, as well as through the use of identification badges and access controlled card readers in targeted areas of campus. The access control program is coordinated out of the police department with all requests for access being routed through the department, once approval has been obtained through the appropriate channels. Any questions or concerns regarding the function of the card access or other security measures should be directed to TTPD for assistance. TTPD maintains the institutions blue emergency phones, as well as its security camera surveillance program. These security items are monitored at the TTPD dispatch office, which provides 24-hour monitoring. In addition to the security items, TTPD dispatch monitors the campus fire alarm system and is responsible for notifying El Paso Fire in cases where fire resources are needed. TTPD also monitors the panic alarms which have been installed in select areas of campus. These panic alarms send a silent alarm to TTPD dispatch which then initiates an immediate police response to the area of concern.

TTUHSC El Paso facilities and landscaping are maintained in a manner to minimize unsafe conditions. Institutional facilities operations and maintenance personnel are responsible for maintaining the buildings and grounds at all campus facilities owned by the institution. The facilities group addresses general maintenance, landscaping and grounds, custodial services, and renovation and repair projects. Safety and security lighting has been placed in strategic locations on campuses. For those locations which are leased by the institution, Contracting Services coordinates with the landlord to ensure these facilities are maintained and that the required lighting is in place. When individuals notice exterior lights are not working, they should report the location to TTUHSC El Paso facilities operations and maintenance services. Facilities staff and Tech police regularly patrol the campus and report malfunctioning lights and other unsafe conditions to the Physical Plant and Support Services Help Desk for correction. Campus community members can additionally report hazards directly to the Help Desk through an online service reporting process. The campus' overall safety and security program is supplemented by a variety of technological systems including access control, security cameras, emergency phones, and fire detection, suppression, and reporting systems.

Responsibilities of the TTUHSC El Paso Community for Their Own Personal Safety and Security and the Safety and Security of Others

Members of the TTUHSC El Paso community should assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance:

- Report all suspicious activity to Texas Tech Police immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. TTPD will provide escorts upon request.
- Limit your alcohol consumption, and use caution at social functions.
- Remember to call for help at the first sign of trouble.
- Carry only small amounts of cash, or the amount of cash required.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.

- Lock up bicycles and motorcycles.
- Do not leave valuables in your car, especially if they are visible. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room. Be certain to lock your door when you sleep. Keep windows closed and locked when you are not at home.
- Do not prop open interior or exterior doors to buildings or residence halls.
- Engrave serial numbers or owner's recognized numbers, on items of value.
- Inventory your personal property and insure it with personal insurance coverage.

Emergency Response and Evacuation Procedures

TTUHSC El Paso recognizes certain emergency situations may occur which require an immediate response from emergency services. TTUHSC El Paso has developed an Emergency Management Plan (EMP) that has been designed as a contingency plan and addresses mitigation, preparedness, response, and recovery. The EMP is based on the template provided by the Texas Department of Public Safety, Division of Emergency Management. The basic emergency procedures found therein are to enhance the protection of lives and property through effective use of University and campus community resources.

A principle tenant of the EMP 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 NIMS and its core components to personnel responsible for managing and/or supporting major emergency and disaster operations.

TTUHSC El Paso's written Emergency Plans (EMPs) are intended to provide the framework for the planning and resources necessary to protect the health, safety, and welfare of members of the TTUHSC El Paso community and to preserve both public and private property. EMPs are based on an "all-hazards" approach to emergency planning which addresses general functions that may need to be performed during any emergency situation (HSCEP OP 76.01). In order to plan for, respond to, or mitigate an emergency, TTUHSC El Paso partners with El Paso city and county emergency management agencies. The Emergency Management Coordinator has primary responsibility for emergency preparedness. Duties and responsibilities range from working with campus departments to write and exercise departmental plans, to developing and maintaining institutional emergency plans as required by rules, regulations, or policies.

Based on the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of individuals the University will immediately notify the campus community. More information about Emergency Notifications and Timely Warnings can be found in Campus and Community Notifications section of this report.

For more information regarding TTUHSC El Paso's emergency preparedness and emergency notification procedures, please visit the institution's Emergency

Preparedness website: <https://elpaso.ttuhsu.edu/emergency-preparedness/default.aspx>

Testing of the Emergency Preparedness/Response Plan

In accordance with Texas Education Code Section 51.217 and United States Public Law 110-315 Title IV, the TTUHSC El Paso Emergency Management Coordinator schedules and executes at least one test of TTUHSC El Paso's emergency response and evacuation procedures annually.

TTUHSC El Paso arranges appropriate training for campus emergency management personnel and emergency first responders, and coordinates an annual emergency exercise to test plans and training. Tests will take the form of a scheduled drill, table top exercise, functional exercise or full-scale simulation and include appropriate follow-through activities designed for assessment of emergency capabilities. Documentation of completed tests is retained by the Emergency Management Coordinator.. Scheduled annual tests include the following: functional exercise of the Emergency Management Plan involving the President's Executive Policy Group; Disaster Drills involving the Emergency Medicine Department; Clinic based drills, which comply with Joint Commission requirements; and emergency evacuation drills in all affiliated properties. Tests of the emergency plans are also conducted in non-campus properties. This includes an annual evacuation drill and clinic specific drills, which also comply with Joint Commission requirements.

The University tests the emergency notification system on a monthly basis, by sending a test message to the University community via STAT Alert, text, and email. These tests are evaluated for timeliness of message distribution and allow the campus community to make sure their information in the system is accurate.

Students who are participating in courses of study at sister institution's should follow the emergency procedures specific to that institution. They should also register with the appropriate emergency messaging system to ensure that they receive all relevant local alerts, timely warnings, and other emergency messages.

For more information about past exercises or to obtain a schedule of upcoming exercises, please contact the Department of Safety Services, Emergency Management Coordinator at (915) 215-4820.

Activation of the Emergency Preparedness/Response Plan

If appropriate, campus and building evacuations will be completed according to the Fire and Life Safety policy (TTUHSCEP OP 75.16) and the Emergency Management Plan (EMP). University buildings have emergency directories, posters, and signage to assist with evacuation and emergency procedures.

For most major campus emergencies, the EMP activation begins at the discretion of the TTPD Incident Commander or the institution's Emergency Manager. Based on recommendations from the police and information obtained from other appropriate entities, the Incident Commander, after

consultation with the University President will declare an emergency and activate the EMP to the extent necessary.

The following information details procedures for evacuation from campus and its buildings.

- All building evacuations will occur when an alarm sounds and/or upon notification by the police, fire marshal, staff, or designee.
- When the fire alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
- Those requiring accommodations should work with the building staff, police department, and the fire marshal office.
- In the event of an emergency do not use the elevators unless instructed to do so.
- Once outside proceed to a clear area that is at least 200 feet away from the affected building.
- Keep streets, fire lanes, hydrant areas, and walkways clear for vehicles and personnel.
- Know your evacuation assembly points.
- DO NOT return to an evacuated building unless told to do so by a designated University official.

Campus Evacuation

- Evacuation of all or part of the campus will be announced by Texas Tech Police or the Office of Emergency Management.
- All persons (students, faculty, and staff) are to immediately vacate the site in question and relocate to another part of the campus or designated location as directed.

When the STAT Alert system is activated, the message will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” concept. University authorities may instruct campus members to “shelter-in-place” if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus facilities, in privately-owned housing, in an academic or administrative building, etc. Persons should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel.

How to Shelter-In-Place:

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where

you are.

- If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
- Locate a ground level, interior room without windows, to shelter inside.
- Shut and lock, if possible, all windows and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems, as you are able.
- Make a list of people with you, and ask someone to call the list into the police to inform of your location.

Off-campus Emergencies

Texas Tech Police may receive emergency information from the El Paso Police Department (TTPD) incidents within the immediate vicinity of campus that could imminently impact the safety of TTUHSC El Paso. When appropriate, TTPD notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Students who are participating in courses of study at sister institution's should follow the emergency procedures specific to that institution. They should also register with the appropriate emergency messaging system to ensure that they receive all relevant local alerts, timely warnings, and other emergency messages.

Crime Prevention

The cooperation and involvement of all members of the university community is essential in promoting safety, and is sponsored by various campus departments throughout the year.

Students, faculty, and staff must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. An individual's awareness of their surroundings is the best place to start. You should always report any suspicious individuals or vehicles any at campus or university property to Texas Tech Police (915-215-7111) or by contacting your local law enforcement agency.

The University suggests the following crime prevention and personal safety tips, which can contribute to the safety and security of the university community.

PERSONAL SAFETY & CRIME PREVENTION TIPS GENERAL INFORMATION

- At night, travel in well-lighted areas and in pairs, when possible.
- Report incidents or suspicious activity or persons to police:
 1. Call 911
 2. Texas Tech Police: 915-215-7111
 3. El Paso Police: 915-832-4400

- Notify the police if you have a protective order issued against an individual listing TTUHSC El Paso as a protected location.
- Be aware of email scams. If it seems to be too good to be true, it probably is.

PERSONAL SAFETY & CRIME PREVENTION TIPS

PERSONAL PROPERTY

- Record the serial numbers to your property and mark personal items with your name or some other traceable identification.
- Keep your credit cards, debit cards and important documents out of sight and secure.
- Leave items of high monetary value at home.
- Do not leave personal property unattended.
- Do not carry excess cash.
- Keep your purse, backpack close to your body.
- Too good to be true, it probably is.

VEHICLES

- Lock your car.
- Keep your car keys with you at all times.
- Do not leave valuable items in your car.
- Do not park in isolated areas.

Security Awareness Programs for Students and Employees

The TTUHSC El Paso community is educated about incidents of crime and the importance of reporting crimes. Crime prevention is a top priority of the University. From orientation to commencement, students are afforded the opportunity to learn from an array of programs designed to create a safer campus environment. 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. Presentations outline ways to maintain personal safety and residence hall security. Topics covered by the programs include, 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. Programs are offered on a continual basis and as requested.

TTPD supports a proactive crime prevention effort. Safety and education programs are also supported by the Office of Student Services and Student Affairs working with members of the campus community in an effort to promote safety education.

The new student orientation provides this information to student who, at some point, participate in courses of study which take place at sister institutions. For those students who are remote from campus, the online resources remain available to them for their review and awareness. As members of the institution, any official notifications regarding safety and security are provided to them via their TTUHSCEP accounts.

Online Training Programs

EVERFI Training Modules.

The EVERFI Training program is provided to all new students matriculating at TTUHSC El Paso. The online modules are assigned in the first semester and students are given a month to complete them. Students are required to complete this awareness training or a hold is placed on their account which prevents them from registering for upcoming semesters.

- These training modules include:
- Sexual Assault Prevention for Undergraduate and Graduate Students
- Alcohol Education for College Primary
- Higher Ed. Prescription Drug Abuse Prevention

Active Shooter Awareness and Response

TTPD offers classroom and online active shooter training. For more information call 915-215-7111 or visit: <https://elpaso.ttuhsc.edu/emergency-preparedness/default.aspx>

Campus Security Policies

Responding to an Active Shooter Situation

Campus shooting incidents are unpredictable. A person's immediate response will depend upon the specific situation he or she is facing.

Actions to Take in an Active Shooter Situation

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 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 law enforcement arrival.

Upon calling and providing the aforementioned information to the dispatcher, 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.

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.

Active Shooter Education

TTPD presents classroom instruction and guidance on how to respond to and increase chances of survival during active shooter incidents. In addition to classroom instruction, TTPD has developed an in-house active shooter presentation video. This video may be viewed at any time by going to the following: <https://elpaso.ttuhsc.edu/emergency-preparedness/default.aspx>

Travel Safe on Campus

Emergency Blue Lights

The blue light emergency phones are direct lines to TTPD. The phones can be easily recognized for the blue light mounted above the phone box. These are to be used for reporting emergencies.

