



## **Title IX and Sexual Misconduct Overview**

The purpose of this document is to provide a brief outline of some important information about the Title IX and Sexual Misconduct processes at Texas Tech University. It does not answer all questions and/or provide all the information. Concerned persons should contact the Office for Student Civil Rights and Sexual Misconduct (SCRSM) or the Title IX Coordinator with additional questions or for more case specific 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.

*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 to try and discover and examine the facts of a reported incident. The Investigator is a neutral party in the investigation process. The Investigator does *not* determine a finding of responsibility for potential violations.

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

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

*Program Manager – Title IX Training & Outreach:* The University official who assists with training and outreach for SCRSM. This role serves as a member of the Case Management Team and also serves as the Hearing Coordinator.

*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 SCRSM office. Coordinators can act as a peer mentor in the process. This role serves as a member of the Case Management Team.

*Mandatory Reporter:* A mandatory reporter (“Responsible Employee”) is someone who is required

to report a Sexual Misconduct incident. A mandatory reporter must report all details that they know, which includes the names of parties.

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

Formal Complaint: A document submitted and signed (by hand or electronically) by the Complainant which alleges misconduct by a student, visitor, or employee of Texas Tech. The filing of a Formal Complaint requires the SCRSM to notify the Respondent of the allegations.

### **Texas Tech Policies:**

Texas Tech has two separate policies related to sexual misconduct. One involves matters which fall under Title IX Sexual Misconduct and the other in which matters are determined to be Non-Title IX Sexual Misconduct. You may review both policies via the [Student Code of Conduct](#) or by reviewing [TTU OP 40.03](#) or TTU System Regulations [07.06A](#) or [07.06B](#).

### **Law Enforcement Involvement vs Title IX process:**

The Title IX process is an administrative process, not a criminal process. The SCRSM does not contact law enforcement to report incidents. However, if a student would like to pursue both avenues, the SCRSM 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 50.0 %).

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.

### **Protective Orders:**

A protective order is a civil order, applied for and issued by a local judge. If violated the offending party can be arrested. The SCRSM office cannot issue a protective order. Parties wishing to discuss this option can contact the Lubbock District Attorney’s Office at 806.775.1100, the Legal Aid Society of Lubbock at 806.762.2325 and/or visit their website at <https://www.lubbocklegalaid.org/>. Services can also be provided by Voice of Hope at 806.763.3232 or at <https://www.voiceofhopelubbock.org/contact/> or Lubbock Victim Assistance Services at 806.763.3131 or <https://www.lubbockvictims.org/>.

### **No Contact Order:**

A No Contact Order is an administrative Supportive Measure which may be issued by the University and is good for one year or until one of the involved parties leaves the University, whichever comes first. The directive limits the parties’ contact with each other. A Violation of a No Contact Order can lead to additional disciplinary action being sought against the offending party.

## **Process of Filing a Formal Complaint:**

A student, mandatory reporter, or third party can file a report concerning any incident involving sexual assault, domestic violence, dating violence, sexual harassment, stalking or any other form of civil rights violation. The SCRSM will then reach out to the Complainant to schedule a meeting to review options and services which are available. Should a student wish to file a Formal Complaint they can be provided the information to do so at any time. Once a Formal Complaint is filed, the Respondent will receive notification of the Complaint by the SCRSM office.

When a Formal Complaint is received, SCRSM will evaluate the jurisdiction and any dismissal criteria described in Section D of the Student Code of Conduct. In the event that a Formal Complaint is dismissed, either party can appeal according to the procedures outlined in the Code.

## **Sharing Information:**

Reports filed with the SCRSM are private and will not be shared with other students, faculty, non-SCRSM staff, or **parents** without the student's express consent. SCRSM staff will also not share information with a 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. It is not required that any student have an attorney to participate in this process.
- Advisors may not represent the student.
- Advisors can attend a University Advisor of Choice Training. Individual training is available with SCRSM Case Manager Meredith Holden.
- Advisors should be supportive and concerned for the student's best interests.
- Advisors should be available and accessible- responsive to calls/emails, be able to attend meetings and the Hearing.
- In Non-Title IX Sexual Misconduct cases, a witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who are currently separated from the University as the result of a disciplinary process may be excluded from serving as an advisor.
- In a Title IX Sexual Misconduct hearing, the Advisor will conduct cross examination. All students retain the right to select their own advisor, and this advisor may be an attorney. If the Complainant or Respondent does not have an advisor, the University will provide one. For University provided Advisors, that Advisor does not provide legal guidance.

