



TEXAS TECH UNIVERSITY
Office of the President

Student Rights & Resolution™

Title IX Overview

The purpose of this document is to provide a brief and simple outline of some common questions concerning the Title IX process at Texas Tech University. It does not answer all questions and/or provide all the necessary information. Concerned persons should contact the Office of Student Rights and Resolutions (OSR&R) or the Title IX Administrator with additional questions or for more information.

Terms used:

Title IX of the Education Amendments Act of 1972: A federal law that states: “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.”

Complainant: The Complainant in the Title IX process refers to the student against whom a possible violation was committed. Sometimes a third party makes this report.

Respondent: The Respondent in the Title IX process is the student who is responding to accusations of wrongdoing.

Witness: Any person deemed by the Investigator to have valuable information regarding the accusation of wrongdoing by another student. Both the Respondent and Complainant can suggest and request a specific witness be interviewed by the Investigator.

Investigator: The trained university official assigned to carry out an inquiry and to try to discover and examine the facts of a reported incident. The Investigator is a neutral party in the Title IX process. The Investigator does *not* determine a finding of responsibility for potential violations.

Title IX Administrator: The university official in charge of oversight of the Title IX processes and procedures for the university. Dr. Kimberly Simón is the Title IX Administrator for Texas Tech University.

Title IX Case Manager: The university official who assists students involved in the Title IX process. The Case Manager can connect students to resources and remedies, and can answer questions about the process, university policies and procedures, and all available options. Meredith Holden is the Title IX Case Manager for Texas Tech University.

CARE Coordinator: A CARE (Campus Advocacy, Response and Education) Coordinator is a graduate student who connects students with resources after an incident is reported to the OSR&R office. Coordinators can act as a peer mentor in the process.

Mandatory Reporter: A mandatory reporter (“Responsible Employee”) is someone who is required to report a Title IX violation. A mandatory reporter must report all details that they possess, which includes the names of parties.

Exempt from mandatory reporting: Professional counselors, medical providers, and associated staff **when working in their prescribed role.**

Law Enforcement Involvement vs Title IX process:

The Title IX process is an administrative process, not a criminal process. The Title IX office does not contact law enforcement to report incidents. However, if a student would like to pursue both avenues, the Title IX team will work to coordinate with Law Enforcement when possible to avoid students having to repeat their statements to multiple parties.

The standard of proof used to determine if a student is responsible for a Code of Student Conduct violation is **preponderance of the evidence**. This is commonly referred to as “more likely than not” that a violation has occurred (or 50.1% vs 49.9 %).

The law enforcement process is handled through local law enforcement authorities including Texas Tech Police, Lubbock Police, and/or the Lubbock Sheriff’s office. Typically, cases are investigated by members of those departments and the case is referred to a local prosecutor who will decide if criminal charges are appropriate. The standard of proof for a criminal conviction is **beyond a reasonable doubt**, which is a higher standard of proof than preponderance of the evidence.

Cases may go through either the criminal process, the administrative process, or both. It is up to the student making the complaint to decide which, if any, process to use.

Process of filing a Complaint:

A student, any mandatory reporter, or other third party can file a complaint either by contacting the OSR&R, the Title IX Administrator, or by submitting a report online. Reports can also be made **anonymously**, except for university employees aware of possible infractions. *Please note- reporting anonymously may limit the University's ability to investigate the incident or provide resources to the involved parties.*

Sharing Information:

Reports are private, and will not be shared with other students, faculty, non- Title IX staff, or **parents**, without the student’s express consent. Title IX staff will also not share information with the Police Department unless requested by the student or to comply with a lawfully issued subpoena.

Advisor of Choice:

Each student is encouraged to have an Advisor of Choice. PLEASE NOTE: only ONE advisor is permitted for each student. Some important information to consider when selecting an Advisor of Choice:

- An Attorney or Advocate may serve as an advisor. Please note, it is not required

that any student have an attorney to participate in this process.