Shuttle Bus Transportation

The Traffic and Parking Department provides shuttle services throughout the main campus footprint, as well as to remote parking lots located off campus at the El Paso County Coliseum.

TTPD Escort Services

TTPD provides escort services by request by calling 915-215-7111. This information is posted on the back of all student ID cards printed (effective summer 2021).

Sex Offender Information

Federal Requirements

In October 2000, the Federal Campus Sex Crimes Prevention Act 20 U.S.C. § 1092(f)(1) (I) amended Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994. The Campus Sex Crimes Prevention Act requires 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.

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

Texas Sex Offender Registration Program

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 where they reside.

Registration involves the offender providing the local law enforcement authority their name, address, a color photograph, and the offense the offender was convicted 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.

Who May Receive Campus-Related, Sex Offender Data

TTPD may release sex offender information (name and known aliases, age, gender, race, physical description, photograph, crimes that were the basis for the registration requirement, date of last registration) 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.”

Campus affiliated registered sex offender information is available for inspection by members of the community (by appointment) at TTPD during business hours.

Call 915-215-7111 for more information.

Public Access to Sex Offender Data

Upon registration of an offender, TTPD forwards a notice, along with identifying information to campus officials. Additionally, TTPD 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 at:

- <http://www.depts.ttu.edu/ttpd/>
- <https://records.txdps.state.tx.us/SexOffenderRegistry>

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

TTPD 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 an offender who: is enrolled as a student, or 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 TTPD. Campus registration of sex offenders will be conducted at TTPD during normal business hours. Please call 915-215-7111 to make an appointment.

A campus affiliated sex offender shall also notify TTPD within seven working days of ceasing to be enrolled or employed, ceasing to carry on a vocation at TTUHSC El Paso, or change of address. Notice of all registered offenders is forwarded via the police department to the respective intuition’s President, Provost, relevant Academic Dean, and Human Resources Department and/or program director.

Section V: Campus and Community Notifications

TTUHSC El Paso will provide timely warnings to the campus community about reported crimes in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar crimes. The University works to provide information to students and employees about campus security procedures and encourages them to be responsible for their own security and the security of others. Students and employees are kept informed about crimes or emergencies occurring on campus or immediately adjacent to campus. In addition to this information, the TTUHSC El Paso Community is given information on prevention strategies through a variety of non-emergency communications channels. Notifications will also be made regarding any incidents that impact non-campus properties.

Students who are participating in courses of study at sister institutions should follow the emergency procedures specific to that institution. They should also register with the appropriate emergency messaging system to ensure that they receive all relevant local alerts, notifications, timely warnings, and other emergency messages.

Daily Crime Log

Campus Crime Reporting Disclosure and the Daily Crime Log

Institutions of higher education that have security or police departments are required to keep a chronological record of each crime reported to the department on a daily basis. This chronological record must include several details of each reported crime such as the date, time, nature, general location, and the disposition of the complaint.

The police department is also required to ensure that these records are made available to the public within **two business days** of the initial report unless such disclosure is prohibited by law, would jeopardize the safety of an individual, compromise an on-going investigation, cause evidence to be destroyed, or a suspect to flee. The TTPD maintains a daily crime log on its website, located at: <http://www.depts.ttu.edu/ttpd/daily/>

In addition to the electronic log available on the TTPD website, a copy of the crime log can be viewed at the TTPD dispatch office. The crime log for the most recent 60-day period must be readily available to public inspection, free of charge, upon request, during normal business hours. Any portion of the log that is older than 60 days must be available within two business days of a request for public inspection.

The log includes offenses reported to TTPD which occurred on campus, in or on a non-campus building or property, public property immediately adjacent and accessible to campus, or within the patrol jurisdiction of the police department.

Timely Warnings Emergency Notifications

Information on reported crimes or emergencies which pose serious or continuing threat to the campus community are disseminated through timely warnings and emergency notifications using STAT Alert.

Timely Warnings

Texas Tech Police develops and distributes timely warnings for the Tech community to notify members about serious crimes against people or emergencies that occur on or near campus when it is determined the incident may pose a serious or ongoing threat. These warnings are disseminated through the STAT Alert system.

TTPD Chief of Police, or a designee 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.

TTPD or campus administration will issue Timely Warning Notices or Crime Alert Bulletins to each affected campus any time TTPD or campus administration is of the opinion that a crime, or series of crimes, poses an on-going risk to the campus community. This includes crimes against persons and property which do not necessarily constitute an “emergency.”

Depending upon the circumstances surrounding a particular offense, non-emergency crime alert bulletins may be widely distributed, or may be limited to a clearly defined segment of the community (e.g. specific locations such as isolated buildings, facilities, laboratories, or computer users).

Timely Warning Notices or Crime Alert Bulletins will generally include a description of reported incidents such as type of crime, time, date, location, physical description and/or name of known offenders, connections to previously reported incidents, victim profiles, composite drawings, surveillance video stills, recommended personal protective actions, or other important information.

The distribution of these bulletins may include a combination of campus e-mail, TTUHSC El Paso announcements, electronic bulletin board postings, flyers, press releases, or other display methods in high traffic campus areas. Information will also be posted to the TTPD website. The information is available by clicking the link on the TTPD main website or can be directly accessed at the TTPD Campus Crime Alert Notification webpage:

<http://www.depts.ttu.edu/ttpd/crimealert.php>.

In the absence of specific Crime Alert Bulletins, a comprehensive “daily crime log” may be inspected in person at the TTPD. This log is also published on the TTPD website at:

<http://www.depts.ttu.edu/ttpd/daily/>

It is important to note that the institution will - without delay, and taking into account the safety of the community - determine the content of the notification and initiate the appropriate messaging system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the incident. Victim names are never included in crime alerts or timely warnings.

The University will issue a timely warning for all Clery Act crimes that occur on the universities Clery Act geography which are reported to campus security authorities, Texas Tech Police, or local law enforcement; and considered by the institution to represent a serious or continuing threat to students and employees. The requirement for timely warnings is not limited to violent crimes or crimes against persons and is not limited to certain types of Clery Act crimes. A timely warning may be issued for non-Clery Act crimes that pose a serious or continuing threat to the campus. TTUHSC El Paso may issue a timely warning for the following crimes.

1. Criminal homicide
2. Aggravated assault
3. Sexual assault
4. Robbery involving force or violence
5. Major incident of arson
6. Burglary
7. Motor vehicle theft
8. Domestic violence
9. Dating violence
10. Stalking
11. Any of the above-mentioned crime if the offender was motivated by bias
12. Any other crime or situation that poses a threat to the public health or safety of the campus community
13. Other crimes as determined necessary by the Chief of Police or designee

A timely warning will generally not be issued for the above listed crimes if:

- The department apprehends the subject(s) and the threat of imminent danger for members of the community has been mitigated by the apprehension.
- If a report was made to a pastoral or professional counselor, acting in their official capacity.
- A report was not filed with Texas Tech Police, or the department was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. As a general guideline, a report is filed more than five days after the date of the alleged incident may not allow police to post a “timely” warning to the community. Each situation will be evaluated on a case-by-case basis.

Emergency Notifications

TTUHSC El Paso will immediately notify the campus community upon confirmation of an emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, bomb threat, gas leak, or a fire actively raging in a campus building.

The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

STAT!Alert: TTUHSC El Paso uses the “**STAT!Alert**” Emergency Notification System to provide the campus community with information during an emergency. The system is designed to send timely information to students, faculty and staff via e-mail, phone call, or text message. Electronic message boards and alerts to the institutional and Emergency Preparedness web site may also be used.

STAT!Alert messages contain sufficient information about the nature of an identified threat to assist members of the campus communities in taking appropriate action to protect themselves or their property. The **STAT!Alert** message typically includes the following information:

- A readily understandable description of the type of emergency;
- The general location and time of emergency, and
- Suggested measures which members of the campus communities can take to help protect themselves and others.

TTUHSC El Paso only uses the **STAT!Alert** Emergency Notification System to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the campus community). TTUHSC El Paso notifies the campus community, through **STAT!Alert**, of any confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students and employees occurring on the campus. Personnel from the TTPD or campus administration may coordinate to determine whether or not a significant emergency or dangerous situation exists by evaluating information received from entities which may include- but are not limited to- TTPD, local law enforcement, local fire department, National Weather Service, or other agencies.

The **STAT!Alert** Emergency Notification System is not intended to replace the Crime Alerts (Timely Warning) requirement. They differ in that the Timely Warning requirement applies only

to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.).

Activation of a **STAT!Alert** message is the responsibility of the TTPD and/or the campus administration. Upon notification from one of the individuals authorized to issue a **STAT!Alert** message, TTPD and/or the EMC will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate a **STAT!Alert** message, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The following personnel or departments are authorized to determine whether a **STAT!Alert** warning should be issued, formulate a warning if necessary, and disseminate it *without delay*:

- Texas Tech Police Department
- Safety Services/Emergency Management Coordinator

The **STAT!Alert** Emergency Notification System is only used for significant emergencies such as:

- Building emergencies (e.g., rapidly spreading fire, hazmat/chemical spill)
- Potential life-threatening situations (e.g., active shooter, bomb threat, terrorist threat)
- Extreme weather conditions (e.g., tornado, flash flood, severe winter weather)

TTUHSCEP conducts pre-scheduled tests of **STAT!Alert** on a monthly basis. These tests are initiated by the TTPD or Department of Safety Services. After each test or alert, Information Technology Services and the Department of Safety Services will analyze the functionality of each communication device with the notification system and recommend any changes or modifications necessary to improve performance.

Registering for STAT!Alert

Students, faculty, and staff who have a TTUHSC El Paso eRaider account and password are automatically enrolled to receive emergency alerts via their TTUHSC EP email. They are strongly encouraged to register additional contact information for **STAT!Alert** by visiting the **STAT!Alert** webpage: <http://elpaso.ttuhsce.edu/elpstatalert/Default.aspx>

Up to four telephone numbers may be registered to receive voice or text messages. TTY/TDD devices for the hearing impaired are also supported. Once registered, faculty, staff, and students are then asked to provide updates any time their contact information changes. In addition to the phone, text, and email notifications, alerts are also distributed via TTUHSC El Paso announcement bulletins and on the institution's Emergency Preparedness webpage: <https://elpaso.ttuhsce.edu/emergency-preparedness/default.aspx>

Reminder: Students who are participating in courses of study at sister institutions should follow the emergency procedures specific to that institution. They should also register with the appropriate emergency messaging system to ensure that they receive all relevant local alerts, notifications, timely warnings, and other emergency messages.

Determining the Content of the Emergency Notification or Timely Warning

The Chief of Police, or designee, has the ability and authority to issue an alert without delay and without further consultation with any other University official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. The University will attempt to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Pre-canned messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, Chief of Police, or designee consults with university leadership prior to an alert being issued.

Warnings 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 and protect victim privacy, information to be issued in a timely warning includes but is not limited to

1. Date and time or time frame of the incident
2. Brief description of the incident
3. Possible connections to previous incidents, if applicable
4. Areas of campus the University advises students and employees to avoid, if applicable
5. Suspect description*, if available
6. Police agency contact information
7. Information that will promote safety and potentially aid in the prevention of similar crimes
8. Other information as deemed necessary by the Chief of Police or designee

Note: The description of suspects will only be included if there is a sufficient amount of detail to identify the individual.

