

# 2021 Annual Security Report

## Texas Tech University at El Paso

### A Higher Education Teaching Site



Prepared by Texas Tech Clery Compliance Division

Contains Statistical Information for Calendar years 2018, 2019, 2020

Report Published October 2021

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# Letter from the President and Chief of Police

Fellow Red Raiders-

We are committed to maintaining a safe and secure campus to ensure the prosperity of our entire Texas Tech University community. Throughout the COVID-19 pandemic, we have reviewed and revised many of our safety protocols, and we continue to adopt new safety initiatives for students, faculty, and staff. We encourage everyone on campus, including visitors, to familiarize themselves with Texas Tech's resources for campus security, reporting incidents, and other emergencies.

Our shared responsibility is to report incidents accurately and honestly and support those who are impacted by these actions. Your participation in these efforts helps ensure we achieve our safety and security goals. We encourage you to review our campus policies and maintain awareness of the available resources to our community. Together, we can ensure a safe and secure campus for all Red Raiders.

Sincerely,



A handwritten signature in black ink that reads "Lawrence Schovanec".

Dr. Lawrence Schovanec  
Texas Tech University President



A handwritten signature in black ink that reads "Kyle K. Bonath".

Kyle K. Bonath  
Texas Tech Chief of Police

# 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 take a University wide initiative and the Texas Tech 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 our team. 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 make stay safe while on campus or make an informed decision about choosing a university. Thank you for taking the time to read this report.

A handwritten signature in black ink that reads "Chad M. Beights".

Chad M. Beights M.L.S., CCCO  
Texas Tech University System  
Clery Compliance Director  
Certified Clery Compliance Officer (CCCO)



TEXAS TECH UNIVERSITY SYSTEM™



# Texas Tech University at El Paso

Choosing a college is a major decision and should not be taken lightly. Texas Tech University prepares the Annual Security Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act.

The Texas Tech University at El Paso is a Higher Education Teaching Site, and is home to the College of Architecture which offers both bachelors and master degree programs. The campus is located at 700 W. San Francisco Ave in El Paso Texas.

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 the local police department, or any campus security authority or responsible employee. Instructions for reporting campus policy violations, crimes, and Title IX incidents are included in this report.

This report should be a valuable, informative tool. Please review the information on campus policies, procedures, reporting options, and resources, including the campus safety tips, carefully. Personal safety is the responsibility of all, and we need your assistance in helping maintain a safe campus environment.

This report reviews important crime statistics specific to this campus with a breakdown of each Clery geographical location. The University encourages readers to read the information prior to the crime statistics, as this will give valuable information as it relates to the specific crimes and geography being reported.

Questions about this report should be directed to the Texas Tech Police Department at [police@ttu.edu](mailto:police@ttu.edu) or by calling 806-742-3931.



# Texas Tech University at El Paso

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics 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.
- Disclose missing student notification procedures pertaining to students residing in any on-campus student housing facilities.
- Maintain in a public fire log, a record of any fire which occurred in an on-campus student housing facility.
- Submit collected crime and fire statistics to the U.S. Department of Education.

Information and statistics contained within this report are from information provided by the Texas Tech Police Department and other law enforcement agencies, Office of Student Conduct, Title IX, and other University officials and departments. Texas Tech University Clery Compliance Division compiles and reports this information.

Texas Tech University's ASR is distributed electronically to all current faculty, staff, and students through email and through TechAnnounce. ASR is made available online to all prospective students and employees via the Admissions website and the Human Resources page.

Copies of the ASR may be obtained in person from the Office of Student Conduct, Dean of Students, University Student Housing, or the Texas Tech Police Department during normal business hours, 8:00 A.M. - 5:00 P.M., Monday through Friday.

Additionally, the ASFSR can be found online at the [Texas Tech Clery Compliance](#) website.

# Texas Tech University Clery Regulation

## Texas Tech University Clery Regulation

The Texas Tech University System [Clery Act Compliance Regulation](#) was approved in December 2019 to address the campus' obligations pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the "Clery Act").

The Texas Tech University System and its component institutions are committed to the safety of each University campus community and compliance with the Clery Act. The purpose of this regulation is to establish policy and procedure for the Universities' compliance with requirements of the Clery Act.

The regulation outlines the following requirements for each University:

- Statistical collection, classification and submission of statistics to the Department of Education
- Publish the Annual Security and Fire Safety Report
- Issue Timely Warning and Emergency Notifications as required under the Clery Act
- Identification of Clery specific geography to include off-campus travel and space agreements
- Disclose missing student notification procedures pertaining to students living within the residence halls
- Provide an updated publicly available crime log
- Identification of responsibilities for departments or individuals

## Texas Tech University Regional Clery Compliance Committee

Texas Tech University created a Clery Committee to oversee and assist with Clery compliance across the regional campuses. This committee is separate from the TTU Lubbock campus as work within the committee is specific to each campus outside of Lubbock. Compliance efforts extend beyond the police department and includes various departments across campus. The committee is an effective tool in garnering institutional awareness of the Clery Act requirements. The committee will help with gathering and compiling necessary information throughout the year as it relates to crime statistics and the Annual Security and Fire Safety Report. This committee will cover topics including, but not limited to, identifying and training Campus Security Authorities, identifying and maintaining Clery geography, the ASFSR preparation and review including policy statements and updates, distribution of the ASFSR, 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 their specific area of concentration.

# **Crime or Emergency Reporting**

# Crime of Emergency Reporting Options

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 Regional Site Director or the El Paso Police 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.

In addition to law enforcement, students can report crimes and misconduct to Responsible Employees, Campus Security Authorities, the Dean of Students, Title IX Administrator, Texas Tech University Office of Student Conduct, Student Counseling, or anyone within the Texas Tech 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 any of the above allows the University to evaluate, consider and send timely warning notifications, 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.

The following pages provide information on the various options for reporting crimes or emergencies and the ways that each office may assist.

## Reporting to the Police

### **CRIMES IN PROGRESS, SERIOUS CRIMES AND EMERGENCIES SHOULD BE REPORTED BY CALLING 911.**

For incidents that are not an emergency, reporting parties may call the El Paso Police for assistance at 915.832.4400.

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

Any suspicious activity or person(s) seen in the parking lots or loitering around vehicles, inside buildings should immediately be reported to the police. Accurate and prompt reporting ensures an appropriate 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 all calls will be answered as soon as possible.

Remember that 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.



# Crime of Emergency Reporting Options

Consider programming your phone with the El Paso Police number for general, non-emergency use: 915.832.4400. When calling to report a crime or incident, please be ready to give as much as you can of the following information:

- 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.

## Campus Security Authorities

A Campus Security Authority (CSA) is a Clery specific term that encompasses 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 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 via an online report, the [Clery Incident Report Form](#). Each of these reports is reviewed by Clery staff within the Texas Tech Police Department to confirm that it meets the requirements under the Clery Act. Crimes reported by a CSA are entered into the Daily Crime Log and included in the annual disclosure of crime statistics.

In most cases it is possible for a CSA to fulfill his or her reporting responsibilities while still maintaining 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 that would necessitate an alert (timely warning or emergency notification). The responsibilities of a CSA can usually be met without disclosing any personal identifying information.

Bear in mind that a report to a CSA 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, we officially designate the following departments as a place where campus community members should report crimes for timely warning notices and statistical reporting purposes.

# Crime of Emergency Reporting Options

## 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's also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

## 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 that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

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, personally identifying information. Detailed information is important to aid law enforcement in addressing and categorizing the crime. Personal identifying information, while not required, 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 timely 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.

OFFICIAL CAMPUS SECURITY AUTHORITY OFFICES		
While the university has identified a number of CSAs, the following office are officially designated as places where campus community members can report crimes:		
Office Name	Location	Phone Number
Texas Tech Police Department	413 Flint Ave.	806.742.3931
Human Resources – Talent Management Staff	Doak Conference Center 2518 15 <sup>th</sup> St.	806.742.3650
Dean of Students Office	Student Union Building, Suite 201AA	806.742.2984
Office of Student Conduct	Wellness Center, Rm 211 1003 Flint Ave	806.742.1714
Regional Site Director	700 W. San Francisco El Paso, TX	806.834.3930

# Crime of Emergency Reporting Options

## Reporting to Title IX

In addition to law enforcement, an incident of sexual misconduct/ harassment, or discrimination may be reported to the Title IX Office. A report can be made in person or online using this [form](#), or based on your status with the University, by directly contacting any of the following administrators or offices. You also have the option to report only to Title IX and not involve law enforcement.

