



**TEXAS TECH UNIVERSITY**

**Sexual Misconduct Information Packet**

*Sexual Assault, Sexual Violence, Sexual Harassment*

For more information, visit [www.sexualmisconduct.ttu.edu](http://www.sexualmisconduct.ttu.edu) and [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook).



## What is Sexual Misconduct?

Per the *TTU Student Code of Conduct*, “Sexual Misconduct” is any of the following:

### SEXUAL HARASSMENT

“Unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with the victim’s educational experience.”

This includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, purposeful dissemination of sexually explicit content, etc.

### SEXUAL ASSAULT

#### *Non-consensual Sexual Contact*

“Intentional sexual touching of another’s private areas without consent.” Private areas include butt, breasts, mouth, genitals, groin area, or other bodily orifice.

#### *Non-consensual Sexual Intercourse*

“Sexual penetration or intercourse without consent.” Penetration can occur with any part one’s body or with any object.

**Consent** - “Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity.”  
(For more information about consent, visit the “Information” section of [sexualmisconduct.ttu.edu](http://sexualmisconduct.ttu.edu))

### SEXUAL EXPLOITATION

“Taking sexual advantage of another person for his/her own advantage or benefit.” Includes, but is not limited to:

- Sexual Voyeurism – watching someone undress, “peeping tom,” etc.
- Recording (pictures, video, or audio) another person engaged in a sexual act or private activity.
- Inducing another student to expose his/her genitals or private areas.
- Prostituting another student.
- Engaging in sexual activity while knowingly infected with an STD.

*Other prohibited conduct includes:*

### RELATIONSHIP VIOLENCE / DOMESTIC VIOLENCE

“Violence or abuse, verbal or physical, by a person in an intimate relationship with another.”

### STALKING

“Behavior which includes, but is not limited to, knowingly and repeatedly engaging in conduct that the individual knows or reasonably believes the other person will regard as threatening or would cause a reasonable person to be fearful.”

### HAZING

“Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students.”

For more information on TTU’s sexual misconduct policy:  
[www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook) - (2014-2015 Student Handbook)

## What do I do if something like this happens to me?

### *Keeping your Options Open: Preservation of Evidence*

- First and foremost, **if you need immediate medical attention**, you should call 9-1-1 or go to the nearest emergency room.
- Secondly, if you have been sexually assaulted within the past 96 hours, it is strongly encouraged that you seek medical attention at an emergency room for a Sexual Assault Nurse Exam (SANE). You should do this even if you are unsure whether you want to report the incident, as this type of evidence is no longer available after 96 hours, and could be of significant importance if you decide you would like to report sometime in the future.
  - **University Medical Center**  
602 Indiana Ave, Lubbock, TX 79415  
(806) 775-8200
  - **Covenant Medical Center**  
3615 19th Street, Lubbock, TX 79410  
(806) 725-0000

### *If you just need to talk ...*

- If you have family or friends that you trust, it is always encouraged that you tell someone what happened.
- However, if you simply want someone to listen but are unsure whether you want to involve your family and friends, and are hesitant to report to the police or the university, there are several resources available to you. These resources offer confidential assistance and support, and are free for Texas Tech students.
  - **Student Counseling Center**  
Second floor of the Student Wellness Center, Room 201 (on the NE corner of Flint Ave. & Main St.)  
Visit [www.depts.ttu.edu/scc/](http://www.depts.ttu.edu/scc/) for more information.
  - **Voice of Hope** (Rape Crisis Center)  
*Hotline:* (806) 763-RAPE (7273) / *Phone:* (806) 763-3232  
For more information, visit [www.voiceofhopelubbock.org](http://www.voiceofhopelubbock.org).

## How do I make a report and what happens if I do?

### *Reporting to Texas Tech University*

- You can report an incident of sexual misconduct to Texas Tech University by contacting any of the following administrators:

Amy Murphy, Ph.D.  
Dean of Students / Deputy Title IX Coordinator  
[amy.murphy@ttu.edu](mailto:amy.murphy@ttu.edu) / (806)-742-5433

Michael Henry, J.D.  
Title IX Investigator / Student Resolution Center  
[michael.henry@ttu.edu](mailto:michael.henry@ttu.edu) / (806)-742-7233

Denise Tijerina  
Senior Administrator / Case Manager  
[denise.tijerina@ttu.edu](mailto:denise.tijerina@ttu.edu) / (806)-742-2984

- It is highly encouraged that you speak with one of the above administrators, even if you are unsure whether you want to file a formal report. Student reports are kept *confidential* and shared *only* with essential university personnel in order to better remedy the student's situation (housing, parking, class schedule, etc.). Administrators will not contact the respondent (suspect) or otherwise escalate the situation without first consulting with the student.
- Texas Tech University's primary concern is always to ensure that students are taken care of. Accordingly, administrators will assist in any way they can, offering various remedies and resources, even if you do not wish to pursue formal student conduct process.
- **Texas Tech wants you to feel safe.** Remedies and resources will be provided on a case-by-case basis and will correspond with the needs of each individual student and each specific situation – regardless of whether the student decides to make a report. Those remedies and resources include, but are not limited to:
  - A No Contact Order;
  - A change or modification to residence hall or living options;
  - Academic scheduling or class modifications;
  - Employment options or work schedule modifications;
  - Assistance with extracurriculars, organization(s), activities;
  - On-campus parking considerations;
  - Police escort to your vehicle.