Confirming the Existence of a Significant Emergency or Dangerous Situation

Most significant emergencies are reported to Texas Tech Police dispatch. A Police officer will be dispatched to the scene to confirm the emergency or disaster conditions. Confirmation typically involves the response and assessment of TTPD officers, university officials, emergency management, local police, or other emergency responders. Dispatch will request the appropriate assistance from, El Paso Police, El Paso Fire Rescue or other emergency services personnel as needed and will immediately contact the TTPD Chief of Police or designated command staff.

Determining Whether a Continuing Threat Exists

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 factors such as, 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.

Determining the Appropriate Segment of the Campus Community to Receive an Emergency Notification

Regardless of the event, whenever the emergency notification system is activated all members of the TTUHSC El Paso community will be notified. There will be no segments of the main campus that will be omitted from receiving an emergency notification.

Procedures for Disseminating Emergency Information to the Larger Community and Follow-Up Messages (i.e. individuals and organizations outside the campus community)

If the University activates **STAT!Alert** in response to a situation that poses an immediate threat to members of the campus community, TTPD is responsible for disseminating the Emergency Notification to the larger community. There will be information about the situation and steps the University has taken to address the emergency. Primarily, the Office of Marketing and Communications is responsible for crisis communications and for updating notices on social networking platforms. They will also maintain communications with national, regional, and local news and radio outlets. Follow up information will be distributed using some or all of the identified distribution methods. By following the above university procedures, the University is not required to issue a timely warning based on the same circumstances that initiated the emergency notification; however, the University must provide adequate follow-up information to the community as needed. Follow-up notices and communications will be provided as necessary during an active incident and will be provided by Marketing and Communications and the Emergency Manager. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the communications methods.

Distribution Methods

The TTUHSC El Paso community is able to be notified of situations which warrant the issuance of a timely warning. This is done through StatAlert, which is the University's centralized emergency communication system. Emergency Notification & Timely Warnings will be distributed in a manner likely to reach the entire campus community using the most expedient method(s) available.

Notifications may be made using any or all of the following means:

- Verbal announcements
- StatAlert text messaging
- StatAlert email
- StatAlert voice calling
- Institutional email
- Fire Alarm Systems
- Indoor and outdoor digital signage
- Texas Tech Police Vehicle Public Address Systems
- TTUHSC El Paso Building Public Address Systems
- TTUHSC El Paso Emergency Communications Webpage
- TTUHSC El Paso University “Home” Webpage
- Social Media
- Issuance of press statements or releases to members of the media
- Any other means which may be an effective tool for reaching those at risk

Section VI: Title IX and Response to Sexual Misconduct, Domestic Violence, Dating Violence and Stalking

Policy Statement

TTUHSC El Paso proactively addresses domestic violence, dating violence, sexual assault and stalking incidents. Violence and the fear of violence can disrupt the working and learning processes of the university community.

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. TTUHSC El Paso prohibits discrimination based on sex (which includes pregnancy, sexual orientation, gender identity, and gender expression), and other types of Sexual Misconduct. Sexual Misconduct includes Title IX Sexual Misconduct, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence (dating and domestic violence), sexual violence, and any other misconduct based on sex. 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 strongly urges students, faculty, staff, and third parties to promptly report incidents of prohibited conduct as provided in this policy. Responsible Employees of the University are required to promptly report incidents of prohibited conduct. The University will respond to all reports of prohibited conduct and the University will conduct a prompt, fair, and impartial investigation and resolution for complaints and, where appropriate, issue remedial measures and/or sanctions. The standard of evidence that will be used in investigating and resolving complaints made under this policy is the “**preponderance of the evidence**” standard. This standard is met if the allegation is deemed more likely to have occurred than not.

This section provides information regarding the University’s response and prevention efforts related to sex discrimination and Sexual Misconduct, including dating violence and stalking. In conjunction with Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), TTUHSC El Paso [OP 51.02](#), Texas Tech University [System Regulation 07.06 Sexual Misconduct](#), and TTUHSC El Paso [OP 51.03](#), the policies set forth here apply to all members of the University Community, provide students with their rights and options, and also explain how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University’s values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law.

The University expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to

disciplinary action or sanctions, up to and including termination of employment, expulsion from the university, or being barred from University premises and events.

In an effort to reduce the risk of the occurring among its students, the University utilizes initiatives to promote awareness, education, risk reduction and prevention. TTUHSC El Paso offers programming every year to identify and prevent sexual assault (including stranger and known-offender assaults), domestic violence, dating violence and stalking. Educational programs are offered to raise awareness for all incoming students and employees. Both awareness and primary prevention programs offered throughout the year include strong messages regarding topics such as bystander intervention and consent. All programs discuss institutional policies on sexual misconduct, sexual assault, domestic violence, dating violence, and stalking; the Grievance Process associated with these incidents; and the Supportive Measures available to parties should they need them. Programs also share information on risk reduction, how to recognize warning signals, and how to avoid potential attacks.

Texas Tech revised its Title IX sexual misconduct policy after the approval of the new Title IX regulations that went into effect August 14, 2020. The policy that governs Title IX and Non-Title IX Grievance Process is Texas Tech University System Regulation 07.06.A & B.

The University Title IX Coordinator oversees the University's compliance with the Sexual Misconduct policies. The University has also designated a Title IX Deputy Coordinator for employees. Contact information for the Coordinator and Deputy Coordinator is as follows:

Title IX Deputy Coordinator for employees			
Contact	Phone	Address	Email & Website
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	linda.s.ellis@ttuhsc.edu https://elpaso.ttuhsc.edu/gsbs/catalog/title-IX.aspx

Title IX Deputy Coordinator for employees			
Charlotte Bingham TTUHSC Title IX Deputy Coordinator for Employees	806.742.3627	System Administration Building 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	eeo@ttu.edu http://www.texastech.edu/offices/eeo-employment/

Title IX Definitions

For purposes of this policy, the below definitions apply. However, some of these terms are also defined under federal and/or Texas State law. For more information regarding state law definitions, please refer to the end of this section.

Formal Complaint: Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct.

Complainant: An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct.

Consent: Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity.

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, an individual being asleep or unconscious, or because of an intellectual or other disability.

Respondent: The individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct.

Responsible Employee: All employees, except for those designated by the University as an individual whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law, are responsible employees who must report allegations of Title IX sexual misconduct, including all known information concerning the incident, to the Title IX Coordinator.

Retaliation: Any action that adversely affects the academic, employment, or other institutional status of a student or employee of the University, visitor, applicant for admission to or employment with the University, because an individual has, in good faith, brought a complaint to the university.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Title IX Sexual Misconduct: Conduct that allegedly occurred against a person in the United States, in a University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:

1. Quid Pro Quo: A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. Severe, Pervasive, and Objectively Offensive Conduct: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.
- 3.

Non-Title IX Sexual Misconduct Definitions

In addition to the Title IX Sexual Misconduct and VAWA/Clery definitions, the Non-Title IX Sexual Misconduct policy also utilizes the following definitions.

- **Sexual Assault**: Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:
 - 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: (1) intentional contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.
 - 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.
- **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: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one's genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's full knowledge and consent.
- **Sexual Harassment**: Unwelcome, sex-based verbal or physical conduct that:
 - In the employment context, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive;
 - In the education context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities.
 - Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual

looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) exposing one's genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows.

Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is 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 victim.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has 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 in which the crime of violence occurred;
- 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 in which the crime of violence occurred.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker 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 with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

Texas Criminal Laws

While TTUHSC El Paso uses different standards and definitions than the Texas Criminal Code, sexual misconduct often overlaps with the crimes of sexual assault, domestic violence, dating violence or stalking. Victims of these crimes are protected by federal laws, specifically Title IX and the Clery Act, which mandates the contents of this report. If a person would like to file criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Texas Family Code would apply, not the internal definitions used in this policy.

Texas Penal Code and Texas Family Code

Title 5, Chapter 22, Sec. 22.011. SEXUAL ASSAULT

A person commits an offense of sexual assault if:

1. the person intentionally or knowingly:
 - causes the penetration of the anus or sexual organ, or the mouth of another person by any means, without that person's consent;
2. regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
 - causes the penetration of the anus or sexual organ, or the mouth of a child (under 17) by any means;

A sexual assault is without the consent of the other person if:

1. the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
2. the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
3. the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
4. the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

Sexual Assault is a felony of the second degree.

Title 4, Chapter 71, Title 4, Sec 71.004 DOMESTIC (FAMILY) VIOLENCE

A person commits an offense if the act by a member of a family or household is against another member of the family or household that

1. is intended to result in physical harm, bodily injury, assault, or sexual assault
2. that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault
3. but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.”

Domestic (Family) Violence is a class A misdemeanor.

Title 4, Chapter 71, Title 4, Sec 71.0021 DATING VIOLENCE

A person commits an offense: if the act, other than a defensive measure to protect oneself, by an individual is committed against

1. a victim with whom the actor has or has had a dating relationship
2. because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
3. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

Dating relationship means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship.

Dating Violence is a class A misdemeanor.

Title 9, Chapter 42, Sec. 42.072. STALKING

A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

1. constitutes an offense under this section, or that the actor knows or reasonably should know the other person will regard as threatening:
 - a. bodily injury or death for the other person;
 - b. bodily injury or death for a member of the other person's family or household
 - c. that an offense will be committed against the other person's property;
 - d. causes the other person to be placed in fear of bodily injury or death
 - e. would cause a reasonable person to: Stalking is a felony of the third degree

Chapter 1, Title 1, Sec 1.07(11)-Consent

Consent is defined as assent in fact, whether express or apparent.

Be an Active Bystander

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystanders play a critical role in prevention as they are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved in an incident, but have the choice to intervene by speaking up or calling for help. TTUHSC El Paso promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

The list below will help those individuals who want to intervene, but might not know what to do.

- **Recognize a Problem**

- Be aware of your surroundings
- Look for red flags
- Trust your gut!

- **Assume Responsibility**

- If not you – then who?
- If you see something – step up!
- Ask others what they think
- Check in with your friends to make sure they are ok

- **Implement Resources**

- What kind of information should you have?
- Is it safe for you to help this person?
- What aspects of this situation can you control?

- **Determine a Plan**

- Choose a course of action and make a plan
- Stay calm
- Gather information and consider options
- Give clear and direct requests
- Don't judge the person
- Know appropriate referrals
- You can ALWAYS call 911

- **Engage Others**

- Who do you need to help you?
- Give people specific and clear instructions
- If you're the person in need, call people out with identifiers
- Empower others to help, and always thank those who responded

- **Respond**

- Approach everyone as a friend.
- Do not be antagonistic/confrontational.
- Avoid violence at all costs.
- Be honest and direct, when possible.
- Keep yourself safe.

- **Sustain the Culture**

- Hold people accountable for their actions – big and small.
- Respect boundaries, communicate safety, and set clear expectations.
- Follow through and check in.
- Have courage, compassion, and know that love and acceptance heals a world of violence and hate.

Risk Reduction

Risk reduction strategies are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. While risk reduction strategies may be helpful in some situations, these tips may not prevent all assaults. Even if all protective measures are taken, violence may still occur. While below are some strategies to reduce one's risk of experiencing violence, know that if violence does occur there is no blame for the victim. These suggestions may help you reduce the risk of experiencing sexual harassment or assault. Be aware of your surroundings.

- Try to avoid isolated areas.
- Walk with purpose.
- If a situation or location feels unsafe or uncomfortable, it probably isn't the best place for you.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together and leave together.
- If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended.
- Don't accept drinks from people you don't know or trust.
- Watch out for your friends, if a friend seems out of it, seems way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately.

If you need to get out of an uncomfortable or scary situation, here are some things that you can try.