**The temporary office for Title IX is located in West Hall, Room 242.  
This temporary space will be until Spring 2022.**

### Title IX Coordinator

Dr. Kimberly Simón  
232-E Student Union Building  
Lubbock, TX 79409  
806-834-1949  
[kimberly.simon@ttu.edu](mailto:kimberly.simon@ttu.edu)

### Title IX Case Manager

232-E Student Union Building  
Lubbock, TX 79409  
806-742-SAFE (7233)  
[titleix@ttu.edu](mailto:titleix@ttu.edu)

### Title IX Deputy Coordinator for Employees

Office of Equal Opportunity  
1508 Knoxville Ave, Suite 208  
Lubbock, TX 79409  
806-742-3627  
[eeo@ttu.edu](mailto:eeo@ttu.edu)

## Reporting to Human Resources and Office of Equal Opportunity

As an employee you may contact Human Resources for assistance by calling 806.742.3851 or visiting the office located in the Doak Conference Center at 15<sup>th</sup> and University Avenue or the Office of Equal Opportunity by calling 806.742.3627 or visiting the office located within the System Administration Building, 1508 Knoxville Ave, Suite 208.

## Reporting to Student Conduct

The Office of Student Conduct (OSC) is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSC encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating 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. To file a report with visit [www.studentconduct.ttu.edu](http://www.studentconduct.ttu.edu) where several forms are available to be completed online, or contact the office at 806.742.1714 or [studentconduct@ttu.edu](mailto:studentconduct@ttu.edu).

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

# Confidential Reporting Options

Texas Tech University 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** still 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

Students may make confidential reports to Professional Counselors assigned to the Counseling Center. 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 counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to El Paso Police.

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	PROFESSIONAL COUNSELOR
<p>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.</p> <p>Texas Tech University does not have pastoral counselors on staff.</p>	<p>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.</p> <p>The only location on the TTU Campus with confidential counselors is the Student Counseling Center, which is located on the second floor of the Student Wellness Center, Room 201 at the corner of Flint Ave and Main Street. Licensed counselors are exempt from reporting requirements when they are acting in their official capacity as a counselor.</p>

Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, Texas Tech University 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 Options

## 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). The Counseling Center at Texas Tech University Health Sciences center is an EAP which has a long history of providing employee assistance services to public schools universities, municipalities, corporations, and health and professional associations. The Counseling Center provides consultation and therapeutic services to employers, and their employees, with the primary mission being to promote health and wellness in the workplace.

The Counseling Center addresses a full range of emotional and behavioral problems that impair job performance and contribute to rising employer costs. As an EAP, the Counseling Center provides prevention, assessment, treatment, and follow-up services to employees and their family members.

The Counseling Center is located at 3601 4<sup>th</sup> Street, Room 1A300. They can be contacted by calling 806.743.1327 or 1.800.327.0328, or emailing at [counselingcenter@ttuhsc.edu](mailto:counselingcenter@ttuhsc.edu).

## Anonymous Reporting

The El Paso Police Department does not take anonymous incident reports. Victims can submit an anonymous report of sexual violence. However, doing so may limit the police's ability to conduct a thorough investigation, respond appropriately, and stop the behavior from reoccurring.



# Understanding Your Reporting Options

The El Paso 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. Texas Tech University administrators are happy to assist in making a report to law enforcement and will even accompany the victim if requested. Reporting to the El Paso Police can lead to an investigation, criminal charges and prosecution.

If a student or employee wishes to report to both the El Paso Police and the Office of Student Conduct/Title IX, if feasible, an investigator from the University will coordinate with the 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. Below are the response options consistent with the reporting method.

## Police Response

El Paso officers are available 24 hours a day to take reports and answer questions. The police department is responsible for dispatching officers to calls for service. When a call is received reporting a crime or an emergency, the deputy will initiate the required action by responding to the incident, requesting additional deputies or additional services. All criminal reports are investigated by the responding deputy. 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 the Investigations Division. Police reports may be shared with several university offices including the Office of Student Conduct, Dean of Students, 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, deputies 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.

## WHAT POLICE DO

When the police respond 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.

# Understanding Your Reporting Options

## 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 and staff, or regional site director 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.

## Reports to CSA's and Responsible Employees

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

If a campus security authority receives the crime information and believes it was provided in good faith, 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 the Texas Tech Police Department 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 [here](#).

# Campus Incident Reporting Forms

There are times when calling the police is not necessary or you chose to not involve law enforcement. Texas Tech 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)**

Texas Tech 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 the Texas Tech Police Department. 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 the Texas Tech Police Department 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 Texas Tech University 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.

## **Campus Inclusion Report**

The online report form below can be used by community members to report an incident you believe impacts our campus climate, campus inclusion, or a bias-related incident.

## **Students of Concern Report**

Students of Concern is a central place for the Texas Tech University community to report student behaviors of concern for early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University community.

## **Hazing Incident Report**

This report is used to submit incidents of hazing. Hazing is defined in the student handbook as intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of primarily students.

## **Student Conduct Violation Report**

This report is used to report an alleged violation of the TTU student handbook.

## **Student Organization Misconduct Report**

This online form is for reports of student organization misconduct such as hazing, alcohol violations, social event planning risks, and sexual misconduct.

## **Raider Relief/Student Basic Needs**

Students can apply for Raider Relief assistance, which was developed to support the needs of students and connect them with the most essential resources required to achieve academic goals as a Texas Tech University student.

# **Campus & Community Resources**

# Campus and Community Contact Information

## EMERGENCY SERVICES

### Police

#### EMERGENCY

911

El Paso Police  
911 N. Raynor St, El Paso, TX  
El Paso County Sheriff's Office  
3850 Justice, El Paso, TX  
Texas Tech Police Department  
5001 El Paso Dr., El Paso, TX

915.832.4400  
915.538.2292  
915.215.7111

### Fire

El Paso Fire Department  
416 N. Stanton St, Suite 200, El Paso, TX  
Texas Tech Fire Marshal's Office  
413 Flint Ave, Lubbock, TX

915.485.5600  
806.742.0145

### Health & Medical

University Medical Center of El Paso  
4815 Alameda Ave, El Paso, TX  
Texas Tech Crisis Helpline

915.544.1200  
806.742.5555

## CAMPUS RESOURCES

Texas Tech University at El Paso  
Texas Tech Office of Equal Opportunity  
System Administration Building, Lubbock, TX  
Texas Tech Office of Student Conduct  
211 Wellness Center, Lubbock, TX  
Texas Tech Dean of Students  
Student Union, Suite 201 AA, Lubbock, TX  
Texas Tech University Student Counseling Center  
1003 Flint Ave, Room 201, Lubbock, TX  
Texas Tech Title IX Coordinator  
232-E Student Union Building, Lubbock, TX  
Texas Tech Risk Intervention & Safety Education  
Drane Hall, Suite 247, Lubbock, TX  
Texas Tech Employee Assistance Program

915.594.2030  
806.742.3627  
806.742.1714  
806.742.2984  
806.742.3674  
806.834.1949  
806.742.2110  
806.742.0328

## NATIONAL RESOURCES

National Drug Hotline  
National Drug Abuse Hotline  
Nation Sexual Assault Hotline  
National Domestic Violence Hotline  
Suicide Prevention

800.262.2463  
800.241.9746  
800.656.4673  
800.799.7233  
800.273.8255

# Emergency Response Agencies

## Local Law Enforcement

The Texas Tech Police Department does not have any officers, guards, or department personnel assigned to the Texas Tech University El Paso campus. There are no security officers present on campus. The El Paso Police Department is the main police agency responsible for responding to emergency situations on campus, however, the Texas Tech Police at the Health Science Center may respond to this location as necessary.

The El Paso Police Department has police jurisdiction, enforcement authority and authority to make arrest as necessary on campus.

The Texas Tech Police Department will work in cooperation with the El Paso Police and any other law enforcement agency as necessary. There are currently no written agreements in effect with TTU and El Paso Police Department or any other security or police agency. The El Paso Police Department works closely with the Regional Site Director as it relates to investigating criminal activity occurring in and around the campus.

