



- c. All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, the burden of proof shall be a preponderance of the evidence, which means more likely than not.
- d. The University expects all members of the University Community to comply with the law. Members of the University Community who violate this regulation and related laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with Texas law, termination of tenured

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Title IX Coordinator			
Thomas O'Brien Title IX Coordinator	915.215.5114	Human Resources Department Administrative Support Building, Suite 200 N. Concepcion El Paso, TX 79905	<a href="mailto:thomas.obrien@ttuhsc.edu">thomas.obrien@ttuhsc.edu</a>

The OEO will investigate complaints of Sexual Misconduct of the University.

Charlotte Bingham Assistant Vice Chancellor of Administration, Office of Equal Opportunity	806.742.3627	Office of Equal Opportunity (OEO) TTU System Administration Building, 1508 Knoxville Ave., Suite 208, Box 1073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>

disclosure made at a Sexual Misconduct public awareness event sponsored by or affiliated with the University.

- f. All students, Employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or the OEO in contacting these authorities if the individual wishes. For a list of law enforcement agencies, please see Section 15(c) of this regulation. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- g. An individual who experiences Sexual Misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence several days following a Sexual Assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services.
- h. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- i. The University may not discipline or otherwise discriminate against an individual who in good faith: (i) makes a report as required under this regulation or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. This Subsection does not apply to an individual who perpetrates or assists in the perpet





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<https://www.angelo.edu/student-handbook/>

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<http://www.depts.ttu.edu/dos/handbook/>

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[https://www.ttuhs.edu/student-services/documents/HSC Institutional Student Handbook.pdf](https://www.ttuhs.edu/student-services/documents/HSC_Institutional_Student_Handbook.pdf)

7. Employee Complaint Procedures, Including Student Employees

- a. 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 : [OP 16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); : [OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); : [HSC OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#); and : [HSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#), shall apply. To initiate an investigation, an Employee having a complaint under this Regulation (07.06) must submit a completed

form, which is available at:

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- iii. Makes a report of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking which after investigation is found not to have been made in good faith.
- c. 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.

10. Interim Measures

- a. The Complaining Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to: (i) separating the Complaining Party's and Responding Party's academic or working situations; (ii) forbidding contact between parties involved in a complaint; and (iii) suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.
- b. Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Complaining Party pursues a formal University action or criminal action.

11. Confidentiality

- a. The protections provided by this Section apply to:
  - i. Complaining Party;
  - ii. Reporting Party;
  - iii. An individual who sought guidance from the University concerning an incident;
  - iv. An individual who participated in the University's investigation of an incident; or
  - v. Responding Party.

necessary by the University; (4) the Responding Party, to the extent required by other law or regulation; and (5) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.
- d. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Responding Party (g) TTTJ-0000b2Tw 0 -(po)10.9 (nTT0 1 T0.002 T(i1 (7.4 (U)-

including the University Title IX Coordinators, Title IX Deputy Coordinators, OEO employees, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this regulation.

14. Free Expression

- a. This regulation encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

15. University Referencing Operating Policies

See the following for University Operating Policies and Procedures (OP):

: [OP 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#)

: [OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#)

: [HSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#)

: [HSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#)

16. Websites and Other Resources

- a. The University maintains websites that provide comprehensive information about this regulation, its procedures, Title IX, available resources, remedial support options, local support services, and illustr(i)-10.3 vailassresourcerourcso0.008 Tc 8 (er) 3.104 0 8 (er).3 (h)10.6 (is)5.