- Remember that being in this situation is not your fault.
- Be true to yourself. Don't feel obligated to do anything you don't want to do.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors?

If you or someone else is in immediate danger, call Texas Tech Police at (915)215-7111, or by dialing 911.

Programs to Prevent Domestic Violence Dating Violence, Sexual Assault, and Stalking

In conjunction with the Title IX Coordinator, the Student Services and Student Engagement office is responsible for the creation and delivery of educational programs designed to prevent dating violence, domestic violence, sexual assault, and stalking. The Office of Student Services and Student Engagement administers and manages both primary and ongoing prevention efforts that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, assessed for value, effectiveness and/or outcome, and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. The office collaborates with campus departments and community resources to ensure population-specific relevance and awareness.

TTUHSC El Paso administers educational programming consisting of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

1. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act)
2. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking as defined by the Violence Against Women Act.
3. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms
4. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the Texas Tech System Regulations, the Code of Student Conduct, and Texas State law.
5. Provide a description of safe and positive options for bystander intervention.
6. Provide information on risk reduction.
7. Provide information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating

- violence, sexual assault, or stalking occurs.
- b. how the institution will protect the confidentiality of victims and other necessary parties.
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community.
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

Primary Prevention and Awareness Programs

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring all incoming students to take online courses related to the prevention of sexual assault and high-risk drinking.

These trainings and programs include the following:

Orientation Programs: includes education sessions, passive programming, and resources during welcome week that educate new students about bystander intervention, alcohol, drugs, dating violence, domestic violence, sexual assault, and stalking.

EVERFI Training Modules: The EVERFI Training program is provided to all new students matriculating at TTUHSC El Paso. The online modules are assigned in the first semester and students are given a month to complete them. These training modules include:

- Sexual Assault Prevention for Undergraduate and Graduate Students
- Alcohol Education for College
- Higher Ed. Prescription Drug Abuse Prevention

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the University Medical Center Emergency Department. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

If a sexual assault victim does not wish to involve police at the time of the assault, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police. Regardless of the preservation of evidence, the assault should be reported.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to TTPD or local law enforcement agency, it is the victim's choice whether or not to make such a report. A victim may be assisted in notifying law enforcement if they choose. Furthermore, victims have the right to decline to notify law enforcement.

Reporting Incidents to the University

Victims are always encouraged to report incidents to the police; however, any of the offices listed below and any University employee may assist students in reporting misconduct:

- Title IX Office,
- Office of Student Services and Student Engagement,
- a Campus Security Authority or,
- confidentially at the Student Counseling Center.

A victim can report directly to the Title IX Coordinator by calling 915-215-5439; emailing the Title IX Coordinator at Linda.S.Ellis@ttuhsc.edu; or coming into the office to report in person at Medical Education Building Rm 2140D.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to TTPD will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to TTPD.

When a report is made to any university employee, except those deemed a confidential resource, such as at the Student Counseling Center, the employee is required to complete the Clery Incident Report Form and the Title IX/Sexual Misconduct Reporting Form which submits details of the incident to the Title IX coordinator for follow up and to the Clery Compliance Director for consideration of timely warning notices and for inclusion in the crime statistics.

File a Formal Complaint

Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct or by contacting the University Title IX Coordinator or System Office of Equal Opportunity. Upon receiving such report, or when the University has actual knowledge of alleged sexual misconduct, the Title IX Coordinator or System Office of Equal Opportunity will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures, which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.

Such a report may be made at any time by calling the Title IX Office at 915-215-5439, or emailing the Title IX Coordinator at Linda.S.Ellis@ttuhsc.edu or using the Title IX/Sexual Misconduct Reporting Form. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this regulation.

Employees are Mandatory Reporters

Pursuant to Texas law, all employees, including student employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident shall promptly report the incident to the University's Title IX Coordinator or Deputy Title IX Coordinators. An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of state Texas that shall result in termination of employment and may result in criminal penalties.

Reports by mandatory reporters must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

Disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources.

These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy.

Making a Report

Any individual may inquire or make a report or complaint of Sexual Misconduct of any kind. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth above, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non- business hours) by using the phone number or email address, or by mail to the office address. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating the University's Sexual Misconduct policies.

While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the University, including incidents in which the student was a victim. Students may also report incidents of Sexual Misconduct to law enforcement, including on- campus and local

police. Complainant may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct. A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation.

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

Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

The University has procedures in place that are sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file a criminal complaint; the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if the accommodations are reasonably available.

The University will implement supportive measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (office: Medical Education Building Rm 2140D) by calling (915-215-5439), emailing (Linda.S.Ellis@ttuhsc.edu), or coming into the office to report in person.

The Office of Title IX Compliance, working with the Student Conduct Administrator is responsible for investigating reports involving students. Reports involving employees will be investigated by the Office of Human Resources or the System Office of Equal Opportunity in conjunction with the Office of Title IX Compliance. If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that will be followed.

Incident Being Reported	Procedures Institution Will Follow
Domestic Violence	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Domestic Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce University policies that address retaliation against a person for reporting domestic violence or for assisting the investigation..

Dating Violence	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Dating Violence to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce University policies that address retaliation which addresses retaliation against a person for reporting dating violence or for assisting the investigation.
Sexual Assault	<ol style="list-style-type: none"> 1. The institution will refer victim to medical care, as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce University policies that address retaliation against a person for reporting sexual assault or for assisting the investigation.

Stalking	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate. 2. Institution will assess immediate safety needs of victim. 3. Institution will provide the victim with a written explanation of the victim's rights and options. 4. Institution will provide victim with referrals to on- and off-campus mental health providers. 5. Institution will assist victim with contacting police if victim requests. 6. Institution will provide written instructions on how to apply for Protective Order. 7. Institution will provide written information to victim on how to preserve evidence. 8. Institution will assess need to implement emergency removal and/or protective measures. 9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate. 10. Institution will provide a copy of the policy applicable to Stalking to the victim and inform the victim regarding time frames for inquiry, investigation, and resolution. 11. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is. 12. Institution will enforce University policies that address retaliation against a person for reporting stalking or for assisting the investigation.
----------	--

Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors

Professional Counselors assigned to Student Counseling are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to TTPD, or local law enforcement. Students may request a counselor from the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Safety Report.

Employee Assistance Program

TTUHSC El Paso also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the Resources section of this annual report. All information relating to an employee's EAP participation is strictly confidential.

Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any official On- Campus Resources unless the employee specifically gives them permission to do so.

Assistance for Victims - Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a criminal, civil, or tribal court

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

Failure to comply with the "No Contact Order" may result in disciplinary action, including possible suspension or expulsion. Violations of a "No Contact Order" may also result in emergency removal pending the completion of a Grievance Process. The term of a "No Contact Order" is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

All criminal or civil protective orders must be requested through the court and requires evidence to show the need for such order. A victim advocate or local attorney can assist in the process of obtaining a protective order from the court.

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to victims about options for available assistance, and how to request Supportive Measures at the institution. Supportive Measures are described in writing in the initial communication following a report and include areas such as academic, living, transportation, and working situations. Information about Supportive Measures document is presented to parties during the intake meetings and made available at multiple offices on campus.

The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, and /or retaliation; protect the safety and well-being of the parties and the University community; and restore or preserve equal access to the University's education programs or activities. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether complainant files a formal complaint. The written notification will include information regarding the Supportive Measures available and how to request those measures.

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining Supportive Measures. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

The range of Supportive Measures available includes, but is not limited to: separation or modification of complainant and respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or repeat of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties.

Consistent with Texas law, a complainant or respondent who is the subject of an alleged incident of sexual misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

Students: Contact the Title IX Coordinator for assistance.

Employees/Faculty: Contact the System Office of Equal Opportunity or Title IX Coordinator

Confidentiality

TTUHSC El Paso is committed to ensuring confidentiality during all stages of the grievance process. The confidentiality of the complainant, the respondent, the reporting party, any individuals who have sought guidance about Sexual Misconduct or have participated in an investigation or incident will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University community, and to the extent allowed by law.

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar's Office. Employees can contact the Office of Human Resources to make a similar request regarding directory information. Regardless of whether a victim has opted- out of allowing the University to share "directory information" personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing Supportive Measures to the victim, including accommodations and protective measures.

By only sharing personally-identifiable information with individuals with a legitimate educational interest, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Furthermore, if a campus safety alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

Unless waived in writing by the individual, the identity of aforementioned individuals is confidential and not subject to disclosure under Texas Chapter 552, Government Code (Public Information); and may be disclosed only to the extent required by law or regulation.

- University employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
- a law enforcement officer as necessary to conduct a criminal investigation of the report;
- a health care provider in an emergency, as determined necessary by the University;
- the responding party, to the extent required by other law or regulation; and
- potential witnesses to the incident as necessary to conduct an investigation of the report.

However, because the University also has an obligation to maintain an environment free of sex discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Title IX Coordinator or designee will evaluate requests for confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation.

Students may make confidential reports to TTUHSC El Paso Student Counseling Services. Complainants may also make confidential reports to licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

Absent consent from the Complainant, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complainants with information and guidance regarding University reporting options and available resources.

The following Confidential Resources are available to TTUHSC El Paso students:

Resources	Phone
TTUHSC EP Student Counseling Services	915-215-4820
Employee Assistance Program	915-215-5865
TTUHSC 24-Hour Crisis Helpline	800-327-0328
RAINN Helpline	800-656-HOPE

Note: Access local advocacy groups and services through any of the above resources.

Campus and Community Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including TTPD, will offer the victim a wide variety of services. This information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for TTUHSC El Paso.

These resources are included in the following tables:

Campus Resources	Employees	Students
Counseling / Mental Health	Employee Assistance Program 915-215-5865 or 915-215-5861 (24 hour)	Student Counseling Services 915-215-4820
Health Services	University Medical Center Employee Health Clinic 4824 Alberta Ave 4 th Floor 915-521-7866	Student Health Services/Hague Clinic 125 W. Hague, Ste 340 915-215-5810
Title IX Coordinator	Office of Equal Opportunity System Admin Building 806-834-1949	Title IX Coordinator Medical Education Building Rm 2140 915-215-5439
International Student Support Services		Visa and Immigration Services 211 Rick Francis 915-215-4223
Texas Tech Police Department	211 Rick Francis Street 915-215-7111	211 Rick Francis Street 915-215-7111
AVP Student Services and Student Engagement		4801 Alberta Ave, El Paso, TX 79905 MSBII, 2 nd floor 915-215-4370
Sexual Misconduct Resource Site	Office of Title IX https://elpaso.ttuhsc.edu/title-ix/default.aspx	Office of Title IX https://elpaso.ttuhsc.edu/title-ix/default.aspx

Community Resources	Employees	Students
Confidential Services	El Paso STARS Rape Crisis Center 1-800-656-4673	El Paso STARS Rape Crisis Center 1-800-656-4673
Health Services	University Medical Center Emergency Department 4815 Alameda Ave. El Paso, TX	University Medical Center Emergency Department 4815 Alameda Ave. El Paso, TX

Victim Advocacy	El Paso County Victim Services 500 E San Antonio 915-546-2091	El Paso County Victim Services 500 E San Antonio 915-546-2091
Visa and Immigration Assistance Resource	USCIS Field Office 6500 Campus Cir. Drive East Irving, TX 800.375.5283	USCIS Field Office 6500 Campus Cir. Drive East Irving, TX 800.375.5283
El Paso Police Department	Emergency: 911 Non-Emergency: 915-832-4400	Emergency: 911 Non-Emergency: 915-832-4400
El Paso County Sheriff	Emergency: 911 Non-Emergency: 915-832-4408	Emergency: 911 Non-Emergency: 915-832-4408

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

University Grievance Procedures

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

The University's grievance procedure includes a prompt, fair, and impartial investigation and resolution process. The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of one hundred twenty (120) days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause.