## Fire Marshal's Office

The Texas Tech Fire Marshal's Office may coordinate with local fire departments for emergency responses and routine inspections of alert and sprinkler systems. 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's Office is led by Walter James. Mr. James has been employed with the Texas Tech University Fire Marshal's Office since 1999, and active in the fire service since 1983. Mr. James holds certifications as a Certified Fire Protection Specialist, Advanced Fire Inspector, Advanced Fire Investigator, Advanced Firefighter, Field Examiner, and Level 3 Fire Service Instructor. He is a past President of the West Texas Fire Arson Investigators Association and currently serves on its board of directors.

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

All residence halls and residential apartments, are fully protected by fire sprinklers and smoke alarm systems. Student residents receive fire/life safety handouts at move-in and are required to participate in annual fire safety drills. The Fire Marshal's office also aids in the development of Emergency Action Plans for campus buildings and conducts educational programs to help ensure emergency preparedness for students, staff, and faculty.

The university reviews the fire systems in the residential facilities and will make upgrades, repairs and/or revisions when problems are identified. At this time there are no planned improvements in fire safety outside routine maintenance.

The Texas Tech Fire Marshal's Office is staffed by both full time and part time employees which are certified by the Texas Commission on Fire Protection.

# Texas Tech 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.

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

## Prohibited Conduct

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

## Who can you report to?

In addition to law enforcement, an incident of sexual misconduct/ harassment, or discrimination may be reported to the Title IX Office. A report can be made in person or online using this [form](#), or based on your status with the University, by directly contacting any of the following administrators or offices. You also have the option to report only to Title IX and not involve law enforcement.

**The temporary office for Title IX is located in West Hall, Room 242.  
This temporary space will be until Spring 2022.**

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### Title IX Coordinator

Dr. Kimberly Simón  
232-E Student Union Building  
Lubbock, TX 79409  
806-834-1949  
[kimberly.simon@ttu.edu](mailto:kimberly.simon@ttu.edu)

### Title IX Case Manager

232-E Student Union Building  
Lubbock, TX 79409  
806-742-SAFE (7233)  
[titleix@ttu.edu](mailto:titleix@ttu.edu)

### Title IX Deputy Coordinator for Employees

Office of Equal Opportunity  
1508 Knoxville Ave, Suite 208  
Lubbock, TX 79409  
806-742-3627  
[eeo@ttu.edu](mailto:eeo@ttu.edu)

# Texas Tech Student Resource Offices

## **Texas Tech University Dean of Students Office**

The Office of the Dean of Students leads an effort, for all levels of students, focused on non-academic matters affecting student life, student success, and student learning. Distance 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 TTU Behavioral Intervention Team responding to students in crisis.

The Office of the Dean of Students supports the campus community through:

- encouraging student responsibility and leadership;
- students and families during times of crisis, including case management services;
- assist faculty and staff in resolving student concerns;
- active involvement in issues related to student life at Texas Tech University; and
- supports University Diversity Initiatives to champion the overall TTU student experience.

More information about the Office of the Dean of Students can be found at <https://www.depts.ttu.edu/dos/> or by calling 806.742.2984 or stopping by the office located at Suite 201 AA of the Student Union Building.

## **Texas Tech University Office of Student Conduct**

The Office of Student Conduct (OSC) is responsible for helping to provide a safe learning and living environment in partnership with various campus units. OSC encourages students to be engaged in their overall development by proactively providing information to the campus community, in addition to adjudicating 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 and encourages students to be ethical, independent and well-rounded individuals. OSC also provides education on the value of active listening, diverse learning and personal accountability, in an effort to promote overall student success. Additionally, OSC provides training for TTU-Costa Rica students, faculty and staff to ensure their campus receives comparable information to aid in their overall success.

You can visit the OSC website at [www.studentconduct.ttu.edu](http://www.studentconduct.ttu.edu) or contact them at: 806.742.1714 or [studentconduct@ttu.edu](mailto:studentconduct@ttu.edu). The Office of Student Conduct is located at room 211 of the Student Wellness Center on the corner of Flint and Main St.

## **Texas Tech University Student Counseling**

The Student Counseling Center (SCC) is the primary mental health clinic for Texas Tech's main campus and provides mental health care to help Texas Tech students navigate life challenges, resolve psychological distress, and develop a life-long orientation toward resilience and mental wellness. The SCC is staffed by licensed psychologists, counselors, therapists, and their trainees; in addition, the clinic employs a Case Manager who can help students navigate referrals for off-campus care. The SCC offers numerous types of therapies to address mental health concerns including anxiety, depression, bipolar disorder, traumatic stress, panic attacks, substance abuse, eating disorders, body image concerns, relationship problems, and family stressors. The clinic also houses the MindSpa, which provides students with self-guided services to manage stress and anxiety symptoms. Students initiate services by coming to the Student Counseling Center during Walk-in Clinic hours (Monday – Friday 12:30-3:30), during which time they will meet with a triage counselor who will help them in determining the appropriate services to meet their unique needs. These services are available to students at the Collin campus.

You can visit the SSC website at <https://www.depts.ttu.edu/scc/> or contact the office by calling 806.742.3674. The office is located at room 201 of the Student Wellness Center on the corner of Flint and Main St.

# Campus Safety

# Security, Access, Maintenance of Facilities

Texas Tech University 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 the 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 Texas Tech University as well as prosecution by federal, state and local law enforcement agencies. The University works to 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 of and Access to Campus Facilities**

Generally, Texas Tech University El Paso campus is open to the public during regular office hours except holidays and some evening hours when classes or other official University activities are in session. At other times, Texas Tech University El Paso campus buildings are generally locked, the front gate is closed and locked, and only faculty, staff, students and campus visitors residing in campus housing are permitted access.

## **Safety in Housing Units and Facilities**

The Texas Tech University El Paso campus does not have any University owned student housing facilities at this location.

## **Maintenance of Campus Facilities**

Texas Tech University El Paso campus maintenance personnel have the responsibility to maintain campus building and have physical key access to all buildings. Routine maintenance usually occur during daytime hours. Texas Tech policy is that these activities be conducted with focus on safety and security and facilities and landscaping are maintained in a manner to minimize unsafe conditions. El Paso campus faculty, staff and students are encouraged to report security concerns observed while in campus buildings and property. The university will respond to reports of potential safety and security hazards, such as broken windows, locks and lighting problems. Members of the university community are encouraged to immediately report any security deficiencies or suspicious activity to any facilities staff member, security officer or law enforcement officer.



# Responsibilities for Safety and Security

## RESPONSIBILITIES OF THE TEXAS TECH UNIVERSITY COMMUNITY FOR THEIR OWN PERSONAL SAFETY AND SECURITY AND THE SAFETY AND SECURITY OF OTHERS

Members of the Texas Tech University community must 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 the Police immediately.
- Never take personal safety for granted.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively.
- Remember to call for help at the first sign of trouble.
- Carry only small amounts of cash, or the amount of cash necessary.
- 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 can be easily noticed. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- DO NOT PROP 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 appropriately with personal insurance coverage.

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

#### 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.

#### GENERAL INFORMATION

- At night, travel in well-lighted areas and in pairs, when possible.
- Report incidents or suspicious activity or persons to police.
- Notify the police if you have a protective order issued against an individual listing Texas Tech University as a protected location.
- Be aware of email scams; if it seems too good to be true, it probably is.

#### APARTMENTS

- Keep your room locked and keep your keys with you; do not loan them to others.
- Do not prop open exterior doors of residence halls.
- Do not attach your name and address to your keys.
- Do not let strangers enter the residence halls.
- If someone knocks on your door, find out who it is before you open the door.
- Never give out your personal information.
- Do not leave a message on your door concerning your whereabouts.
- Report any lost or stolen keys immediately.

#### 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.

# Crime Prevention and Awareness Programs

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 should always be aware of their surroundings and should always report any suspicious individuals or vehicles to local law enforcement.

## **Security Awareness Programs for Students and Employees**

The 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.

Safety and education programs are also supported by the offices of Student Affairs, Risk Intervention & Safety Education (RISE), Office of Student Conduct, University Student Housing, and the Dean of Students work with members of the campus community in an effort to promote safety education.

