

Title IX Response Q & A

1. What prevention/education efforts are required at Texas Tech? Has there been any change?

- a. Texas State Law has two main requirements regarding education that will continue.
 - i. All first-year and incoming students are required to receive education about the University's policies and procedures, including the definition of consent, how to make a report, the grievance procedures (conduct process) and available resources. Texas Tech meets this requirement by:
 1. Providing a presentation at Red Raider Orientation, Transfer Student Orientation, Graduate Student Orientation, New Employee Orientation and New Faculty Orientation;
 2. First-year and transfer students are required to complete an online education module ("*Think About It*") during their first enrolled semester.
 - ii. At the beginning of each semester(including summer?), all students will receive electronic information (via email) regarding the university sexual misconduct policies and how to file a report.
- b. The Campus Sexual Violence Elimination Act ('Campus SaVE') requires primary prevention education for new students and employees, education/awareness campaigns on the definition of consent, Bystander Intervention programs and ongoing prevention programs.
 - i. Texas Tech meets these requirements through a variety of programs, including Raiders Respond (Bystander Intervention), workshops on consent provided by the Risk Intervention & Safety Education (RISE) office, One Love Week (dating violence prevention), the Red Flag Campaign, Sexual Assault Awareness Month, the Faculty/Staff Title IX Series and others. Please visit http://www.depts.ttu.edu/rise/programs_and_workshops/current_workshops.php to learn more about workshops offered.

2. What is Texas Tech’s policy regarding sexual misconduct? What is currently required by law or guidance?

- a. The university has several policies that cover and explain the expectations at Texas Tech. Information can be found in OP 40.02, OP 40.03(in what document?), and the Code of Student Conduct.
- b. Both Texas State Law and Campus SaVE require that the policy addresses:
 - i. Reporting options – **who** someone can make a report to (“Responsible Employees’, Title IX Administrators, Deputy Administrators, other University officials), **where** someone can make a report and that someone can make a report **anonymously**.
 1. Who – any Texas Tech Employee
 - a. All employees* are designated “Responsible Employees,” which means they will forward all reports to either the Title IX Administrator (reports about students) or the Equal Opportunity Office (reports about employees).
 - b. *RISE Office staff have been designated as *anonymous reporters*, meaning they can make Jane/John Doe reports.
 - c. *Mental health professionals (counselors) and Student Health staff are *confidential employees* and do not make reports unless specifically requested.
 2. Where – online at http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php or in person by visiting the Title IX Administrator (Administration Building, Room 163) or the Office for Student Rights & Resolution (Student Union Building, Room 232-E)
 3. Anonymous reports can be filed using the link above.
 - ii. The policy must explain how students can report information to law enforcement. *Note – reporting to law enforcement is completely optional, and at the discretion/desire of the student.*
 - iii. The policy must also share information on preserving evidence. This information is available on the Title IX website.

- iv. The policy must also outline information on protective, no contact and/or restraining orders. This information is available in the OP 40.03, the Code of Student Conduct and the Title IX website.

3. What are the requirements for Title IX investigations? Does the new OCR guidance change any of Texas Tech's procedures?

- a. Prompt investigation is required. Though the new OCR guideline does not articulate a specific time frame, the standard outlined in the Code of Student Conduct remains 60 days, excluding appeal. This timeline may vary based on criteria outlined in the Code.
- b. Amnesty for Participants
 - i. Per Texas State Law, amnesty will be granted to students or witnesses who report in good faith a violation of the sexual misconduct policy. This amnesty extends to other Code of Student Conduct violations, such as underage drinking. *Please note – the University reserves the right to require students to complete education requirements in lieu of Conduct proceedings.*
 - ii. In situations involving the Responding Party, the appropriateness of extending amnesty provisions will be determined by the Investigator in consultation with the Title IX Administrator and/or the Director of Student Conduct.
- c. Notice to the Responding Party – while it has always been University policy to send written notification to the Responding Party, the new OCR guidance has clarified elements that should be included in the notice. From this point forward, the initial notice of involvement will include the following:
 - i. Identification of the parties involved
 - ii. Specific sections of the Code of Student Conduct alleged to be violated
 - iii. Precise conduct potentially violating the Code of Student Conduct
 - iv. Date and location of alleged incident
- d. Evidence – new OCR guidance reiterates the commitment to equity related to evidence in sexual misconduct cases. Though the University policy remains unchanged, policy expectations are included below:

- i. Students may provide any and all relevant evidence to be considered in the investigation and subsequent hearing.
- ii. Complainants and Respondents may provide a list of witnesses for investigators to interview.
- iii. Both the Complainant and Respondent will have the same opportunity to review the completed investigation report and issue any clarifications. Parties may also submit questions for anyone involved in the investigation (investigator, other party, witness, etc.).