For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred twenty (120) days, will be reviewed by the University, and justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.

Response to Receipt of Formal Complaint

Upon notice or receipt of an incident report regarding Sexual Misconduct or gender-based harassment/discrimination, the Office of Title IX Compliance or designee will contact the named

Complainant via their official TTUHSC El Paso email and request a meeting to gather and review information about the nature of the report, and to review Support Measures and the Grievance Process (also included as a written attachment). When health and safety are potentially at risk, the Office of Title IX Compliance may call the student on the phone number listed in their student record. In the event that the Complainant does not respond to communication, the Office of Title IX Compliance will send a second email communication. Complainants are not required to respond or participate in any meetings with university staff.

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

If the Victim Does Not Wish to Pursue Resolution

When a Complainant is identified but is reluctant to file a Formal Complaint and/or the Grievance Process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the Grievance Process but has no aversion to the University pursuing action with respect to the named Respondent, the institution may investigate the incident in the same manner that an anonymous complaint may be investigated. If the Complainant does not want the University to pursue the report in any respect, the University may investigate further if Title IX Coordinator determines there is reason to believe that a significant continuing threat to the campus community exists.

In determining whether to investigate the incident, the institution shall consider the seriousness of the alleged incident, whether the University has received other reports of incidents committed by the alleged perpetrator(s), whether the alleged incident poses a risk of harm to others, and any other factor the institution deems relevant. If the University decides not to investigate the incident, the University shall take any steps deemed necessary to protect the health and safety of the University Community in relation to the incident. The university will inform the Complainant of the decision to investigate, or not investigate, the reported incident.

Initial Review of Formal Complaint

Upon receipt of a Formal Complaint, the University will: complete the actions required upon receiving notice, evaluate jurisdiction and mandatory and discretionary dismissal, assess appropriate supportive measures for both parties, evaluate the need for emergency removal or administrative leave, and initiate the Grievance Process (Texas Tech University System [Regulation 07.06 A](#) and [Regulation 07.06B](#)).

Mandatory Dismissal: The University will dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX or Non-Title IX sexual misconduct, as defined, even if proven; (b) the Title IX sexual misconduct did not occur in the University's education programs or activities (for 07.06.A Complaints); or (c) the Title IX sexual misconduct did not occur against a person in the United States (for 07.06.A Complaints).

Permissive Dismissal: The University may dismiss a Formal Complaint in the following situations: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.

Application of Other Policies Upon Dismissal of Formal Complaint: These regulations apply exclusively to Title IX and Non-Title IX Sexual Misconduct. Dismissal of a Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including, but not limited to those in the applicable Student Handbook or other faculty, staff, or employee policies.

Written Notice of Dismissal: If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.

Appeal of Dismissal Decision: Any party can appeal the dismissal decision in the manner provided in the Appeals Process section of this report.

General Requirements of the Grievance Process

1. *Equitable Treatment of Parties:* The University shall treat complainants and respondents equitably by:
 - offering Supportive Measures, (2) providing remedies to a complainant where a determination regarding responsibility for Title IX and Non- Title IX sexual misconduct has been made against the Respondent,
 - executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be

accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

2. An advisor may provide support, guidance, or advice. The University may not limit the choice or presence of advisor for either the Complainant or the Respondent; however, the University may establish restrictions equally to both parties regarding the extent to which advisors may participate in the proceedings.

3. *No Conflicts of Interest:* The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, Appeal officers, and facilitators of an informal resolution process be free of conflicts of interest or bias against a party.

4. *Presumption of Non-Responsibility; Standard of Evidence:* There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the grievance process shall be a **"preponderance of the evidence."**

5. *Objectivity:* Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.

6. *Privileged Information:* The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an informal resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the grievance process under this regulation.

Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

7. *Annual Training:* Title IX Coordinators, Investigators, Hearing Officers, and Appeal officers receive adequate and unbiased training on the application of the sexual misconduct policy, and the Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy decisions. All materials used to train these staff members are publicly available at: <https://elpaso.ttuhschool.edu/title-ix/default.aspx>

Notice to All Parties of Hearings, Interviews, or Meetings

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The University will provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice will also include notice of the following: the Grievance Process, including the University's Informal Resolution process; that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; that the parties may inspect and review evidence; and any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.

If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations will be provided at that time.

Prehearing Investigation

The University will investigate allegations made in a Formal Complaint in accordance with this Grievance Process.

Gather Evidence

1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility will be on the University and not on the parties.
2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this regulation. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
3. The University will provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.
4. The University will not restrict either party from discussing the allegations or from gathering evidence.

Inspection and Review of Relevant Evidence

Prior to the completion of an Investigative Report, the University will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.

The University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.

The parties will have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of an Investigative Report.

Investigative Report

Upon completion of the investigation, the University will create an Investigative Report that fairly summarizes the relevant evidence. The University will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this regulation or otherwise provided.

General Requirements of the Hearing Process

If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint will proceed to a live hearing. Title IX Sexual Misconduct will be conducted in accordance with the procedure set forth in Attachment 2 of the regulation.

For Title IX and Non-Title IX Sexual Misconduct Hearings, a live hearing may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, the live hearing may occur with the parties located in separate rooms; however, technology enabling the Hearing Panel, Hearing Officer, parties, and witnesses to simultaneously see and hear the party or the witness answering questions must be used.

For Title IX and Non-Title IX Sexual Misconduct Hearings, the University will appoint a four-member Hearing Panel. The Title IX Hearing Officer will be one of the four members of the Hearing Panel and will serve as the Hearing Panel's chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing.

The Title IX Hearing Officer will oversee and conduct the hearing and chair the Hearing Panel. When the independent Hearing Officer is a licensed attorney, the Hearing Officer will provide confidential legal advice to the Hearing Panel when the panel is deliberating the determination regarding responsibility and drafting the written determination regarding responsibility. In Non-Title IX Sexual Misconduct Hearings, the University will appoint a three-member Hearing Panel, with one member serving as the Hearing Chairperson.

All parties, witnesses, and other participants in a hearing must be physically or virtually present in a manner where all participants can simultaneously see and hear each other. In Title IX Sexual Misconduct Hearings, each Complainant and Respondent shall have an advisor present at the hearing to conduct cross-examination, and each is entitled to select an advisor of their choice. In Non-Title IX Sexual Misconduct Hearings, each Complainant and Respondent may have an advisor present, and the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing.

Hearing Procedure

The Title IX Hearing Officer will set the Rules of Order and Decorum and agenda for the hearing and will direct and oversee the hearing in accordance with this regulation and the Rules of Order and Decorum. The hearing shall be no more than four (4) hours in length, unless the Hearing Officer determines that exceptional circumstances exist justifying a longer hearing.

The University will create a record of the live hearing and make it available to the parties for inspection and review upon request. The Hearing Panel's deliberations are not part of the live hearing and therefore will not be part of the record.

Each party will have an opportunity to introduce evidence to the Hearing Panel. Only evidence (including but not limited to documents, media, witnesses, and other tangible evidence) provided by the parties to the Investigator during the pre-hearing investigation, and/or identified or included in the Investigative Report may be presented, introduced, or used at the hearing.

Any new evidence identified after completion of the Investigative Report that a party intends to present, introduce, or use at the hearing must be provided to the Title IX Coordinator at least five (5) days prior to the hearing and to the other party at least three (3) days prior to the hearing.

Direct examination may be conducted by the Hearing Officer or the Hearing Panel. In Title IX Sexual Misconduct Hearings, all cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. In Non-Title IX Sexual Misconduct Hearings, Complainants and Respondents will be permitted to question statements and evidence presented by other parties. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Hearing Officer or Chairperson must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Written Determination Regarding Responsibility

After a Title IX Sexual Misconduct hearing, the Hearing Panel will issue a written determination regarding responsibility that will include:

1. identification of the allegations potentially constituting Title IX Sexual Misconduct;
2. a description of the procedural steps taken throughout the Grievance Process;
3. findings of fact supporting the determination regarding responsibility;

4. conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct;
5. a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant;
6. a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and
7. a statement that the determination may be appealed by the parties pursuant to this regulation and information on how to file such appeal.

The University will provide the written determination to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.

In Non-Title IX Sexual Misconduct Hearings, after a hearing, the Hearing Panel will issue:

1. Final Decision Letter that will include the allegations potentially constituting Non-Title IX Sexual Misconduct
2. findings of fact that support the determination regarding responsibility
3. a rationale for the result as to each allegation, any disciplinary sanctions imposed
4. and the Appeal procedures.

The University will provide the written determination to the parties simultaneously. The decision becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.

Employee Non-Title IX Sexual Misconduct Complaint, Investigation, and Response

The following information pertains to employees who are respondents in a reported incident. Type and Location for Filing a Complaint. 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 System Regulation 07.10 shall apply.

Required Form of Complaint: To initiate an investigation, an Employee having a complaint under this regulation must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at:

http://www.depts.ttu.edu/hr/documents/TTU_Misconduct_40.03.pdf.

While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.

Individuals wishing to remain anonymous may 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 System Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation.

Both the Complaining and Responding 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.

Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this regulation.

After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the determination of the outcome and the finding of the System Office of Equal Opportunity. In the event a finding of a violation of this regulation is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment.

Appeals Process

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

Grounds for Appeal

For both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct, the parties may appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds.

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

Process for Appeal

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The

written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

Response of Non-Appealing Party: Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

Appeal Officer: The University will designate a decision-maker for the appeal. The appeal officer shall not be the same person as any of the Hearing Panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.

Response of Hearing Panel: The appeal officer may submit the written appeal and non-appealing party's response to the Hearing Panel, and the Hearing Panel may submit its response in support of the appeal or original decision to the appeal officer.

Review of Appeal: The appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.

Written Decision and Notice: Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

Employee Process for Appeals

The finding of the System Office of Equal Opportunity is final and not appealable by either party. 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, they may appeal within five business days to the University Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to the University's Tenure Policy.

The Complaining Party and Responding Party will be simultaneously notified in writing of any changes to the results of an appeal of any disciplinary action that occur prior to the time such results become final and when such results become final.

Notification to Victims of Crimes of Violence

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Informal Resolution Process

The Informal Resolution Process presents an alternative to the Grievance Process for a formal complaint. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process will not be offered to resolve allegations that a University Employee engaged in conduct against a student that would constitute Title IX or Non-Title IX Sexual Misconduct.

The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.

Sanction and Remedies

The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the Grievance Process are set forth below. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.

Sanctions and Remedies Against Students

Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Sanctions and Remedies Against Employees

Possible sanctions or remedies that may be imposed on Employee Respondents can include, but

are not limited to: employment probation; job demotion or reassignment; suspension with or without pay for a specified period of time; dismissal or termination from employment; ineligibility for re-hire; other coaching, conduct or corrective actions described in System Regulation 07.07; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

Student Rights and Responsibilities

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

Subject to applicable law, information gathered by the University during the course of the Investigation and Grievance Process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the Grievance Process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

Amnesty

- a. Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking for a violation by the student of the Student Handbook, occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.
- b. The University reserves the right to investigate to determine whether a report of an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking was made in good faith. After such investigation, the Title IX Coordinator or their designee will make a determination as to whether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.
- c. Notwithstanding the forgoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking.
- d. Although students eligible for amnesty may avoid disciplinary action under these amnesty provisions, amnesty does not preclude the University from encouraging

students to participate in directives such as counseling or educational opportunities relating to the conduct students were engaged in.