## **Outreach Programs**

### *Raider Assistance Program (RAP)*

Provides a safe and confidential place for Texas Tech University students to address questions and concerns they have regarding alcohol and other drugs. RAP services include assessment, education and treatment referral.

### *Active Shooter Awareness and Response*

The Texas Tech Police Department offers classroom and online active shooter training. For more information visit: [http://www.depts.ttu.edu/ttpd/Active\\_Shooter.php](http://www.depts.ttu.edu/ttpd/Active_Shooter.php).

### *Raider Restart*

An individually delivered alcohol skills training program (ASTP) that aims to reduce harmful consumption and associated problems in students who drink alcohol and/or use marijuana. Raider Restart also offers group sessions for Texas Tech students and is a program facilitated by the Risk Intervention and Safety Education (RISE) office.

### *Think About IT©*

Think about IT© is an online, research-based, interactive course designed to educate you about alcohol, drugs, healthy relationships, sex, and violence prevention. Think About IT© is required for all first year and transfer students. To learn more about the program, please visit: <http://www.depts.ttu.edu/rise/thinkaboutit/>

### *Behavioral Intervention Team (BIT)*

This team is a central place for the Texas Tech University Community to report student behaviors of concern for early intervention, risk assessment, and referrals to help promote student success while paying special attention to the safety and security needs of members of the University community.

### *Risk Intervention & Safety Education (RISE)*

RISE provides comprehensive prevention education for Texas Tech University on a variety of topics including alcohol, tobacco and other drugs, healthy relationships, safety, violence prevention, sexual assault prevention and consent education, suicide prevention, stress management, and bystander intervention. For more information about RISE, call 806.742.2110 or visit: <http://www.rise.ttu.edu>.

# Emergency Response and Evacuation

## Texas Tech University Emergency Preparedness/Response Plan

Texas Tech University recognizes certain emergency situations may occur which require an immediate response from emergency services. Texas Tech University has developed an Emergency Management Plan (EMP) that has been designed as an All Hazards plan that addresses mitigation, preparedness, response, and recovery. The basic emergency procedures 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 National Incident Management System and its core components to personnel responsible for managing and/or supporting major emergency and disaster operations.

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 chapter.

For more information regarding Texas Tech University's emergency notification procedures please visit the Office of Communications & Marketing's Emergency Communications website: <http://emergency.ttu.edu>

## 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 Texas Tech University Emergency Management Director schedules and executes at least one test of Texas Tech University's emergency response and evacuation procedures annually. The test may be announced or unannounced and will meet all of the following criteria: be scheduled; contain drills, exercises, follow-through activities; be designed for assessment and evaluation of emergency plans and capabilities

The tests are in the form of one of the following: a mandatory emergency drill, tabletop, functional, or full-scale exercise. The tests, at a minimum, include testing of procedures for immediate emergency notifications of threats. All tests conducted are followed up by an "after action review," the purpose of which is to determine which procedures we need to sustain and how we need to refine or improve emergency response, evacuation and emergency notification procedures.

The current plan is tested in various areas across campus. Storm warning sirens, mass emails, and text alerts are tested regularly, and drills are conducted periodically in the residence halls. In 2020 exercises and drills were conducted pertaining to fire alarms, tornados, and building emergency planning.

The University tests the emergency notification system once a semester, by sending a test message to the University community via TechAlert, email, and digital signage. These tests are evaluated for timeliness of message distribution and allows the campus community to make sure their information in the system is accurate.

# Emergency Response and Evacuation

## Evacuation Procedures

If appropriate, campus and building evacuations will be completed according to 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 University Incident Commander. Based on recommendations from the police and information obtained from other appropriate entities, the University 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.

### Campus Evacuation

- Evacuation of all or part of the campus will be announced by the 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 TechAlert 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 housing, in privately owned housing near campus, in an academic or administrative building, etc. You should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel

### 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 emergency 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.

# Emergency Response and Evacuation

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an academic or administrative building, etc. You 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

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



# Campus Security Policies

## 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*

The Texas Tech Police Department 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 the Texas Tech Police Department during business hours. Call 806.742.3931 for more information.

# Campus Security Policies

## *Public Access to Sex Offender Data*

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

- <http://www.depts.ttu.edu/ttpd/>
- <http://apps.co.lubbock.tx.us/predator/main.aspx>
- <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**

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

## *Sex Offender Registration Requirements*

Registration with the University is required for 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 the Texas Tech Police Department. Registered Sex Offenders are prohibited from living in on-campus student housing facilities at Texas Tech University. The Lubbock Apartment Association maintains a list of local apartments and housing complexes that registered offenders may contact to seek student housing. Campus registration of sex offenders will be conducted at the Texas Tech Police Department during normal business hours. Please call 806.742.3931 to make an appointment.

A campus affiliated sex offender shall also notify the Texas Tech Police Department within seven working days of ceasing to be enrolled or employed, ceasing to carry on a vocation at Texas Tech University, or change of address. Notice of all registered offenders is forwarded via the police department to the respective institution's President, Provost, Dean of Students, Managing Director of University Student Housing and relevant Academic Dean, and Human Resources Department and/or program director.

# Response to an Active Shooter Situation

Campus shooting incidents are unpredictable and a person's response will depend upon the specific situation.

## *Actions to Take in an Active Shooter Situation*

A person should exit the building immediately 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 specific information to the dispatcher as requested.
- 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 the following actions:

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

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.

## *Active Shooter Education*

The Texas Tech Police Department presents classroom instruction and guidance on how to respond to and increase chances of survival during active shooter incidents. In addition to classroom instruction, the Texas Tech Police Department has developed an in-house active shooter presentation [video](#) that may be viewed at any time.

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.

# **Campus and Community Notifications**

# Campus and Community Notifications

Texas Tech University 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 that pose a serious or ongoing threat to the campus. In addition to this information, the Texas Tech Campus Community is given information on prevention strategies through a variety of non-emergency communications channels.

## Daily Crime Log and Fire Log

One method of disseminating crime and safety information is the publication of the Daily Crime Log and Fire Log. Texas Tech Police Department maintains a daily crime log of the last 60 days of reported incidents and is available for public inspection at the Texas Tech Police Department during normal business hours, or online at <http://www.depts.ttu.edu/tttd/daily/>. The log includes offenses reported to the Texas Tech Police Department 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. The daily crime log also includes information reported to Campus Security Authorities, and is maintained within its own log as part of the overall crime log.

The fire log is available for public inspection at the Texas Tech Police Department during normal business hours, or online at <http://www.depts.ttu.edu/tttd/daily/>. There is no fire log maintained for the Collin College campus as there is no Texas Tech owned student housing facilities.

## Timely Warnings and 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 TechAlerts. Individuals can report emergencies occurring on this campus by calling the El Paso Police for assistance at 915.832.4400.

### Enrolling in the University's TechAlert System

All faculty, staff, and students are automatically enrolled with their eRaider email address and the primary phone number listed in their personnel or registration records. The system accommodates three additional numbers with options for text messages and TDD/TTY for the hearing impaired. In All members of the Texas Tech community should keep their information updated by going to the Emergency Communications Center webpage at [www.emergency.ttu.edu](http://www.emergency.ttu.edu). The information is secure and will never be used by Texas Tech University for any reason other than emergency alert notifications.

**TechAlert**  
[www.emergency.ttu.edu](http://www.emergency.ttu.edu)

# 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 TechAlert system. The Texas Tech Police Department Chief of Police (or designee), the Clery Compliance Director, along with the Regional Site Director 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.

Texas Tech University will issue a timely warning for all Clery Act crimes that occur on the university's 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 crime that pose a serious or continuing threat to the campus. Timely Warning Notifications will be sent to all of the Texas Tech University—El Paso community and messages will not be segmented. Texas Tech 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:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the community has been mitigated by the apprehension.
2. If a report was made to a pastoral or professional counselor, acting in their official capacity.
3. 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

Texas Tech University 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, an approaching tornado, 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.

Immediate notification to the campus can be accomplished through a variety of communication methods, but the use of the emergency cell phone text/voice messaging and all campus email would be seen as the most common and quickest forms of communication under these circumstances.

When the Regional Site Director becomes aware of a situation that may warrant the issuing of an immediate notification, they will immediately contact local law enforcement. Emergency services from the local area will confirm (through response, investigation, or collaboration with emergency responders) that there is a significant emergency. After information has been gathered, the appropriate individuals from local law enforcement and staff on site quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, identifies the appropriate segment or segments of the campus community, and will send the notification to the campus community.

