

## **Rights and Responsibilities**

Prior to meeting with an Investigator, Texas Tech wants students to know and understand their rights and responsibilities. These apply to all involved parties, including Complainant, Respondent and Witnesses. A detailed explanation of all rights and responsibilities and the Grievance Process is located in Section D of the 2021-2022 Student Handbook.

### **A student has the RIGHT to:**

1. A reasonably prompt, fair, and equitable process;
2. The 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;
3. File a Formal Complaint to begin the Grievance Process;
4. Be accompanied by an advisor to any meeting or hearing (may be an attorney);
5. Refrain from making any statement relevant to the investigation;
6. The opportunity to provide information and evidence in support of their case;
7. Receive a written copy of the Notice of Formal Complaint relevant to their case, and have adequate time to prepare for interviews;
8. Access and utilize Supportive Measures whether or not a Formal Complaint is filed;
9. Know the range of Sanctions that may be imposed for a conduct violation;
10. Know the Texas Tech University Grievance Process, where to find it, and have SCRS staff answer any questions;
11. Know that any information provided by the student may be used in the Grievance Process;
12. Know that if a student makes any false or misleading statements during the Grievance Process, that student could be subject to disciplinary action.

### **Retaliation Policy**

Individuals participating in the Grievance Process should be free from any form of retaliation directed at a participant as a result of their participation. This includes written, verbal, or academic retaliation directly from another student, indirectly through an agent of another student or via the Internet or social media. Any behavior perceived by a participant to be retaliatory based on participation in the Grievance Process, should be reported to the Investigator. If, as a participant in the process, you commit retaliatory acts against another individual involved in this investigation, you could be subject to disciplinary action.

### **It is the student's RESPONSIBILITY to:**

1. Be responsive to all correspondence from the University;
2. Provide information they wish to be included that is relevant to the incident or situation;
3. Present their own information throughout the Grievance Process;
4. Be honest and provide true and accurate information during the Grievance Process;
5. Review the *Code of Student Conduct* in order to fully understand all aspects of the Grievance Process.

### **A student should understand that:**

The official form of communication at Texas Tech University is the Texas Tech University email address. **University Investigators will communicate with you directly through your Texas Tech University email. Third parties (advisor) cannot submit information to the University on your behalf.**

All records created that have personally identifiable information about any student participating in the grievance process (including, but not limited to, communication received from and sent by the University and Investigation Reports and all applicable information included in the report) are protected by the federal Family Educational Rights and Privacy Act (FERPA).

You are entitled to **review** all material created during the Grievance Process that identifies you or that you provide (subject to a reasonable period of time for redaction of other individual's protected information).

Information related to your statement(s) will only be accessible to the reporting party, the responding party, and to the Texas Tech University officials who have a legitimate need to know this information.

Release of information related to you and containing your identity (or reasonably linked to your identity) to individuals other than those listed above may be redacted so that neither your name nor information identifying you will be revealed.

Information gathered may also be disclosed in compliance with a judicial order, a lawfully issued subpoena, or under a specific exception to the Family Education Rights and Privacy Act (FERPA).

**Information about Advisor:**

All students involved in the Grievance Process have the right to be accompanied by one advisor of choice to any meeting or hearing. CARE Coordinators may also attend any meeting or hearing in addition to the student's advisor. If an advisor for a student is an attorney, an attorney from the Office of General Counsel may attend the meeting or hearing.

SCRSM will not accept investigative materials, statements, evidence, directly from an advisor and will not communicate with the advisor on behalf of a student. An advisor's role is that of support – the advisor may not speak on behalf of the student and does not have an active, participatory role in the Grievance Process. Students should select an advisor whose schedule allows attendance at any meeting or Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor. The Title IX Coordinator or designee has the discretion to remove an advisor at any point in the Grievance Process.

In Title IX Sexual Misconduct cases, the University will provide an advisor for any Complainant or Respondent who requests one. The advisor will conduct cross-examination during a Title IX Sexual Misconduct hearing. In Non-Title IX Sexual Misconduct hearings, the role of the advisor will be limited to advising only, and the advisor will not be allowed to actively participate in the hearing.

**Other Information**

Title IX Sexual Misconduct is conduct that allegedly occurred against a person in the United States in a University's education program or activity. In general, Sexual Misconduct that occurs off-campus or outside of the United States may be considered Non-Title IX Sexual Misconduct. See Section D of the Student Handbook for further information.

Students are expected to cooperate with the University Grievance Process but may elect not to participate in the Investigation process, either in part or entirely. If a student fails or refuses to provide information during the Investigation, they will not be allowed to present new information during a Hearing. If a student provides limited information during the Investigation, the student will only be permitted to speak to the information they provided at a Hearing.

In Title IX Sexual Misconduct Hearings, any statement (including those of Complainant, Respondent, and Witnesses) must be subject to cross-examination. Witnesses must be present at Title IX Sexual Misconduct Hearings.

**Acknowledgement:**

*I have read and understand the aforementioned information. I know that the complete Grievance Process can be found in the Texas Tech University Student Handbook and Code of Student Conduct, which is accessible online. I understand that if I have questions or would like to take additional time to review those policies and procedures, I may do so at any time.*

**Student**

\_\_\_\_\_  
*Printed name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**SCRSM Staff**

\_\_\_\_\_  
*Printed name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*