- e. Abuse of these amnesty provisions by a student may result in a violation of the Student Handbook. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, legal actions, or actions required to comply with professional ethic requirements.

Interference with an Investigation

Any person who knowingly and intentionally interferes with a Grievance Process conducted under the Student Handbook is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process 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;
- Providing false or misleading information to the investigator, or encouraging others to do so; or
- Making a report under this policy that, after investigation is found not to have been made in good faith.

•

Protections against Retaliation

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted

Retaliation against an individual who reports a potential violation in good faith under this regulation, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under this regulation is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this regulation.

The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this regulation 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 regulation.

Individuals who are found to have retaliated under this regulation will be subject to disciplinary

action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.

An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

Remediative Steps Available

The following information is the same for both the Title IX Sexual Misconduct process and the Non-Title IX Sexual Misconduct process. Any areas that may be different will be specifically noted.

Victims of sexual assault, dating violence, domestic violence or stalking are entitled to rights to ensure they are protected and can begin the process of getting back to life prior to being a victim. A victim may work with the Title IX Office, Human Resources, or the Office of Student Services and Student Affairs. The university will work with the student and help them through the processes below:

Interim Suspension

The university may remove one or more students who are suspected of violating policy from the university prior to a hearing on the issues if there is a potential for risk to one or more members of the university community.

Temporary No Contact Order

The university may impose a temporary “no contact” order restricting contact between individuals during the course of an investigation.

Standing No Contact Order and geographic Restrictions

The university may impose a permanent “no contact” order, or an order restricting students who are found to have violated university policy from specific buildings or areas of campus.

Security Escorts

The university may discuss options for ensuring travel safety to and from specific locations on and off campus.

Temporary Modification of On-campus Employment

The university can provide temporary reassignment of on-campus employment duties within the university during the course of an investigation. The university may also review the assigned duties of students who are alleged to have violated university policy.

Permanent Adjustment of Student Employment

If an employment assignment is no longer comfortable due to the experience, the university will assist in exploring other potential options within the university and may review the assigned duties of students who are found to have violated university policy.

Permanent Class Schedule Adjustments

If it is determined that the most effective way to help ensure academic success is to adjust one or more classes you are enrolled in, the university will assist in minimizing the impact to your academic plans and goals.

No-cost Medical and Psychological Support

The university will provide no-cost medical and psychological services through the Student Counseling Services to assist any student who requests them as a result of any experience under investigation by the university.

If it is determined that the experience placed the survivor's academic success in jeopardy, the university will make academic support services available at no cost.

No-cost Academic Support

If it is determined that the experience placed the survivor's academic success in jeopardy, the university will make academic support services available at no cost.

Assistance in Adding, Dropping, or Retaking Courses

If the experience has made it difficult or impossible to continue with one or more classes for a period of time, the university will assist in the process of adding, dropping or retaking one or more courses at a different time, day, location or semester. The university will assist in determining the best course of action, taking financial aid, living and academic situation into account.

Judicial Orders

Victims of sexual assault, dating violence, domestic violence or stalking are entitled to judicial orders from the court upon request. The university will assist the survivor by working with him or her and a crime victim advocate to ensure that proper procedures are followed to obtain such an order.

Section VII: Policies Governing Alcohol, Illegal Drugs, Substance Abuse, and Weapons

Drug and Alcohol Abuse Prevention Program (DAAPP):

TTUHSC El Paso is committed to providing students, faculty, staff and visitors a safe and drug-free campus. TTUHSC El Paso promotes responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. As a component of this effort, and in compliance with the Drug Free Schools and Communities Act (DFSCA), TTUHSCEP has developed a drug and alcohol abuse prevention program (DAAPP). This is a multi-faceted program that provides student, staff and faculty with information, training and resources to help address alcohol and drug related issues before they have an impact on student or employee performance. DFSCA requires that TTUHSCEP publish information regarding the university's DAAPP including standards of conduct that prohibit unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution associated activities; sanctions for violations of federal, state, and local laws and TTUHSCEP policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for TTUHSCEP students and employees. The DAAPP is published to all students, faculty and staff annually to provide them with the most current information regarding the institution's drug and alcohol abuse prevention efforts. TTUHSCEP's DAAPP is available online at: <https://elpaso.ttuhsce.edu/compliance/prevention-program/default.aspx>.

The following section provides an overview of the laws, policies, procedures, and programs that constitute the DAAPP.

Note: The policies governing alcohol, drugs, and weapons are applicable on all TTUHSCEP affiliated properties, including those that are outside of main campus geography.

Alcoholic Beverages

The enforcement of alcohol laws on-campus is the primary responsibility of TTPD. The consumption of alcohol on campus is only permitted under certain circumstances as set forth by University policy. TTPD proactively enforces these laws and University policies concerning alcohol and drugs on campus, including state underage drinking laws. Violators of alcohol policies are subject to the provisions of applicable state and federal laws as well as University disciplinary actions. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

Being under the influence of alcohol or intoxication is prohibited on all TTUHSC El Paso campus related facilities.

As an institution of higher education, TTUHSC El Paso is interested in the well-being of the campus communities and believes it important to prohibit the abusive or illegal use of alcoholic beverages. All members of the university community and guests are required to comply with federal, state, and local laws regarding the distribution, possession, and consumption of alcoholic beverages. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal and prohibited. Consequences may result in criminal charges or arrest by the TTPD or local law enforcement and sanctions by the institution.

HSCEP OP 10.03, Alcohol and Illegal Drugs, was developed to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free Schools and Communities Act Amendments. In addition to meeting the requirements of federal law, this policy is intended to be a part of the positive effort in alleviating alcohol problems among members of the campus community. Emphasis in the implementation of the program is on prevention, education, counseling, intervention, and treatment; however, disciplinary action may be taken for violation of this or other applicable policies.

Violations of this policy also fall under the TTU System community conduct rules and are defined as a breach of trust. (TTUS Regents Rules, Chapter 03.02.1.i.) The 2019-2020 Institutional Student Handbook includes the following statement specifically addressing misconduct relating to alcoholic beverages: “*Misconduct or prohibited behavior includes, but is not limited to: 1. Alcoholic beverages, a. The use, possession, sale, delivery, distribution of alcoholic beverages, except as expressly permitted by University policy as allowed by law. b. Being under the influence of alcohol and/or intoxication except as allowed by law. Note: State law is strictly enforced at all times on all properties controlled by the University and is inclusive of all clinical and teaching sites and its components.*” (TTUHSC El Paso 2019-2020 Institutional Student Handbook, Part II.D.1)

Illegal Drug Use

TTUHSC El Paso policy prohibits the unlawful manufacture, distribution, dispensation, sale, possession, or use of controlled substances. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by TTPD. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

Texas and Federal law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance, or immediate precursor covered under the Texas Controlled Substances Act, Texas Health and Safety Code, Chapter 481, or the U.S. Department of Justice, Drug Enforcement Administration, Controlled Substances Act, 21 USC, Chapter 13, including, but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited. Drug paraphernalia includes all equipment, products, and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act or the Federal Controlled Substances Act. Alleged violations of this law may result in criminal charges or arrest by the TTPD or local law enforcement and sanctions by the institution.

HSCEP OP 10.03, Alcohol and Illegal Drugs, was developed to ensure understanding and standardized procedures in compliance with the provisions of the Drug-Free Schools and Communities Act Amendments. In addition to meeting the requirements of federal law, this policy is intended to be a part of the positive effort in alleviating drug related problems among members of the campus community. Emphasis in the implementation of the program is on prevention, education, counseling, intervention, and treatment; however, disciplinary action may be taken for violation of this or other applicable policies. A hard copy may be obtained from the Office of Student Services and Student Affairs, Graduate Medical Education, Human Resources, and the Deans of each school.

HSCEP OP 70.39, Drug-Free Workplace Policy was developed to establish and maintain TTUHSC El Paso as a drug-free workplace. Individuals impaired by the use of alcohol and drugs are potentially harmful to themselves, the University's mission, the treatment of patients, their job performance and the well-being of co-workers, students, and visitors. TTUHSC El Paso adheres to the provisions of the Drug-Free Workplace Act of 1988 and expects individuals to report for work and perform assigned duties in a condition free from the effects of alcohol and drugs.

Violations of these policies also fall under the TTU System community conduct rules and are defined as a breach of trust. (TTUS Regents Rules, Chapter 03.02.1.i.) The 2019-2020 Institutional Student Handbook includes the following statement specifically addressing misconduct relating to illegal drugs:

"Misconduct or prohibited behavior includes, but is not limited to: 2. Narcotics or Drugs, a. Use, possession, sale, delivery or distribution of any narcotic, drug or other medicine prescribed to someone else, chemical compound or other controlled substance or drug-paraphernalia, except as expressly permitted by the laws of the State of Texas; or, b. Being under the influence of narcotics or drugs, except as permitted by law. c. The failure of a drug test whether required by TTUHSC El Paso or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility." (TTUHSC El Paso 2019-2020 Institutional Student Handbook, Part II.D.2)

Employee and Student Conduct

It is the policy of TTUHSC El Paso 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 illicit drugs for all faculty, staff, and students at the university. (*OP 10.03: Alcohol and Illegal Drugs*: https://elpaso.ttuhsc.edu/opp/_documents/10/op1003.pdf). Reporting to work under the influence of intoxicants, including alcohol, or reporting to work while suffering from an alcoholic hangover, which interferes with job performance and/or safety is prohibited.

The Student Handbook governs the behavior of students, both on and off campus. The Student Handbook provides the following information in regards to what constitutes a violation of policy. The Student Handbook is also applicable to those students undergoing a course of study at a sister institution.

Alcoholic Beverages

The following language from the Student Handbook describes what constitutes a violation of the code of conduct regarding alcoholic beverages: "Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol." Note: TTPD enforces the laws of the State of Texas regarding alcohol, including enforcement of the possession by, sale to, and use of alcohol by minors. Violations of these laws (as is true with all violations of law) are reported to the institution's administration and subject the student to administrative action, regardless of any criminal penalties.

Narcotics or Drugs

The following language from the Student Handbook describes what constitutes a violation of the code of conduct regarding narcotics or drugs: “Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.”

Student and Employee Services for Alcohol and/or Drug Issues

TTUHSC El Paso is committed to protecting the health and well-being of all employees and students by providing a safe and drug-free environment. TTUHSC El Paso promotes responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals.

The Student Counseling Services are provided through payment of Student Services Fees. These resources are provided to enhance wellness by providing students and their dependents the opportunity to manage life’s problems before they become serious and impair academic and professional performance. Information on these programs, can be found at Student Counseling Services: <https://ttuhscep.edu/studentservices/SCS.aspx>

The TTUHSC El Paso Department of Human Resources’ Employee Assistance Program (EAP) manages the alcohol and drug abuse rehabilitation program for TTUHSC El Paso employees, residents and faculty. The EAP is intended for situations when an employee experiences problems that are beyond their ability to manage and the problems affect performance or behavior on the job. Utilization of the EAP is voluntary on the employee’s part however, the employee is encouraged to seek assistance before job performance is severely impacted.

Employees may seek assistance through their supervisor, the Human Resources Department, or by contacting the EAP directly.

- TTUHSC El Paso Employee Assistance Program (EAP)
 - o 915-215-5865 or
 - o 915-215-5861 (24-hour)

House Staff Association: The House Staff Association (HSA) is an independent organization managed by TTUHSC El Paso residents and fellows. It provides an open forum that allows residents and fellows to communicate and exchange information on their educational and work environment. It promotes the well-being, interests and education of the House Staff.