## **Confirming the Existence of a Significant Emergency or Dangerous Situation**

Most significant emergencies are reported to on site staff and local law enforcement. A Police officer will be dispatched to the scene to confirm the emergency or disaster conditions. Confirmation typically involves the response and assessment of university officials, emergency management, local police, or other emergency responders. Dispatch will request the appropriate assistance from 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.

# Emergency Notifications

## Determining the Content of the Notification

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. Template 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

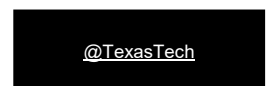
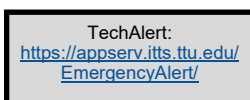
The description of suspects will only be included if there is a sufficient amount of detail to identify the individual.

## 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 Texas Tech University community will be notified. There will be no segments of the main campus that will be omitted from receiving an emergency notification.

## Initiating the Notification System

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated. The University will post updates during a critical incident on the [Emergency Communications](#) page. If the situation warrants, the University will establish a telephone call-in center. The Chief of Police or highest ranking Police Officer is responsible for initiating TechAlert using one or more of the methods described in the Emergency Notification section of this document. In the absence of the Chief of Police or other members from the police department, the Director of Emergency Management, Director of Clery Compliance, and TTU Communications and Marketing staff can initiate notification through the system.



# Emergency Notifications

## **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 TechAlert in response to a situation that poses an immediate threat to members of the campus community, the Texas Tech Police Department 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 Communications and Marketing 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 Texas Tech Communications and Marketing. 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**

Texas Tech University has multiple campuses, and members of each campus community are able to be notified of situations which warrant the issuance of a timely warning. This is done through TechAlert, Texas Tech University's centralized emergency communication system, which allows individual members of each campus community to receive notifications specifically tailored to the individual's campus. 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
- TechAlert text messaging
- TechAlert email
- TechAlert voice calling
- Texas Tech Emergency Communications Webpage
- Texas Tech 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 who might be at risk

# **Off Campus Safety & Resources**

# Off Campus Safety

The El Paso campus does not have Texas Tech police officers on campus. All law enforcement services are provided by the El Paso Police Department. For assistance on and off campus, students and employees should contact the departments listed below.

El Paso Police Department 911 N. Raynor St El Paso, TX 915.832.4400	El Paso Sheriff's Office 3850 Justice El Paso, TX 915.538.2292	El Paso Fire Dept. 416 n. Stanton St, Suite 200 El Paso, TX 915.485.5600
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The El Paso campus does not have any student organizations, including fraternities and sororities. When there is a potential that a TTU student is involved in an offense while off campus, the El Paso Police handles the investigation and may provide information about criminal activity at properties owned or controlled by the University to the Regional Site Director. For purposes of reporting the statistical data in the Annual Disclosure of Crime Statistics section of this report, the term "noncampus buildings" includes areas off campus owned or controlled by registered student organizations. Texas Tech University has no responsibility for security policies, procedures, or safety at these locations.

## Off Campus Safety Considerations

Living off campus requires different considerations for safety:

- Make sure the locks have been changed since the previous tenants moved out.
- List only your first initial and last name on a mailbox.
- Leave lights on or put them on a timer when you are away for an extended time or plan to arrive home after dark.
- If your keys are lost or stolen, change your locks immediately.

When you find a new place to live, prior to moving in and signing a lease, be mindful of security and carefully inspecting your potential home keeping security in mind. Here are some questions to keep in mind:

- How safe is the neighborhood?
- Are there smoke detectors throughout the unit, especially near the bedroom area?
- Is there sufficient lighting indoors and outdoors?
- Is the landscaping maintained to keep windows, doors, and walkways visible and to eliminate hiding places?
- Are there quality locks with a deadbolt on doors, as well as locks on the windows?
- Does the route to walk to and from public transportation appear safe?

# **RESPONSE TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING**

# Institution Policy Statement

Texas Tech University proactively addresses domestic violence, dating violence, sexual assault, stalking incidents, and other forms of gender discrimination or sexual misconduct. 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. Texas Tech 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.

While the University strongly urges students, faculty, staff and third parties to report incidents of prohibited conduct note that Responsible Employees of the University are required to promptly report incidents of prohibited conduct as provided in this policy. The University will respond to all reports of prohibited conduct and 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.

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. Texas Tech 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, are often conducted within the residence halls, and offered to all students, including registered student organizations. 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.](#)

# 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 sexual misconduct against a respondent and requesting that the University investigate the allegation(s) of 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 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, (iv) coercion, (v) incapacitation, or (vi) any other factor that would eliminate an individuals' 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 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.

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

1. Sexual Harassment- 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. Sexual Harassment- 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.

# Definitions

**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.

## 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 Sexual Assault, Domestic Violence, Dating Violence, 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 Texas Tech University 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:

- the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
- 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;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- 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.**

# Texas Criminal Laws

## **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:
    - i. fear bodily injury or death for himself or herself;
    - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - iii. fear that an offense will be committed against the person's property; or
    - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

**Stalking is a felony of the third degree**

## **Chapter 1, Title 1, Sec 1.07(11)**

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. Texas Tech University 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, give specific people specific directions
- 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



Further information regarding bystander intervention may be found [here](#), or by contacting the Risk Intervention & Safety Education Office at 806.742.2110. If you or someone else is in immediate danger, call TTPD at 806.742.3931, or by dialing 911.

# 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 too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- Watch out for your friends, if a friend seems out of it, seems 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 the
  - ◊ 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?

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

In conjunction with the Title IX Coordinator, the RISE Office at Texas Tech is responsible for the creation and delivery of educational programs designed to prevent dating violence, domestic violence, sexual assault, and stalking. The RISE Office 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. RISE collaborates with campus departments and community resources to ensure population-specific relevance and awareness.

Texas Tech 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 student and employee codes of 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 (refer to page 53)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (refer to page 58)
  - 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 (refer to pages 59-60)
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (refer to page 57, 71)
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (refer to page 61)

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

## Primary Prevention and Awareness Programs

The Office for Student Civil Rights & Sexual Misconduct and the RISE Office provide primary prevention and awareness programs to all incoming students and employees. These programs involve the presentation and distribution of educational 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 include:

**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.

**AlcoholEDU:** all incoming students complete a web-based primary prevention course during their first semester as a student. AlcoholEDU is an online, research-based, interactive course designed to educate college students about bystander intervention, alcohol and drugs.

**Sexual Assault Prevention for Undergraduates and Graduates:** all incoming students complete a web-based primary prevention course during their first semester as a student. Sexual Assault Prevention for Undergraduates and Graduates is an online, research-based, interactive course designed to educate college students about policies, reporting processes, community resources, bystander intervention, dating violence, domestic violence, sexual assault, and stalking.

## Ongoing Prevention and Awareness Programs

Ongoing prevention and awareness campaigns include; domestic violence month events and activities; sexual assault and awareness month events and activities, bystander intervention programming; and programming specific to developing healthy relationships. The following are some specific examples of annual programs currently offered by the University. This list is not all inclusive:

**Educational Workshops:** Several workshop presentations are available as options that may be presented in academic courses, student housing, student organizations, fraternities, and sororities. Available workshops include bystander intervention, dating violence, domestic violence, sexual assault, and stalking. All educational workshops are designed to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Awareness Months and Events:** The Office for Student Civil Rights & Sexual Misconduct and the RISE Office coordinate with various campus partners such as University Student Housing, Student Affairs, the Center for Campus Life, Athletics, Student Activities, the Division of Diversity, Equity & Inclusion, the Student Counseling Center and Human Resources to develop campus wide programming related to alcohol abuse, sexual assault, dating violence, domestic violence, stalking and bystander intervention. Events and resource fairs are offered to students and employees, and are designed to increase knowledge, share information, and resources to prevent violence, promote safety and reduce perpetration.

### Programming in the Residence Halls:

Housing and Residential Programs, in conjunction with other departments on campus, offers multiple active and passive programs in the residence halls each year. Program topics include issues such as safety on campus, alcohol and drug abuse, healthy relationships, violence in relationships, sexual assault prevention, and personal life management skills.