- Advisors may not represent the student (speak on their behalf, issue statements, submit information or evidence, be emailed/copied on letters or reports issued during the investigation).
- Advisors can attend a University Advisor of Choice Training. Individual training is available with OSC Associate Director Mairead Kiernan.
- Advisors should be familiar with the Title IX/Investigation process.
- Advisors should be supportive and concerned for the student's best interests. It is often good practice for each party involved to have their own advisor, to avoid any conflicts of interest.
- Advisors should be available and accessible- responsive to calls/emails, be able to attend meetings and the Hearing.
- Those who **cannot** serve as an advisor: a party involved in the case (witness), a staff member that works with OSC/Title IX, a student who is not in good standing with the university (currently suspended or expelled).

Evidence:

Each student will be provided the opportunity to submit supporting evidence. All parties should preserve any evidence or material they have related to the incident. Examples of evidence include, but is not limited to:

- Messages shared between the parties involved or others (phone calls, voicemails, text messages, Snapchat messages, Instagram messages or messages from any other application)
- Pictures/videos
 - Including photos of any injuries
- Any physical evidence a student feels is relevant
- Copies of medical paperwork if applicable
- Witnesses- Each student will be asked to provide the names of possible witnesses to interview who can provide useful information as to the alleged incident or surrounding events.

Options available to the Complainant:

- A Complainant may report an incident to seek services and resources only. This will be facilitated by the Title IX Case Manager.
- A Complainant may submit a statement to an Investigator and request no further action be taken against the Respondent. In most cases, the university can abide by this request. If the university determines that a danger exists to the larger campus community, the university will conduct an investigation. The Complainant may still determine their level of involvement with the investigation.
- A Complainant may submit a statement and request that a No Contact Order be issued. If this is the case, the Respondent will be contacted and notified of the nature of the complaint and who is making the allegations. OSR&R will then issue a No Contact Order.

- A Complainant may request that a Voluntary Resolution be sought to resolve the matter. A Voluntary Resolution is an agreement between the parties that outlines any agreed upon stipulations. With a Voluntary Resolution, the investigation is closed without a finding for either party involved.
- A Complainant may provide a written statement and ask that a full investigation be conducted. Information from the investigation is compiled in a report that is used during the adjudication process to determine if a Respondent is responsible or not responsible for any wrongdoing.
- A Complainant may request assistance with filing a report with the appropriate Law Enforcement office. This can be done in any combination with the university options previously described.
- A Complainant may request assistance in filing a report with another university if the Respondent is a student at another school. OSR&R will make all efforts to help coordinate this process and is still able to provide resources and remedies for the Complainant.
- Other options that are available can be discussed and reviewed with any student during a meeting with a staff member of the OSR&R or the Title IX Administrator.

Voluntary Resolution:

If all parties involved agree to participate in a voluntary resolution that does not involve a full investigation/adjudication after receiving full disclosure of the allegations and their options for formal resolution, the university will determine if the particular Title IX complaint is appropriate for such a process. If all parties agree, the school may facilitate a Voluntary Resolution.

In any matter governed by the Code of Student Conduct, the parties (usually the Complainant and Respondent) may mutually agree to attempt to resolve the matter prior to the conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Managing Director or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Managing Director or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the Code of Student Conduct. Voluntary Resolution agreements will be maintained in accordance with University policies.

Information for Respondents:

A Respondent will be notified in writing of the allegations being made and the other parties involved in the complaint. The Respondent will be allowed at least 3 days to prepare to meet with an Investigator. All campus resources available to a Complainant

are also available to the Respondent. A Respondent, like a Complainant, is not required to participate in the investigation process, but all students are expected to cooperate with the university conduct process. If a student does not participate in the investigation process the matter may still move forward. If a student (either the Respondent or Complainant) does not participate in the investigation process, they will not be allowed to present new information during the hearing. If a student provides limited information, they will only be allowed to speak about the information they provided. A Respondent may offer to resolve the matter through a voluntary resolution.