TTUHSC El Paso Physician’s Wellness Committee: The TTUHSC El Paso Physician’s Wellness Committee is a medical peer review committee to assist physicians and house staff with physical impairments, chemical or substance abuse problems, or mental and emotional difficulties that may affect clinical skill and/or judgment

Laws Pertaining to Alcohol

The following summary is a general representation of the law and not intended to be a definitive explanation of the law, but rather an overview of state and federal laws regarding the possession, use, and distribution of alcohol. More information about Texas laws pertaining to alcohol can be found here: <https://statutes.capitol.texas.gov/Index.aspx>.

Illegal Possession

Texas Alcohol Beverage Code: Title 4. Regulatory and Penal Provisions, Chapter 106. Provisions relating to age.

Minors (those under 21 years of age) need to know that it is illegal to knowingly:

- Possess alcohol
- Consume alcohol
- Purchase or attempt to purchase alcohol
- Transport alcohol on a public highway when not accompanied by at least one parent or guardian.

Driving/Operating Under the Influence

Texas Penal Code: Title 10. Offenses Against Public Health, Safety, and Morals. Chapter 49. Intoxicated and Alcoholic Beverages Offenses

2. It is illegal for a person to operate a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol or greater.

Transportation

Texas Penal Code: Title 10. Offenses Against Public Health, Safety, and Morals. Chapter 49. Intoxicated and Alcoholic Beverages Offenses

Illegal possession - It is illegal for a minor to knowingly possess an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked.

Consequences of Alcohol Related Violations

Consequences for University Violations

Those who violate university policy, or the Student Handbook are subject to sanctions. Employees who are found to be in violation of a university policy pertaining to alcohol may be subject to disciplinary action. Employees who feel they may have a problem with alcohol should seek professional advice and treatment. You may seek confidential help or obtain a list of counseling and assistance programs by calling Human Resources. Students who are found to be in violation of the Student Handbook pertaining to alcohol may be subject to disciplinary action. Students who feel they may have a problem with alcohol should seek professional advice and treatment. Office of Student Services and Student Affairs offers education and assistance with alcohol abuse.

Organizers of events are responsible for compliance with all applicable laws and regulations at their events. If student organizers do not exercise responsible control over the conduct of their guests, they may be held accountable in student conduct proceedings, in addition to any applicable civil or criminal process. Individuals who engage in dangerous or destructive behavior involving unlawful possession, use or distribution of alcohol, either on or off campus, may also be subject to disciplinary action under the Student Handbook. Violators risk disciplinary actions up to and including dismissal or termination from the university, as well as prosecution by federal, state, and local law enforcement agencies.

Consequences for Criminal Violations

Infractions of the state's alcohol laws can be punishable by fines, probation, and/or jail time.

Illegal Possession (Under 21)

- Class C Misdemeanor
- Suspension of driver's license
- Community Service

Driving/Operating Under The Influence

- Class A or B Misdemeanor
- Suspension of driver's license

Illegal Transportation

- Class C Misdemeanor

Laws Pertaining to Drugs

The following summary is not intended to be a definitive explanation of the law, but rather an overview of state and federal laws regarding the possession, manufacture, and distribution of illicit drugs. It is intended only to be generally representative of these laws. More information about Texas laws pertaining to drugs can be found here: <https://statutes.capitol.texas.gov/Index.aspx>.

Texas drug laws prohibit possession, sale, manufacture, and distribution of marijuana and other controlled substances (e.g., cocaine, LSD, PCP, hallucinogenic substances, stimulants, narcotics), and possession of drug paraphernalia.

Drug Possession, Drug Manufacturing, Drug Distribution

Texas Health and Safety Code: Title 6. Food, Drugs, Alcohol, and Hazardous Substances, Subtitle C. Substance Abuse Regulation and Crimes. Chapter 481. Texas Controlled Substances Act.

- It is a violation of Texas Code to knowingly possess marijuana, cocaine, methamphetamine, and/or other narcotic drugs.
- It is a violation of Texas Code to manufacture drugs. Manufacture is defined a production, preparation, conversion, or processing by means of chemical synthesis to a final product that is packed for sale.
- It is a violation of Texas Code to distribute drugs to others, whether receiving cash or goods.

Consequences of Drug Related Violations

Consequence for University Violations

Those who violate university policy and the Student Handbook are subject to sanctions. Employees who are found to be in violation of a university policy pertaining to drugs may be subject to disciplinary action. Employees who feel they may have a problem with substance abuse should seek professional advice and treatment. For confidential help or to obtain a list of counseling and assistance programs call the Human Resources department. Students who are found to be in violation of the Student Handbook pertaining to drugs may be subject to disciplinary action. Students who feel they may have a problem with substance abuse should seek professional advice and treatment. The Office of Student Services and Student Engagement offers education and assistance with drug abuse.

Organizers of events are responsible for compliance with all applicable laws and regulations at their events. If organizers do not supervise responsible control over the conduct of their guests, they may be held accountable in student conduct proceedings, in addition to any applicable civil or criminal process.

Individuals who engage in dangerous or destructive behavior involving unlawful possession, use, or distribution of controlled substances, either on or off campus, may also be subject to disciplinary action under the Student Handbook. Violators risk disciplinary actions up to and including dismissal or termination from the university, as well as prosecution by federal, state and local law enforcement agencies.

Consequences for Criminal Violations

Violations of the state's drug laws are punishable by a fine and/or imprisonment. Penalties depend on the quantity involved, the criminal record of the violator, and other factors. There are additional aggravating factors that can increase any penalty.

Possession of Marijuana

- Class A or B Misdemeanor, or felony depending on the amount
- Possible imprisonment and up to a \$50,000 fine.

Marijuana Distribution

- Class A or B Misdemeanor, or felony depending on the amount
- Possible imprisonment and up to a \$50,000 fine.

Possession of Cocaine, Narcotic Drug, or Controlled Substance

- felony depending on the amount
- Possible imprisonment and up to a \$100,000 fine.

Cocaine, Narcotic Drug, or Controlled Substance Distribution

- felony depending on the amount
- Possible imprisonment and up to a \$250,000 fine.

Burden Of Proof

The burden and standard of proof for the TTUHSC El Paso Student Handbook is a “preponderance of the evidence.” A showing of a preponderance of the evidence means it is more likely than not that the violation was committed by the person charged. This standard is less than that of the criminal court, which is “beyond a reasonable doubt.”

Health Risks Associated with Alcohol and Drugs

Alcohol

(Beer, Wine, Ethanol, Distilled Liquor)—Loss of concentration; impaired judgment and vision; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; lowered inhibition; risk of liver and heart damage, malnutrition, toxic psychosis; cancer and other illnesses; can be highly addictive to some persons. Over consumption can lead to coma and possible death.

Stimulants

(Amphetamine, Cocaine, Crack, Ecstasy, Ecstasy, Methylphenidate, Phenmetrazine, Ritalin, Methamphetamine)—Can cause rushed, careless behavior, pushing beyond your physical capacity leading to exhaustion; tolerance increases rapidly; causes physical and psychological dependence; withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition. Over consumption can lead to loss of brain function and sudden death.

Depressants

(Barbiturates, GHB, Benzodiazepine, Rohypnol, Xanax, Liquid ecstasy, Methaqualone, Flunitrazepam, Ketamine, Special K)—Tolerance increases rapidly; produces physical and psychological dependence; causes reduced reaction time, and confusion; overdoses can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death.

Hallucinogens

(PCP, LSD, Ecstasy, Acid, Angel Dust, Ecstasy, Mushrooms, Peyote, Mescaline, Psilocybin, Phencyclidine)—Causes extreme distortions of what is seen and heard; induces sudden changes in behavior; loss of concentration and memory; increases risk of birth defects in user’s children; overdose can cause psychosis; convulsions; coma, and death. Frequent use can cause permanent loss of mental function.

Inhalants

(Aerosol sprays, gases, solvents, nitrites, whippets, poppers, snappers)—Causes confusion; nausea; slurred speech; euphoria; delusions; headaches; heart failure; seizures; coma; death.

Narcotics

(Heroin, Morphine, Opium, Codeine, Oxycodone, Methadone, Fentanyl, Vicodin, Carfentanil)

- Tolerance increases rapidly; causes physical and psychological dependence; overdose can cause coma; convulsions; respiratory arrest; and death; leads to malnutrition; infection and hepatitis; sharing needles is a leading cause of the spread of HIV and Hepatitis; highly addictive.

Cannabis

(Hash Oil, Hashish, Grass, Marijuana, Pot, Weed)—Causes permanent damage to lungs; reproductive organs and brain function; slows reflexes; increases forgetfulness; alters judgment of space and distance.

Synthetic Cannabinoids

(K2/Spice, Smack, Kush, Kronic, Black Mamba)—Causes delusions, elevated mood; relaxation; altered perception; extreme anxiety; confusion; paranoia; hallucinations; rapid heart rate; suicidal thoughts; brain damage which may result in death.

Synthetic Cathinones

(Bath Salts, Flakka, Bloom, Cloud Nine, White Lightning, Lunar Wave, Vanilla Sky, Scarface)— Causes paranoia; hallucinations; panic attacks; excited delirium (agitation and violent behavior); dehydration, kidney failure; brain damage; and death.

Tobacco

(Chewing/Smokeless Tobacco, Cigarettes, Cigars, Nicotine, E-Cigs)—Causes lung cancer; chronic bronchitis; emphysema; heart disease; stroke.

Notes:

- Alcohol and other drug use during pregnancy increases risk of physical harm to fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

Reduce Alcohol Related Risks

If you choose to drink alcohol, there are many ways that you can reduce your risk of experiencing some of the not-so-fun things often associated with drinking.

- *Eat Before And While You Drink:* Having food in your stomach makes the alcohol absorb more slowly into the bloodstream. Foods high in fat and protein are best to eat because they take a long time to digest.
- *Use The Buddy System:* Always stick with a friend; they don't leave you, and you don't leave your friend.
- *Pace Your Drinks:* To avoid drinking too quickly, try alternating an alcoholic beverage with water, talk with friends, go to the dance floor, or play pool or darts between drinks.
- *Beware Of Unfamiliar Drinks:* Pay attention to what you are drinking and how much alcohol is in it.
- *Plan For A Sober Ride Home:* Before you go out, plan how you will be getting home at the end of the night safely. Find a designated driver, walk with a group or take public transit.
- *Know The Warning Signs Of Alcohol Poisoning:* The signs of alcohol poisoning are: unconsciousness, cold/clammy skin, vomiting, seizures, slow breathing, pale/blue/ashen skin color. If you see any of these signs, seek medical attention ASAP.
- *Be Aware Of How Drugs Interact:* Educate yourself on potentially negative interactions of over-the-counter drugs, prescription medications and recreational drugs before you mix them with alcohol or other drugs.
- *Consent:* Understand that consent cannot be given if either party has been drinking alcohol or consuming other drugs.
- *Medical Conditions:* If you have medical conditions be sure to tell friends, wear a medical alert or keep a note of them in your phone.

Alcohol and Other Drugs Education and Outreach

The following resources are available to students and employees to help promote safe and healthy life choices and to offer assistance before behaviors impact academic and job performance.

Employee Assistance Program

TTUHSC El Paso has made available a confidential, on-site counseling service called the Employee Assistance Program (EAP). The EAP is a professional assessment and/or short term counseling service offered to employees with personal problems that may be affecting their jobs. The program provides up to five (5) sessions with EAP counselors at no cost to the individual. No information is released to the employer or a supervisor concerning the nature of the problem, and it does not become a part of the employee's personnel record. Confidentiality is regulated by federal guidelines.