4. Campus Disciplinary Proceedings – New OCR guidance articulates the requirements for disciplinary proceedings. Does anything change at Texas Tech?

- a. Standard of evidence used
 - i. New OCR guidance states that preponderance of the evidence (“more likely than not”) remains permissible, so long as this standard is consistent with all other student misconduct cases at the University. This standard is articulated in the current Code of Student Conduct for all misconduct cases, and thus, will remain unchanged.
- b. Allegations
 - i. If there are multiple allegations against a Respondent, finding of responsibility must be determined separately for each allegation. This is in keeping with current procedures currently outlined in the Code.
- c. Sanctions
 - i. The range and description of possible sanctions for each infraction is provided in the Code of Student Conduct. This information is also included in more detail on the Office of Student Conduct website. Please visit http://www.depts.ttu.edu/studentconduct/PDF-WordFiles/Sexual_Misconduct_Sanction_Matrix.pdf for more information.
 - ii. Sanctions will continue to be proportionate to the violation of the Code, and will balance holding a student accountable to University policy while considering the impact of separating a student from their education.
- d. Advisers

- i. Both parties may have one (1) adviser of their choice (including an attorney) as outlined in Campus SaVE, new OCR guidance, and the Code of Student Conduct. *Please note- any student who has an accommodation through Student Disability Services is permitted an adviser in addition to/outside of any accommodation (i.e. interpreter).*
- e. Notification of Outcome
 - i. Texas Tech provides simultaneous notification, in writing, as required by Campus SaVE and recommended by OCR guidance. Students receive this communication to their official university email address.
 - ii. The notification of outcome includes finding of the hearing, any sanctions assigned to the Respondent (in accordance with Campus SaVE considerations of FERPA), and information about the appeal process. The Respondent is also given written information regarding applying for an abeyance of sanctions pending the outcome of an appeal.
 - iii. OCR guidance allows individual institutions to outline appellate procedures. Texas Tech allows both parties to appeal either the finding *or* sanction based on the following criteria for the Code of Student Conduct:
 - 1. Procedural error
 - 2. New evidence
 - 3. Sanction is outside the normal/prescribed range
- f. Investigator and Hearing Panel Member training
 - i. Both Investigators and Hearing Panel Members complete annual training, as required by the Code of Student Conduct. Additionally, Investigators maintain current certification through professional organizations.
 - ii. Training for Investigators and Hearing Panel Members is trauma-informed, as is required by Campus SaVE.

5. Interim Measures & Resources

- a. Remedies and resources remain available to both parties throughout the process. The Title IX Administrator and the Office of the Dean of Students coordinate these remedies.
 - i. Potential remedies include:

1. Counseling services
 - a. Counselors will not be involved with both parties in a case.
2. Health referrals
3. Academic assistance
 - a. Notification of absences to professors
 - b. Class schedule modifications
 - c. *Note: State law requires that if two students involved in an alleged sexual assault are enrolled in the same course, both students have the option to drop the course with **no academic penalty.***
4. Housing assistance (on campus)
5. Parking assistance
6. No Contact Orders

6. Title IX Coordinator

- a. The 2015 Dear Colleague Letter outlines the guidance for Universities to have a full-time Title IX Coordinator, who has the appropriate authority and necessary support from the institution, who can insure compliance with Title IX. At Texas Tech, Dr. Kimberly Simón is designated as the Title IX Administrator. For any questions or concerns, please contact:

Dr. Kimberly Simón

Administration Building, Room 163

kimberly.simon@ttu.edu | 806.834.1949

7. What information must be reported to the campus community?

- a. Under the Clery Act and Campus SaVE, the University is required to:
 - i. Report campus crime numbers, including sexual assault, dating/domestic violence and stalking. The Annual Security Report can be accessed at <http://www.depts.ttu.edu/ttpd/clery.php>.

- ii. Issue Timely Warnings to campus community in instances of potential for ongoing threat. These notifications are sent through the TechAnnounce system by Campus Police.