# 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 or Covenant Hospital Emergency Rooms. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. 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 victim of sexual assault 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 University 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 the Texas Tech Police Department 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 and/or the Office for Student Civil Rights & Sexual Misconduct, however any of the offices listed below and any University employee may assist students in reporting misconduct. Students may report confidentially at the Student Counseling Center, the Family Therapy Clinic, or the Psychology Clinic.

A victim may report to the Office for Student Civil Rights & Sexual Misconduct 24 hours a day, 365 days a year by filing a report online at [https://cm.maxient.com/reportingform.php?TexasTechUniv&layout\\_id=40](https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=40). A victim may also report in person by visiting the Office for Student Civil Rights & Sexual Misconduct located in West Hall 242 for Fall 2021 and in the Student Union Building, room 232 beginning January 2022; by calling (806) 742-7233, via email ([title.ix@ttu.edu](mailto:title.ix@ttu.edu)), or by mail- Box 42005, Lubbock, TX 79409. Reports of all domestic violence, dating violence, sexual assault, sexual harassment, public indecency, sexual exploitation, stalking, and any form of gender based misconduct or discrimination made to Texas Tech Police will automatically be referred to the Title IX Coordinator for review. The Office for Student Civil Rights & Sexual Misconduct is not a confidential reporting entity and is required to report criminal incidents as a Campus Security Authority for Clery Act compliance purposes.

When a report involving sexual misconduct is made to any university employee, except those with the deemed a Confidential Resources such as employees at the Student Counseling Center, the employee is required to report the incident to the Title IX Coordinator, including all known details, for follow up. In addition, a Campus Security Authority (CSA) should report any domestic violence, dating violence, sexual assault, or stalking incident to the Texas Tech University Clery Compliance Coordinator using the [CSA Reporting Form](#).

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

## File a Formal Complaint

Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct to the Office for Student Civil Rights & Sexual Misconduct or System Office of Equal Opportunity. Upon receiving such report, 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 Office of Student Civil Rights & Sexual Misconduct at (806) 742-7233, emailing the Title IX Coordinator at [titleix@ttu.edu](mailto:titleix@ttu.edu), using the [Incident Reporting Form](#), report in person by visiting the Office for Student Civil Rights & Sexual Misconduct located in West Hall 242 for Fall 2021 and in the Student Union Building, room 232 beginning January 2022, or by mailing a report to Box 42005, Lubbock, TX 79409. Persons other than employees wishing to remain anonymous may do so by submitting a report via the Incident Reporting Form 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.

# Procedures the University 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; as well as the availability of supportive measure such as 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 respondent, 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 they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

The Office of Title IX Compliance 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 Dating Violence Sexual Assault Stalking	<ol style="list-style-type: none"><li>1. Depending on when reported (immediate vs delayed report), institution will refer victim to medical care as appropriate.</li><li>2. Institution will assess immediate safety needs of victim.</li><li>3. Institution will provide the victim with a written explanation of the victim's rights and options.</li><li>4. Institution will provide victim with referrals to on- and off-campus mental health providers.</li><li>5. Institution will assist victim with contacting police if victim requests.</li><li>6. Institution will provide written instructions on how to apply for Protective Order.</li><li>7. Institution will provide written information to victim on how to preserve evidence.</li><li>8. Institution will assess need to implement emergency removal and/or protective measures.</li><li>9. Institution will provide mutual "No Contact" directive to parties involved if deemed appropriate.</li><li>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.</li><li>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.</li><li>12. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting Domestic Violence or for assisting in the investigation.</li></ol>

## Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors

Professional counselors assigned to the Counseling Center 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 TTU Police, or local law enforcement. Students may request that a Counselor from the Counseling Services 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 Fire Safety Report.

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

## Employee Assistance Program

Texas Tech 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 their 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 for Student Civil Rights & Sexual Misconduct. 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.

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

## 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



The advertisement features a teal background with a large white telephone handset icon on the left. To the right of the handset, the text "Call the Texas Tech" is in black, "CRISIS" is in large white letters, and "HELPLINE" is in large red letters. Below this, the phone number "806.742.5555" is displayed in white on a black background. At the bottom, it states "24/7/365 assistance for students experiencing: Mental Health Crisis / Suicidal Thoughts, Sexual Assault, Interpersonal Violence". On the left side, there are five thought bubbles containing the following text: "I'm in a mental crisis...", "I'm worried my relationship just hit a violent point...", "I couldn't consent because of alcohol and drugs...", "Someone engaged me in sexual activity without my consent...", and "I'm contemplating suicide...". In the top right corner, there are logos for the Texas Tech University Student Counseling Center, RISE, and the Texas Tech University Student Resolution Center.

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

## Confidentiality

Texas Tech 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
  - ◊ 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 and to the extent required by other law or regulation.

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

## 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 should occur on campus, staff on-scene, including Texas Tech Police, 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 Texas Tech University. The following resources are available on campus to assist:

Campus Resources	Employees	Students
<b>Counseling / Mental Health</b>	Employee Assistance Program 806.742.0328	Student Counseling Center 1003 Flint Ave, Room 201, Lubbock, TX 806.742.3674 <a href="http://www.depts.ttu.edu/scc/">http://www.depts.ttu.edu/scc/</a>  Family Therapy Clinic 806.742.3074 <a href="http://www.depts.ttu.edu/hs/mft/clinical_services.php">www.depts.ttu.edu/hs/mft/clinical_services.php</a>  Psychology Clinic 806.742.3737 <a href="http://www.depts.ttu.edu/psy/clinic/">www.depts.ttu.edu/psy/clinic/</a>  Crisis Helpline 806.742.5555 <a href="https://www.depts.ttu.edu/scc/For_Students/crisis.php">https://www.depts.ttu.edu/scc/For_Students/crisis.php</a>
<b>Health Services</b>		Student Health Center 1003 Flint Ave, Lubbock, TX 806.743.2848 <a href="https://www.depts.ttu.edu/studenthealth/">https://www.depts.ttu.edu/studenthealth/</a>
<b>Title IX Coordinator</b>	Office of Equal Opportunity System Admin Building 806.742.3627 <a href="https://www.texastech.edu/offices/equal-employment/">https://www.texastech.edu/offices/equal-employment/</a>	Title IX Coordinator Fall 2021 Temp Location: West Hall, Room 242  Spring 2022 Location: Student Union Bldg, Room 232-E 806.742.7233. <a href="https://www.depts.ttu.edu/titleix/">https://www.depts.ttu.edu/titleix/</a>
<b>International Student Support Services</b>		International Affairs 601 Indiana Ave., Lubbock, TX 806.742.3667 <a href="https://www.depts.ttu.edu/international/">https://www.depts.ttu.edu/international/</a>
<b>Student Financial Aid</b>		West Hall, Room 301 2500 Broadway, Lubbock, TX 806.742.3681 <a href="https://www.depts.ttu.edu/financialaid/">https://www.depts.ttu.edu/financialaid/</a>
<b>LGBTQIA Advocacy and Education</b>		Office of LGBTQIA Education & Engagement Student Union Bldg, Room 201 806.742.5433
<b>Texas Tech Police Department</b>	413 Flint Ave. Lubbock TX 806.742.2931	413 Flint Ave. Lubbock TX 806.742.2931
<b>Dean of Students</b>		Student Union Building Suite 201AA 806.742.2984
<b>Office of Multicultural Engagement</b>	Diversity, Equity & Inclusion Admin Bldg, Suite 233 806.742.7025	Diversity, Equity & Inclusion Admin Bldg, Suite 233 806.742.7025

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

The following resources are available within the community to assist:

Community Resources	Employees	Students
<b>Counseling/Mental Health</b>	Employee Assistance Program 806.742.0328  El Paso Mental Health 9440 Viscount blvd, Suite 100 El Paso, TX 915.249.6639	El Paso Mental Health 9440 Viscount blvd, Suite 100 El Paso, TX 915.249.6639
<b>Health Services</b>	University Medical Center 4815 Alameda Ave El Paso, TX 915.544.1200	University Medical Center 4815 Alameda Ave El Paso, TX 915.544.1200
<b>Visa and Immigration Assistance Resource</b>	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
<b>El Paso Police Department</b>	Emergency: 911 Non-Emergency: 915.832.4400 911 N. Raynor St El Paso, TX	Emergency: 911 Non-Emergency: 915.832.4400 911 N. Raynor St El Paso, TX
<b>Burnet County Sheriff</b>	Emergency: 911 Non-Emergency: 915.538.2292 3850 Justice El Paso, TX	Emergency: 911 Non-Emergency: 915.538.2292 3850 Justice El Paso, TX

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

- Rape, Abuse and Incest National Network — <http://www.rainn.org>
- Department of Justice — <https://www.justice.gov/ovw/sexual-assault>
- Department of Education, Office of Civil Rights — <http://www2.ed.gov/about/offices/list/ocr/index.html>

# University Procedures – Grievance Procedure

*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) business 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) business 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 will contact the named complainant via their official TTU email and request a meeting to gather and review information about the nature of the report, and to review Supportive Measures and the incident. 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 for Student Civil Rights & Sexual Misconduct 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 Office for Student Civil Rights & Sexual Misconduct will schedule an intake meeting with the Complainant. During this intake, the Office for Student Civil Rights & Sexual Misconduct will collect any additional demographic information, review this policy and the available options, and facilitate any requested Supportive 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 Title IX Coordinator or designee will contact 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, 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 participate in 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 University 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.

# University Procedures – Grievance Procedure

## 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 07.06.B](#)).

**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 circumstances: (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

- 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.
- 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.
- 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.
- 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."**

# University Procedures – Grievance Procedure

## General Requirements of the Grievance Process Con't

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://www.depts.ttu.edu/titleix/tixtraining.php>

## 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.

# University Procedures – Grievance Procedure

## **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.

# University Procedures – Grievance Procedure

## General Requirement 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 hearings 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 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 or Panel Chairperson 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, Chairperson 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.

# University Procedures – Grievance Procedure

## **Written Determination Regarding Responsibility**

In Title IX Sexual Misconduct Hearings, after a 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. 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](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.

# Appeals Process

## **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**

An alternative resolution to Formal Complaints to the Grievance Process. 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.

"No person in the United States shall, on the basis 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."

# Sanctions and Remedies

*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 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 Regulation 07.07; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

## **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 employment; ineligibility for re-hire; other coaching, conduct or corrective actions as described in System 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, Office of Student Conduct, Dean of Students Office, and University Student Housing. 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 Modifications of Living Arrangements**

The university can provide a temporary modification of living arrangements, to the extent possible, at any time. The university also reserves the right to adjust the housing assignment of students who are alleged to have violated university policy. The university can also provide emergency on-campus housing to students living off-campus if the situation warrants it.

## **Permanent Alteration of Living Arrangements**

If it is determined that an on-campus housing assignment is affecting academic success, the university will assist in adjusting that situation, to the extent possible. The university also reserves the right to adjust or cancel the housing contract of any student who is found to have violated university policy. If an off-campus living situation is no longer conducive to academic success as a result of your experience, the university will assist in finding on-campus accommodations, if available.

## **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.

# Remediative Steps Available

## **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 Health Services to assist any student who requests them as a result of any experience under investigation by the university.

## **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.

# **Alcohol, Illegal Drugs, Substance Abuse, and Weapons**

# Policies Governing Alcohol, Drugs, and Weapons

Texas Tech University is committed to providing students, faculty and staff and visitors a safe and drug-free campus. As part of its commitment, Texas Tech annually notifies its students and employees about the components of the Texas Tech Drug and Alcohol Abuse Prevention Program (DAPP). This document includes information about the standards of conduct, sanctions for violations of university policy, legal ramifications of drug and alcohol abuse, the health risks of alcohol and illicit drug use, and a summary of university prevention and education efforts.

The Risk Intervention & Safety Education (RISE) office is responsible for implementation and oversight of the Drug and Alcohol Abuse Prevention Program at TTU, which can be found [here](#). Texas Tech University has developed programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. These programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and college disciplinary actions. TTU provides an annual notice of the DAAPP to current students and employees no later than the 20th day of the fall semester.

## STANDARDS OF CONDUCT - STUDENTS

### Alcoholic Beverages

The Texas Tech University [Student Handbook and Code of Student Conduct](#) outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. The policies regarding the use and abuse of alcohol and drugs are listed in Part I, Section B.3. The University may impose disciplinary charges against any student who violates the Texas Tech University Code of Student Conduct and/or local, state and, federal laws concerning controlled substances. Specifically, Texas Tech University prohibits:

- 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.

### Illegal Drug Use

Texas Tech University [Student Handbook and Code of Student Conduct](#) 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 the Texas Tech Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

The enforcement of alcohol and drug laws on-campus is the primary responsibility of the Texas Tech Police Department. The consumption of alcohol on campus is only permitted under certain circumstances as set forth by University policy. The Texas Tech Police Department 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.

# Policies Governing Alcohol, Drugs, and Weapons

## STANDARDS OF CONDUCT - EMPLOYEES

Texas Tech University employees must abide by Texas Tech University System [OP 07.07](#) and Texas Tech University [OP 70.20](#) , and [OP 70.35](#). Other applicable policies include The Drug Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989 and the Drug Free Work Force Rules for Department of Defense (DOD) Contractors and the requirements of the Department of Transportation or other regulatory bodies and applicable state laws. Specifically, Texas Tech University prohibits:

- Conduct that could constitute a violation of applicable criminal law while in the course and scope of employment, while on duty, at a University function, or on university property, regardless of whether criminal prosecution is pursued or conviction is attained;
- Being unfit for duty, including being under the influence of drugs or alcohol, or refusing to submit to a drug or alcohol test.

## UNIVERSITY FACILITIES, EVENTS, ALCOHOL-RELATED POLICIES

The unlawful use of alcohol or illicit drugs is strictly prohibited on all University property and at University sponsored events. The use of alcohol on University property or at University-sponsored events is strictly regulated by the following University policies:

- [University Student Housing Policies](#)
- [OP 72.05: Expenditures for Official Functions, Business Meetings, and Entertainment](#)
- [OP 34.26: Faculty-Led Study Abroad Programs](#)
- [OP 61.02: Use of University Grounds, Facilities, and Amplification Equipment](#)
- [OP 10.22: Concealed Carry of Handguns on Campus](#)

## Drug and Alcohol Resources for Students and Employees

For students enrolled at Texas Tech University, individual assessments are available through RISE for those struggling with substance use or abuse. RISE staff can assist in connecting students to other services including professional counselors, physicians, nutritionists, and group recovery programs. The Office of Student Conduct also seeks to prevent substance use and abuse through the enforcement of the institution's policies regarding drugs and alcohol. A student who is found responsible for substance use or abuse will receive sanctions that seek to educate and are commensurate with the offense. The Texas Tech University Counseling Center provides individual and group counseling free of charge to Texas Tech University Students.

Texas Tech University is committed to protecting the health and well-being of all employees by providing a safe and drug-free environment. We require our employees to be free of illegal drugs or alcohol in the workplace. Employees struggling with substance use or abuse can seek assistance through The Counseling Center at Texas Tech University Health Sciences Center as part of the Employee Assistance Program (EAP). This Counseling Center has a long history of providing employee assistance services to public schools, universities, municipalities, corporations, and health and professional associations. The Counseling Center provides consultation and therapeutic services to employers and their employees, with the primary mission being to promote health and wellness in the workplace.

The Counseling Center addresses a full range of emotional and behavioral problems that impair job performance and contribute to rising employer costs. As an EAP, the Counseling Center provides prevention, assessment, treatment, and follow-up services to employees and their family members.

# Laws Pertaining to Alcohol and Drugs

## **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://www.tabc.texas.gov/texas-alcohol-laws-regulations/tabc-code-rules/>

### **PUBLIC INTOXICATION**

Texas Penal Code Sec. 49.02: Being intoxicated in public such that one is a danger to oneself or others.

### **ILLEGAL POSSESSION**

Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071: The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age.

### **MISREPRESENTATION OF AGE BY A MINOR**

Texas Alcoholic Beverage Code Sec. 106.06: Furnishing alcoholic beverages to a minor.

### **POSSESSION OF INTOXICANTS ON PUBLIC SCHOOL GROUNDS**

Texas Education Code Sec. 37.122: The possession of an intoxicating beverage on the grounds of any public school.

### **DRIVING/OPERATING UNDER THE INFLUENCE**

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

1. 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:

1. 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.

## **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](#).

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 Sec. 481.102-106, 481.115-118: It is a violation to illegally distribute, possess, or use controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120: It is a violation to deliver or possess a controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122: It is a violation to distribute marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

# 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. The Risk Intervention and Safety Education (RISE) Office 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 expulsion 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.

### PUBLIC INTOXICATION

Class C misdemeanor, punishable by a fine of up to \$500

### ILLEGAL POSSESSION (UNDER 21)

Class C Misdemeanor  
Suspension of driver's license  
Community Service

### MISREPRESENTATION OF AGE BY A MINOR

Class A misdemeanor  
Punishable by a fine of up to \$4,000  
Up to one year in jail

### POSSESSION OF INTOXICANTS ON PUBLIC SCHOOL GROUNDS

Class C misdemeanor  
Punishable by a fine of up to \$500.

### DRIVING/OPERATING UNDER THE INFLUENCE

Class A or B Misdemeanor  
Suspension of driver's license

### ILLEGAL TRANSPORTATION

Class C Misdemeanor

# Consequences of Drug Related Violations

## 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 Risk Intervention and Safety Education (RISE) Office 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 expulsion 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 TTU 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, Vicodine, 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.

# Health Risks Associated with Alcohol and Drugs

## 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 (AOD) Education

The RISE Office offers a variety of presentations to address alcohol safety and related concerns for academic courses, departments, fraternities and sororities, and student organizations. Interactive resource tables are also available for events or programs. RISE also offers online training opportunities for students in addition to other on campus programs offered. Undergraduate students are required to complete Voices for Change, which educates students on bystander intervention, alcohol and drugs, interpersonal violence, and hazing. RISE hosts alcohol-free events and works across campus to provide evidence-based prevention education on substances.

Center for Collegiate Recovery Communities (CRC) | 806.742.2891

A community of support for students in recovery attending Texas Tech University. The CRC offers courses for academic credit, physical gathering space on campus, sober housing on campus, access to addiction & recovery professionals, resources for academic success, and much more. Students must apply to be part of the CRC.

Several 12-Step and support meetings are held in the CRC building that are open to students, faculty, staff, and community members struggling with addiction and recovery, regardless of CRC membership.

Student Counseling Center | 806.742.3674 | SWC 201

Free counseling for Texas Tech students. In-person alcohol assessments are provided. To initiate services, students are encouraged to visit during walk-in hours, M-F 12:30-3:30.

Raider Restart (BASICS) | 806.742.2110 | raiderrestart@ttu.edu

RISE offers individual and group coaching sessions for students on the topic of substance use. Raider Restart aims to help students learn skills to reduce the negative impacts of substance use through education and motivational interviewing techniques.

Raider Assistance Program (RAP) | 806.743.2848 | Student Health

RAP services are available for all Texas Tech students and include assessment, education, and treatment referrals to address concerns related to alcohol and other drugs.

# Weapons Policy

Texas Tech University allows individuals holding a valid Texas Concealed Handgun License (CHL) or License to Carry (LTC), to carry their handgun, concealed on their person, on the campus of Texas Tech University. The open display of a handgun in plain view of another person on Texas Tech University property is never allowed except by an authorized individual such as a peace officer while in the actual discharge of his/her duty. Authorized permit holders are not required to disclose their concealed carry license status to anyone other than a law enforcement officer. The university will not maintain a list of concealed carry license holders.

The university President is the only person with the authority to declare a specific premise or venue as an exclusionary zone. The premises of all TTU residence halls shall be posted as an exclusionary zone except as provided below.

1. Handgun license holders residing in individually assigned rooms in suite-style and apartment-style housing accommodations, specifically Carpenter/Wells, Murray, Talkington, and West Village Residence Hall, will be allowed to possess handguns on the premise provided that:
  - such possession is in compliance at all times with Texas statutory law and these rules; and
  - the license holder stores his/her handgun(s) in a university-approved gun safe installed in the license holder's room.

The Texas Tech University Student Handbook states that illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others is prohibited.

## Policy Listings

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

- [OP 10.04: Drug-Free Schools and Communities Act](#)
- [OP 70.35: Drug and Alcohol Testing for Safety- and Security-sensitive Positions](#)
- [OP 70.33: Employee Assistance Program](#)
- [OP 60.15: Smoke-free and Tobacco-free Environment](#)
- [Texas Tech University Student Handbook](#)

# **Annual Disclosure of Crime Statistics**

# Annual Disclosure of 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 specific to Texas Tech University El Paso campus and are reflective of the calendar years 2018, 2019 and 2020.

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 Texas Tech Universities 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 the Texas Tech Police Department, 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**

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

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).

## **ON-CAMPUS—RESIDENCE HALLS**

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

## **NON-CAMPUS PROPERTY**

Any building or property owned or controlled by a student organization that is officially recognized by the institution, or

Any building or property owned or controlled by 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 Reportable 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.

- 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.
- 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.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 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; house-breaking, safecracking; and all attempts to commit any of the aforementioned.

# Clery Reportable Crime Definitions

## 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 (VAWA)

### 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:
  - 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.
  - 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:
  - 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
  - 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.

# Clery Reportable Crime Definitions

## 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.



# Clery Reportable Crime Definitions

## 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

**Larceny-Theft:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

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.

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

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

**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.

# Clery Reportable Crime Definitions

## Hate Crime Bias Categories

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

# Clery Reportable Crime Definitions

## 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

Below are the tables containing the crime statistic information for the calendar years of 2018, 2019, and 2020 — for the Texas Tech University El Paso campus. Keep in mind the tables are divided by Clery geography and included information obtained from local law enforcement when appropriate. The University made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the university's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in the crime statistics. Not all of these agencies responded to these requests for crime statistics.

The On-Campus geography category is divided into two groups; On-Campus Student Housing and the On-Campus total. The El Paso campus does not have student housing facilities and all incidents are reported under the On-campus category.

TEXAS TECH UNIVERSITY EL PASO 700 W. San Francisco Ave El Paso, TX 79901													
CRIMINAL OFFENSES													
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Noncampus Property	Public Property	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	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Manslaughter by Negligence							Aggravated Assault						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Sex Offense: Rape							Burglary						
	2020	N/A	0	0	0	0		2020	N/A	1	0	0	1
	2019	N/A	0	0	0	0		2019	N/A	1	0	0	1
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Sex Offense: Forcible Fondling							Motor Vehicle Theft						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Sex Offense: Incest							Arson						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Sex Offense: Statutory Rape							Unfounded Crime						
	2020	N/A	0	0	0	0		2020	Zero (0) unfounded crimes				
	2019	N/A	0	0	0	0		2019	Zero (0) unfounded crimes				
	2018	N/A	0	0	0	0		2018	Zero (0) unfounded crimes				
VIOLENCE AGAINST WOMEN ACT OFFENSES													
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total
		On-Campus Student Housing	On-Campus Total						On-Campus Student Housing	On-Campus Total			
Dating Violence							Stalking						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Domestic Violence							Unfounded Crime						
	2020	N/A	0	0	0	0		2020	Zero (0) unfounded crimes				
	2019	N/A	0	0	0	0		2019	Zero (0) unfounded crimes				
	2018	N/A	0	0	0	0		2018	Zero (0) unfounded crimes				

TEXAS TECH UNIVERSITY EL PASO													
700 W. San Francisco Ave													
El Paso, TX 79901													
ARREST & REFERRALS FOR DISCIPLINARY ACTION													
Crime Classification	Year	On - Campus		Noncampus Property	Public Property	Total	Crime Classification	Year	On - Campus		Noncampus Property	Public Property	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	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Drug Law Arrests							Drug Law Violations Referred for Disciplinary Action						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
Weapons Law Arrests							Weapons Law Referred for Disciplinary Action						
	2020	N/A	0	0	0	0		2020	N/A	0	0	0	0
	2019	N/A	0	0	0	0		2019	N/A	0	0	0	0
	2018	N/A	0	0	0	0		2018	N/A	0	0	0	0
HATE CRIME OFFENSES							Unfounded Hate Crimes						
	2020	Zero (0) hate crimes, as defined by applicable federal law.						2020	Zero (0) unfounded crimes				
	2019	Zero (0) hate crimes, as defined by applicable federal law.						2019	Zero (0) unfounded crimes				
	2018	Zero (0) hate crimes, as defined by applicable federal law.						2018	Zero (0) unfounded crimes				

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