Student Counseling Services

TTUHSC El Paso Student Counseling Services are provided through students' payment of the Student Services Fee. These resources are provided to enhance wellness by providing you, and any dependents you have, the opportunity to manage life's problems before they become serious and impair your academic and professional performance. These services include:

- Short-term counseling sessions (Individual, Couple, and Family Counseling)
- Providers in El Paso and via telepsychiatry so that you can choose the right provide for you and make your own appointment.
- Confidentiality assured. TTUHSC El Paso receives no information with student names related to student counseling services.

Academic Success and Accessibility Office

The Academic Success and Accessibility Office is committed to providing equitable access to learning opportunities for all students with documented disabilities (e.g., mental health, attentional, learning, chronic health, sensory, or physical). This office can assist in locating resources to assist with addressing issues with alcohol and other drugs.

EVERFI Training Modules.

The EVERFI Training program is provided to all new students matriculating at TTUHSC El Paso. The training modules include:

- Sexual Assault Prevention for Undergraduate and Graduate Students
- Alcohol Education for College Primary
- Higher Ed. Prescription Drug Abuse Prevention

Policy Listings

University and campus policies pertaining to the possession, use, and sale of alcohol and other drugs are outlined in:

[OP 10.03: Alcohol and Illegal Drugs](#)

[OP 70.39: Drug-Free Workplace Policy](#)

[OP 70.38: Employee Assistance Program](#)

[OP 70.41: Drug and Alcohol Testing for Safety-Sensitive Positions](#)

[TTUHSCEP Institutional and Student Handbook](#)

Firearms, Weapons, and Explosives Policy

Firearms, Weapons, & Explosives

Firearms, ammunition, explosive weapons, illegal knives, and other deadly weapons are prohibited on TTUHSC El Paso property except as specifically authorized by federal, state or local laws. Under Texas Penal Code Chapter 46, it is a felony to intentionally, knowingly, or recklessly possess a firearm, illegal knife or prohibited weapon (except as authorized by law) on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution.

Campus Carry

Texas Senate Bill 11 (SB 11) was signed into law by Texas Governor Greg Abbott in June, 2015, and is often referred to as “Campus Carry.” It permits individuals with a Concealed Handgun License (CHL) or License to Carry (LTC), to carry a concealed handgun on public university campuses in Texas beginning August 1, 2016.

The law requires university presidents to develop policies and guidelines for their institutions. They may consult with students, staff and faculty and may consider the nature of the student population, specific safety concerns, and the uniqueness of the campus environment. The TTUHSC El Paso “Campus Carry” policy can be found in HSCEP OP: 10.30. This policy establishes clear regulations regarding the carrying of concealed handguns by license holders, on or about their person, on the campus of TTUHSC EP or on premises located on the campus of the institution. This policy addresses the statutory allowance for concealed handguns while identifying specific areas which the university President has declared as exclusionary zones where concealed carry is restricted,. These include designated research and medical service areas, as well as other areas where temporary notice is appropriately posted:

In April 2016, the Texas Tech University System Board of Regents reviewed the TTUHSC El Paso campus carry policy as part of its efforts to implement the provisions of Senate Bill 11. The TTUHSC El Paso campus carry policy was developed with input from various stakeholders and through the efforts of the TTUHSC El Paso Campus Carry Working Groups, which sought to balance the needs of their widely distributed campuses and diverse campus populations. Areas where campus carry is not allowed are posted with appropriate signs as required by Texas law.

In the 2021 State legislative session, “Constitutional Carry” was legalized through House Bill 1927. There was an exception listed in the statute specifically prohibiting the carrying of a handgun on the premises of an institution of higher education. Signage has been posted notifying all persons that under Penal Code 30.05 it is a criminal trespass to carry a firearm on our campus. This does not apply to licensed concealed carriers; however, the restrictions applicable to those individuals as listed in the paragraph above remained unchanged in HB1927.

Section VIII: Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f) et.seq. and its implementing regulations require colleges and universities across the United States to disclose information about crime on and around their campuses. This section includes information on crime statistics are specific to TTUHSC El Paso, TX and are reflective of the calendar years 2017, 2018 and 2019.

Crime statistics reported within the table below are in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. This report includes statistics for crimes reported which occurred within TTUHSC El Paso's Clery geography and were reported to university police or campus security authorities. The report also includes statistics for referrals for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These categories include liquor, drug and weapon law violations. Statistical information for certain off campus locations or property owned or controlled by the University, as well as public property within or immediately adjacent to campus, is gathered by Texas Tech Police after requesting such information from those local law enforcement agencies.

The crime statistic tables appearing on the following page(s) are prepared using data from documents provided, maintained and reviewed by TTPD, Human Resources, Title IX, Office of Equal Opportunity, Center for Campus Life, Office of Student Conduct, General Counsel, Athletics, designated Campus Security Authorities (CSAs), Responsible Employees, and cooperating external law enforcement agencies.

Clery Geography

It is important to note that the below crime statistics are for reported crimes that occurred within a specific set of geography defined by the Clery Act as noted below. The crime statistics include all persons and incidents that occurred within this geography regardless of affiliation with the university. What this means is that not all reported crimes involved a student or employee. Clery geography is defined by a unique set of definitions as defined by the Clery Act. The statistics reported in the following tables are published according to where they occurred. The following definitions are used to distinguish these various locations for statistical reporting purposes.

On-Campus

- 1) Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- 2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is

frequently used by students, and supports institutional purposes (e.g., a food or retail vendor).

Noncampus Property

- 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution, or
- 2) Any building or property owned or controlled by the 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.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Reasonably Contiguous

As defined in the 2016 Handbook for Campus Safety and Security Report: Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

Clery Reporting Crime Definitions

The Clery Act divides reportable crimes into four categories to assist with a better understanding of each type of crime. The four categories, as reflected below, are Criminal Offenses, Hate Crimes, Violence Against Women Act Offenses, and Arrest and Referrals for Disciplinary Action. The following definitions and statistics are reported in accordance with those guidelines.

Criminal Offenses

Murder/Non-Negligent Manslaughter

The willing (non-negligent) killing of one human by another. NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Manslaughter By Negligence

The killing of another person through gross negligence.

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An offense that meets the definition of rape, forcible fondling, incest, or statutory rape as used in the FBI's UCR program.

- 1) 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 victim.

- 2) Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 3) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 4) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Robbery

The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were completed.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking, safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding.)

Arson

The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Violence Against Women Act Offenses

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2) For the purposes of this definition:
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
- 3) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting

Domestic Violence

A Felony or misdemeanor crime of violence committed:

- 1) By a current or former spouse or intimate partner of the victim;
- 2) By a person with whom the victim shares a child in common;
- 3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 5) 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 in which the crime of violence occurred.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress.
- 3) For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker 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
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrest and Disciplinary Referrals Definitions

Arrest

An arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Disciplinary Referral

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violation

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapon Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Hate Crimes

Hate Crime Definitions

The Clery Act defines a Hate Crime as a criminal offense (larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and other Clery Act crimes) that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, ethnicity, national origin, gender, gender identity, sexual orientation, religion and/or disability) against the victim.

In addition to any of the above Clery crimes, the following acts are reportable as Hate Crimes under the Clery Act. A crime is classified as a Hate Crime when the evidence suggests the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual

orientation, gender, gender identity, ethnicity, national origin, or disability.

TTU is also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for all of the above Clery crimes and the additional hate crimes listed here. Although there are many possible categories of bias, under the Clery Act, only the below eight categories are reported.

Additional Hate Crimes

- 1) Larceny-Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
 - a. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- 2) 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.
- 3) 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 actual physical attack.
- 4) Destruction/Damage/Vandalism of Property is 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.

Bias Categories

- 1) Race: a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- 2) Religion: a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- 3) Sexual Orientation: a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- 4) Gender: preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

- 5) Gender Identity: a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- 6) Ethnicity: a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- 7) National Origin: a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- 8) Disability: a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hierarchy Rule

When counting multiple offenses, we are required to use the FBI’s UCR Hierarchy Rule. Under this rule, when more than one criminal offense was committed during a single incident we must only count the most serious offense. A single incident means that the offenses were committed at the same time and place.

Beginning with the most serious offense, the hierarchy for reporting Clery offenses is: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, and Motor Vehicle Theft. The crimes of Arson, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Hate Crimes are not governed by the hierarchy rule, and statistics for these incidents are reported in these categories in addition to in any other crime category covered under the hierarchy rule if applicable. The crime statistics also reflect no hierarchy rule for drug, liquor and weapon law violations, where the institution chooses the most severe infraction to count. An example of this would be if a person was arrested or referred for drug and liquor violations; a drug statistic would be counted and not the alcohol and an arrest is counted over a referral.

Unfounded Crimes

Under the reauthorization of the Violence against Women Reauthorization Act regulations, an institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded. Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, the failure to make an arrest, and a determination by a coroner, court or jury are not adequate grounds for unfounding a crime report.

Crime Statistics Tables (2020, 2019, 2018)

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER - EL PASO CAMPUS 5001 El Paso Dr. El Paso, TX 79905											
CRIMINAL OFFENSES											
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Total
		On-Campus Student Housing	On-Campus Total						On-Campus Student Housing	On-Campus Total	
Murder/Non-Negligent Manslaughter							Robbery				
	2020	N/A	0	0	0	0		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0
Manslaughter by Negligence							Aggravated Assault				
	2020	N/A	0	0	0	0		2020	N/A	1	1
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	2
Sex Offense: Rape							Burglary				
	2020	N/A	0	0	0	0		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	1	1
Sex Offense: Forcible Fondling							Motor Vehicle Theft				
	2020	N/A	0	0	0	0		2020	N/A	2	2
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0
Sex Offense: Incest							Arson				
	2020	N/A	0	0	0	0		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0
Sex Offense: Statutory Rape											
	2020	N/A	0	0	0	0					
	2019	N/A	0	0	0	0					
	2018	N/A	0	0	0	0					

VIOLENCE AGAINST WOMEN ACT OFFENSES											
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Total
		On-Campus Student Housing	On-Campus Total						On-Campus Student Housing	On-Campus Total	
Dating Violence							Stalking				
	2020	N/A	1	0	0	1		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	1	0	0	1		2018	N/A	0	0
Domestic Violence											
	2020	N/A	0	0	0	0					
	2019	N/A	1	0	0	1					
	2018	N/A	0	0	0	0					

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER - EL PASO CAMPUS 5001 El Paso Dr. El Paso, TX 79905											
ARREST & REFERRALS FOR DISCIPLINARY ACTION											
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Total
		On-Campus Student Housing	On-Campus Total						On-Campus Student Housing	On-Campus Total	
Arrest							Disciplinary Referrals				
Liquor Law Arrests							Liquor Law Violations Referred for Disciplinary Action				
	2020	N/A	0	0	0	0		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0
Drug Law Arrests							Drug Law Violations Referred for Disciplinary Action				
	2020	N/A	2	0	2	4		2020	N/A	0	0
	2019	N/A	1	0	5	6		2019	N/A	0	0
	2018	N/A	0	0	6	6		2018	N/A	0	0
Weapons Law Arrests							Weapons Law Referred for Disciplinary Action				
	2020	N/A	0	0	0	0		2020	N/A	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0

HATE CRIME OFFENSES											
	2020	Zero (0) hate crimes, as defined by applicable federal law.									
	2019	Zero (0) hate crimes, as defined by applicable federal law.									
	2018	Zero (0) hate crimes, as defined by applicable federal law.									

UNFOUNDED CRIMES											
	2020	Zero (0) unfounded crimes									
	2019	Zero (0) unfounded crimes									
	2018	Zero (0) unfounded crimes									