Resources:

Resources will be available to Complainants, Respondents, and witnesses as appropriate. All parties will have the opportunity to meet with the Title IX Case Manager to discuss available resources and remedies. Remedies may include residence hall changes, parking assignment adjustment, and assistance in academic areas. The Case Manager can provide additional areas of assistance as necessary.

Code of Student Conduct Process:

Upon the completion of an investigation into a Title IX incident, the Complainant and Respondent will participate in the Pre-Hearing. In this phase:

- Students review the draft Investigative Report and are allowed to clarify their own statement and ask questions, through the Investigator, of other parties (including witnesses) interviewed during the course of the investigation.
- Students may request one of three types of hearings:
 - Administrative Hearing: In this process, an Administrative Hearing Officer adjudicates the allegations of violations of the Code of Student Conduct.
 - Panel Hearing: In this process, a three-member panel of trained university staff members will serve as the adjudicators of the allegations of violations of the Code of Student Conduct. Findings of “responsible” or “not responsible” are determined by a majority of the panel members.
 - Note: For either the Administrative hearing or the Panel Hearing, students may ask questions of witnesses, if any are present, and to each other. Questions are asked through either the investigator or resource officer. There are no questions asked directly to either student. In most cases, the Complainant will be required to participate in the hearing process.
 - Sanction-Only Hearing: In this process, a student accepts responsibility for the allegations issued in the Investigative Report. A student may request either a Hearing Officer or Hearing Panel that will determine the sanctions in the matter.

During a Hearing, students are allowed to provide an opening and closing statement. If there is a “responsible” finding, students may then provide impact statements.

- **Opening Statement:** An introductory statement made by a student that gives them the opportunity to provide an overview of the case and to explain the anticipated “proof” that is presented in the Investigative Report. The purpose of an opening statement is to apprise the adjudicator(s) of the issues in question and to summarize the evidence that is in the report.
- **Closing Statement:** A closing statement may summarize evidence that was presented and how the evidence supported a finding for or against a “responsible” finding.
- **Impact Statement:** Impact statements may be given by both parties. An impact statement should outline how the incident has affected them.

Informal Resolution:

If after the investigation, the responding student accepts responsibility for the allegations of the Code of Student Conduct, the student can choose to resolve the issue informally. In this process, the investigator or other designated university official will inform the student of the appropriate sanctions for the misconduct. Both the respondent and the complainant must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. This process leads to a formal finding of responsible for the complainant.

Sanctions

The university has a posted “Sanction Matrix” on the OSC website (<https://www.depts.ttu.edu/studentconduct/PDF-WordFiles/SexualMisconduct17.pdf>).

This document gives an overview of the outcomes considered by Administrative Hearing Officers and Panel Hearing Members when determining sanctioning.

Appeal:

Both the Complainant and Respondent may appeal the adjudicator’s findings within 3 days of the ruling. Appeals must set out the grounds for appeal. The only grounds for appeal and the only issues that may be considered on appeal are:

- A procedural error occurred that significantly impacted the outcome.
- The discovery of new evidence *unavailable at the time of the hearing*.
- The sanctions imposed substantially varies from the normal range of sanctions. (See the above referenced Sanction Matrix for guidance.)

If one party files an appeal, the other party will have an opportunity to respond to the

appeal.

Students may request that sanctions be held in abeyance through the appeal process. Abeyance should be requested as soon as possible and within 24 hours. Students may want to request an abeyance if:

- They plan to appeal
- They live in the Residence Hall and would need additional time to make arrangements for moving out
- They are currently enrolled in classes and would like to continue attending class.

Frequently Asked Questions

I missed class or an assignment/exam due to my situation and I do not know what to do?

The Title IX Case Manager, Meredith Holden (meredith.holden@ttu.edu) works with the Assistant Dean of Students, Denise Tijerina, to address academic concerns. Call or email Meredith Holden to discuss options.

I'm scared to communicate my situation with my professors, can you help me with this?

