

# Texas Tech University System

## Regulation 07.06.B

### Non-Title IX Sexual Misconduct

Effective: August 14, 2020

Modified: January 15, 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

- b. This regulation applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses. This regulation

- adversely impacts the educational and employment environments of the University. The University will take immediate and appropriate corrective action in response to sexual harassment complaints and all reasonable steps to respond to and prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.
- 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 applicable law and University policies. 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 applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the
  - e. For complaints relating to Title IX Sexual Misconduct, please see [System Regulation 07.06.A](#). For complaints relating to any form of discrimination not covered by this System Regulation 07.06.B or System Regulation 07.06.A, or for acts of gender/sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this regulation or Title IX Sexual Misconduct as defined in System Regulation 07.06.A, please see [System Regulation 07.10](#). Additionally, if at any time during a Sexual Misconduct grievance process under this regulation it is determined that the alleged conduct constitutes Title IX Sexual Misconduct, the University shall proceed under System Regulation 07.06.A or any other applicable policy and procedure.

#### 4. Definitions

For purposes of this regulation, the definitions below apply. However, some of these terms are also defined under state law. If an individual



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 \_\_\_\_\_ age or because of the \_\_\_\_\_ 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*. Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's consent; (ii) sexual voyeurism; (iii) \_\_\_\_\_; (iv) \_\_\_\_\_; (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's consent.
- n. *Sexual Harassment*. Unwelcome, sex-based verbal or physical conduct that:
  - i. In the employment context, unreasonably interferes with an individual performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive; or
  - ii. In the education context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with \_\_\_\_\_ from educational programs or activities.
  - iii. Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) \_\_\_\_\_; (14) exposing their genitals; (15) Stalking; (16) domestic or Dating Violence; (17) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (18) other gender-

based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

- o. *Sexual Misconduct*. A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes Sexual Harassment, Nonconsensual Sexual Contact, Nonconsensual Sexual Intercourse, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal Violence, sexual violence, and other misconduct based on sex.
- p. *Stalking*. A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual safety or the safety of others or would cause that individual acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual require medical or other professional treatment or counseling.
- q. *Supportive Measures*. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complaining Party or the Responding Party before or after the filing of a complaint or where no complaint has been filed.
- r. *Title IX Sexual Misconduct*. Certain sexual misconduct as defined in and governed by [System Regulation 07.06.A](#).
- s. *University Community*. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

#### 5. Contact Information for University Title IX Coordinators

<b>Texas Tech University Health Sciences Center:</b> Leslie Collins 806.743.9861 <a href="mailto:leslie.collins@ttuhsc.edu">leslie.collins@ttuhsc.edu</a>	3601 4 <sup>th</sup> Street UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> <a href="https://www.ttuhsc.edu/title-ix/">https://www.ttuhsc.edu/title-ix/</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&amp;layout_id=10">https://cm.maxient.com/reportingform.php?TexasTechUnivHSCSS&amp;layout_id=10</a>
<b>Texas Tech University Health Sciences Center El Paso:</b> Leslie Collins 806.743.9861 <a href="mailto:leslie.collins@ttuhsc.edu">leslie.collins@ttuhsc.edu</a>	3601 4 <sup>th</sup> Street UC Suite 330A, MS 6262 Lubbock, TX 79430	<i>Title IX Website:</i> <a href="https://ttuhscep.edu/title-ix/default.aspx">https://ttuhscep.edu/title-ix/default.aspx</a> <i>Reporting Link:</i> <a href="https://el Paso.ttuhsc.edu/title-ix/report-incident.aspx">https://el Paso.ttuhsc.edu/title-ix/report-incident.aspx</a>

- b. *System Title IX Coordinator for Employees.* The System Office of Equal Opportunity serves as the Title IX Coordinator for employees for all Universities to oversee compliance with Title IX relating to employees. Employees seeking information, to report sexual misconduct of any kind (including both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct), or to file a complaint of Sexual Misconduct should contact the System Title IX Coordinator  
System Office of Equal Opportunity :

<b>SYSTEM TITLE IX COORDINATOR FOR EMPLOYEES EMAIL &amp; PHONE</b>	<b>OFFICE ADDRESS</b>	<b>WEBSITE &amp; REPORTING LINK</b>
<b>Texas Tech University System:</b> Dawn R. Payne 806.742.3627 <a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>  <i>System Title IX Coordinator for Employees (all Universities and System Administration)</i>	Office of Equal Opportunity System Administration Building 1508 Knoxville Ave, Suite 309 Lubbock, TX 79409	<i>Office of Equal Opportunity Website:</i> <a href="https://www.texastech.edu/offices/equal-employment">https://www.texastech.edu/offices/equal-employment</a> <i>Reporting Link:</i> <a href="https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40">https://cm.maxient.com/reportingform.php?TexasTechUniv&amp;layout_id=40</a>

## 6. Reporting Sexual Misconduct

- a. *Mandatory Reporting to University by Employees.* Texas law requires Employees to report certain types of Sexual Misconduct to appropriate University personnel. All Employees, including student Employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes Sexual Misconduct and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). An Employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking under this regulation is a violation of state law that shall result in termination of employment and may result in criminal penalties.
- b. *Contents of Report.* Except as provided by Section 6(c) below, the report must include all information concerning the incident known to the Reporting Party, including the involved confidentiality; however, the Reporting Party may also state whether the Complaining Party has expressed a desire for confidentiality.

c. *Contents of Report by Employee with Confidential Relationship.* An Employee designated by





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

<b>UNIVERSITY</b>	<b>LINK</b>
<i>Angelo State University</i>	<a href="https://www.angelo.edu/student-handbook/">https://www.angelo.edu/student-handbook/</a>
<i>Midwestern State University</i>	<a href="https://msutexas.edu/student-">https://msutexas.edu/student-</a>

- 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. Delays 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 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) 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 sanc04 Tf1 0 0 1 4JTJWm 743 400.39 Tm8w



- b. 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.

## 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
  - v. Responding Party, if after completing an investigation, the University determines the

including medical providers employed by the University. Information may be shared by the clinical and/or medical provider consent.

13. Cooperation and Non-Interference with an Investigation or Grievance Process

- a. *Cooperation by University Employees.* All University Employees who are not a Complaining Party or Responding Party









20. Right to Change Regulation

- a. ~~Texas Penal Code Section 42.072~~