## **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. Evidence which is maintained on electronic devices should be protected from deletion or loss by copying them to other devices, printing, or submitting them to law enforcement and/or the SCRSM. The integrity of all forms of evidence should be maintained and handled with care so as not to compromise its usefulness.

Examples of evidence include, but are not limited to:

- Messages shared between the involved parties 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 Supportive Measures only. This will be facilitated by the SCRSM Case Management Team.
- 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 after the Title IX Coordinator files a Formal Complaint. 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. SCRSM will then issue a No Contact Order.
- A Complainant may request that an Informal Resolution be sought to resolve the matter after filing a Formal Complaint. An Informal Resolution is an agreement between the parties that outlines any agreed upon stipulations. With an Informal Resolution, the investigation is closed without a finding for either party involved. Both parties must sign a document acknowledging their voluntary willingness to participate in this process. Either party may withdraw from the process at any time and request a formal investigation be started or continued.
- After the filing of a Formal Complaint, the Complainant may ask that a formal investigation be conducted. Information from the investigation is compiled in a report which 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. SCRSM will make all efforts to help coordinate this process and will still be able to provide Supportive Measures to the Complainant.
- Other options that are available can be discussed and reviewed with the student during a meeting with a staff member of the SCRSM or the Title IX Coordinator.

### **Informal Resolution:**

In almost all matters governed by the policies related to sexual misconduct, 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 the Informal Resolution process. All parties involved must sign an acknowledgement of the Informal Resolution process and their willingness to participate in

the process. The procedures utilized in the Informal Resolution process must be agreed upon by the parties with concurrence from the Title IX Coordinator or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Informal Resolution process, including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Title IX Coordinator or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Informal 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*. Informal 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 Grievance 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 an Informal Resolution. Respondents will be provided Supportive Measures in the same vein as Complainants. **Respondents will be presumed NOT RESPONSIBLE until and/or only if found responsible after the completion of the entire Grievance Process.**

### **Supportive Measures:**

Resources will be available to Complainants, Respondents, and witnesses as appropriate. All parties will have the opportunity to meet with a member of the SCRSM Case Management Team to discuss available Supportive Measures which may include residence hall changes, parking assignment adjustment, and assistance in academic areas. The Case Management Team can provide additional areas of assistance, as necessary.

### **Code of Student Conduct Process:**

There are differences in the hearing processes depending on if a matter falls under the Title IX Sexual Misconduct process or the Non-Title IX Sexual Misconduct process. A staff member of the SCRSM office will be available to explain those differences and each party is encouraged to review the policies already referred to in this document.

#### 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 decision makers 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.
- **Sanction-Only Hearing:** In this process, a student accepts responsibility for the allegations

issued in the Investigative Report. A student may request either an Administrative Hearing or Panel Hearing 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 should summarize evidence that was presented and how the evidence supported a decision 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 a student. Impact statements will only be allowed after a responsible finding has been made.

## **Sanctions**

The University has a posted “Sanction Matrix” on the OSC website at: [Sanction Matrix](#)

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 decision maker’s findings. Appeals must set out the grounds for appeal. The grounds and rules for appeal are set out in the applicable policies noted previously in this document.

If one party files an appeal, the other party will have an opportunity to respond to the appeal. Implementation of the disciplinary Sanction(s) will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.

## **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](mailto:meredith.holden@ttu.edu)) can help 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 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 19<sup>th</sup> 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 do not 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](http://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.

## **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.

## **Voice of Hope**

You may call (806) 763-7273 or visit [www.voiceofhopelubbock.org](http://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. You may call 806-742-2661 or visit [www.housing.ttu.edu](http://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 contract 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 on campus, is there anything I can do?**

Here are some safety tips: <http://www.depts.ttu.edu/tpd/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 do not 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 can review the possibilities specific to your situation.

Useful links: