Texas Tech University System
Regulation 07.06.B

Non-Title IX Sexual Misconduct
Effective: August 14, 2020
Modified: May 23, 2024
Next Scheduled Review: December 2025

1. Applicability

   a. This regulation applies to all Sexual Misconduct (as defined in Section 4.n, below) except Title IX Sexual Misconduct, which is defined in and governed by System Regulation 07.06.A.

   b. Attachment 1 to this regulation visually depicts and summarizes the applicability of System Regulations 07.06.A and 07.06.B. In the event of any conflict between the attachment and these regulations, the text of the regulations shall control.

2. Purpose

   a. This regulation provides information regarding the Texas Tech University System and its component institutions (referred to herein collectively as "University") prevention and education efforts related to sex discrimination, Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Public Indecency, Sexual Misconduct, Interpersonal Violence, Dating Violence, and Stalking. This regulation provides students and employees with their rights and options and also explains how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

3. Policy

   a. The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation and gender identity, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal Violence (Dating, Domestic, or Family), Dating Violence, Sexual Violence, and any other misconduct based on sex. Any acts that fall within the scope of this regulation hereinafter are referred to as Sexual Misconduct. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation.

contact in a sexual manner.

ii. Nonconsensual Sexual Intercourse. Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

iii. The following offenses are examples of Sexual Assault:

1. Incest. Sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law;

2. Fondling. The touching of the private body parts of another individual for the purpose of sexual gratification, without the consent of the Complaining Party, including instances where the Complaining Party is incapable of giving consent because of the Complaining Party's age or because of the Complaining Party's temporary or permanent mental incapacity;

3. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the Complaining Party; and

4. Statutory Rape. Sexual intercourse with an individual who is under the statutory age of consent.

m. Sexual Exploitation.

Texas Tech University Health Sciences Center: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4th Street UC Suite 330A, MS 6262 Lubbock,TX 79430	Title IX Website: https://www.ttuhsc.edu/titleix/ Reporting Link: https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&layout_id=10
Texas Tech University Health Sciences Center El Paso: Leslie Collins 806.743.9861 leslie.collins@ttuhsc.edu	3601 4th Street UC Suite 330A, MS 6262 Lubbock,TX 79430	Title IX Website: https://ttuhscep.edu/titleix/default.aspx Reporting Link: https://elpaso.ttuhsc.edu/title

under this regulation.

j. Non-Disclosure of Private Information to Medical Providers. Absent consent from the Complaining Party, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complaining Parties with information and guidance regarding University reporting options and available resources. This Subsection does not affect the Employee's duty to report an incident under any other law or regulation under which the University is obligated to report.

d. If a student enrolled at the University reports Sexual Misconduct in good faith, the University may not take disciplinary action against the student for violation(s) of the Code of Student Conduct in accordance with the amnesty provisions set forth in the respective University's Student Handbook

e. Sanctions for violations of this regulation or the Code of Student Conduct by students may be found at:

UNIVERSITY	LINK
Angelo State University	https://www.angelo.edu/student_handbook/
Midwestern State University	https://msutexas.edu/student_life/_assets/files/handbook.pdf
Texas Tech University	http://www.depts.ttu.edu/dos/handbook/
Texas Tech University Health Sciences Center	https://www.ttuhsc.edu/student_services/documents/HSC_Institutional_Student_Handbook.pdf
Texas Tech University Health Sciences Center El Paso	https://elpaso.ttuhsc.edu/studentservices/_documents/Institutional-Handbook.pdf

f. If a student Employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the University, against an Employee, the student should follow the procedure set forth for Employee0 Tc 0 Tw [(E)2.3.8 (7r)6.9 (o7.3 (e)9 (8 (e)-1.f (e)-1.6 ((e)-11

under this regulation must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at http://www.depts.ttu.edu/hr/documents/TTU_Misconduct_40.03.pdf

c. In addition, in complaints of Sexual Misconduct, the following provisions shall control.

i. While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delay in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation

ii. Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator, or the System Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this regulation

iii. Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.

iv. Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this regulation.

v. After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the following: (1) the determination of the outcome; (2) the finding of the System Office of Equal Opportunity is final and not appealable by either party; (3) in the event a finding of a violation of this regulation is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment; and (4) if either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, they may appeal within ten (10) business days.

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 formal University action or criminal action.

12. 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, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.

b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):

i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and

16. Pregnancy and Parenting Status

a. Overview In accordance with Texas Education Code, Section 51.982, the System and its Universities are committed to providing an environment free from discrimination for pregnant students and Parenting Students on the basis of pregnancy and parenting status.

b. University Prohibitions. A University may not require a student due to the student's pregnancy

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