Yes! Contact Meredith and she will work with Denise to send out a notice with your permission and as appropriate.

I need to have a Forensic (SANE) Exam. Where can I go for that?

Within 96 hours after an assault, SANE exams are provided free of charge at local hospitals, though not on the TTU Campus. These medical facilities can also provide any other needed emergency care or medical assistance at that time.

University Medical Center

602 Indiana Ave, Lubbock, TX 79415 | (806) 775-8200

Covenant Emergency Room

3615 19th St, Lubbock, TX, 79415 | (806) 725-4288

After my ER visit, I am supposed to follow up with a primary care provider (PCP) and I don't have a local PCP.

You can make an appointment with **Student Health Services**. They support students with medical, mental health, and any follow up emergency room or hospitalization care. You may call 806-743-2848 or visit www.ttuhsc.edu/studenthealth

I need to visit with a counselor or therapist.

Student Counseling Center

Supports students with individual and group therapy. Licensed mental health professionals. Walk-in clinic M-F 12:30-3:30. These services are paid through your tuition. You may call 806-742-3674 or visit <http://www.depts.ttu.edu/scc/>

TTU Family Therapy Clinic

You may call 806-742-3074 and leave a detailed message with your name, R number, explain your interest in visiting with a therapist as soon as possible, and a call back number and someone will call you back. There is a \$25 intake fee and a \$10 fee per session for students.

TTU Psychology Clinic

You may call 806-743-3737 and someone will gather your information over the phone. Thereafter you will be scheduled with a counselor for individual counseling. There is a \$10 fee per session for students.

Voice of Hope

You may call (806) 763-7273 or visit www.voiceofhopelubbock.org. This agency is off-campus and provides counseling, guidance, and services for victims free of charge.

I do not want my family, parents or friends to know I am going to counseling. Will Texas Tech University share this information with anyone if I seek any type of resource?

No, the services of counseling and medical professionals are confidential. You must give permission to disclose any information and to whom. Please note that certain laboratory tests and procedures may show on your student bill. You can ask Student Health for clarification prior to any procedure.

I do not feel safe in my home or residence hall. Is there anything that I can do?

University Student Housing

Supports students living in Residence Halls with a variety of assistance for success. If you feel you need to change rooms or halls, this could be an option. If you may call 806742-2661 or visit www.housing.ttu.edu

For more urgent requests, or if there is an issue with moving halls, please contact Meredith for assistance.

Off-Campus Housing

It is recommended you visit with your apartment manager requesting a room change. If you need to review options on any contact cancellation, visit with TTU **Student Legal Services** by calling 806-742-3289 or visit <http://www.depts.ttu.edu/sls/>. You will not be charged a fee for Student Legal Services as you pay for this service through your tuition.

Women's Protective Services

Women's Protective Services is available 24/7/365 for any student who is experiencing interpersonal violence, regardless of gender/gender identity. You can call (806) 747- 6491 for assistance.

Do I have to report my situation to the police?

No, this is entirely up to you. The process with Texas Tech University is an administrative process which is separate from the criminal process.

I am scared to walk campus, is there anything I can do?

Here are some safety tips: <http://www.depts.ttu.edu/ttpd/crime-prevention/tips.php>. Contact Meredith to discuss possible options regarding safer transportation options.

I am in the same class as the other party. Can anything be done about this so I can still attend class comfortably?

Texas law allows for Complainants or Respondents enrolled in the same course to drop the course with no academic penalty. Other options are available as well. Contact Meredith to discuss what works best for your situation.

I am in the same student organization with the other party, do I have to quit my organization?

No, unless there is some sort of sanction or university directive that is specifically issued. You can discuss options with Meredith.

This situation has been stressful for me and I do not feel I can complete the semester, are there any options so that I don't lose my semester or get failing grades?

We want to encourage you to attend class and focus on your academics. Scheduling meetings with investigators can be made outside of your class time.

If you need to explore additional academic options, Meredith and Denise can review the possibilities specific to your situation.