- Once the university receives a report, an investigator will be assigned to gather information, create a full report, and present the incident to a hearing body for a decision. If a provision of the TTU Code of Student Conduct has been violated, this process can lead to sanctioning against involved student(s) or student organization(s). The range of potential sanctions are reprimand, probation, deferred suspension, suspension, and expulsion.
- Texas Tech University's jurisdiction for addressing sexual misconduct is **not** limited to on-campus (or near-campus) incidents. If the alleged misconduct impacts the educational environment of a member of the Texas Tech community, regardless of where the incident occurred, the university is required by federal law to address the situation.

#### *Reporting to the Texas Tech Police Department*

- If the alleged conduct violates state or federal law, you should report the incident to the Texas Tech Police Department. Reporting to TTU PD can lead to criminal charges and prosecution.
  - **Texas Tech Police Department**  
413 Flint Avenue, Lubbock, Texas 79409  
(806) 742-3931
- In most cases, incidents involving sexual misconduct will violate both state law as well as a provision(s) of the TTU Code of Student Conduct. In those cases, an investigator from Texas Tech University will coordinate with TTU PD detectives so that the student only has to give a statement one time. This would be scheduled at the earliest convenience of the student and TTPD/TTU investigators.
- If you feel more comfortable speaking with a female officer, TTU PD will assign a female detective when available.
- TTU PD will also explain your Crime Victim Compensation rights and are happy to assist you in filling out the necessary documentation.

#### **What if I, or my friend, were doing something wrong (i.e., underage drinking) when the more serious incident occurred? Will I, or my friend, get in trouble if one of us reports?**

Texas Tech is committed to facilitating an environment that supports students reporting incidents of sexual misconduct. As such, the university will attempt to provide educational options rather than formal conduct proceedings for what would otherwise be minor violations. This is what is known as an ***Amnesty Provision***. You can read more about TTU's Amnesty Provision in Part 1, Subsection C of the *2014-2015 Student Handbook*.

#### **What if I would like to make a report, but I want to remain anonymous?**

Texas Tech understands the sensitive nature of incidents involving sexual misconduct. Further, the university is mindful of complainants' desire, in many cases, to report an incident without disclosing their name or other identifying information. Here's what you should know about these types of situations: Texas Tech will always do its absolute best to protect a student's anonymity, if that is the student's wish. Doing so, however, will likely make it rather difficult to thoroughly and effectively investigate the occurrence. The university will walk through a student's various options at this point and determine which approach best fits the student's wants and needs. The only time Texas Tech may be *forced* to disclose a complainant's name during an investigation is when the alleged misconduct presents a real and substantial threat to the campus community. This is required by federal law. That said, Texas Tech will always do the utmost to work with students who report incidents of sexual misconduct, protecting anonymity and confidentiality whenever possible.

#### **Is my report confidential?**

Any report of sexual misconduct made to Texas Tech administrators will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective investigation and adjudication of the case.

## **How does the Conduct Process work?**

The following is taken directly from the 2014-2015 Texas Tech University Student Handbook. You can access the full handbook here: [www.ttu.edu/studenthandbook](http://www.ttu.edu/studenthandbook)

### *Texas Tech will assess the situation – Initial Inquiry*

Upon notice of an alleged violation of the Code of Student Conduct, The Dean of Students or The Managing Director of the Office of Student Conduct will appoint a student conduct officer/ investigator to review allegations of misconduct. The student conduct officer/investigator will inquire, gather and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of the information. Incidents will not be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or complainant statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question. Unsupported allegations with no credible information will not be forwarded to a hearing.

When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student conduct process entirely, the university will make every attempt to follow the wishes of the complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the university pursuing conduct action with respect to the named Respondent, the university will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the university to pursue the report in any respect, the university will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

### *Texas Tech will attempt to remedy any immediate concerns related to the alleged misconduct*

#### **Remedies**

The University will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This includes immediate steps to protect complainants even before the final outcome of the investigations, including prohibiting the respondent from having any contact with the complainant. These steps will attempt to minimize the burden on the complainant while respecting due process rights of the respondent. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

#### **No Contact Orders**

When initial inquiry indicates persistent and potentially escalating conflict between two members of the university community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or

other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

## **Resources**

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Student Resolution Center is also available to help students understand the student conduct process and identify resources.

*In certain situations, Texas Tech will utilize Interim Actions to prevent further conflict*

## **Immediate Temporary Suspension – Students**

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Dean of Students, or on recommendation of a Student Conduct Officer/Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Dean of Students or designee will notify the Managing Director of the Office of Student Conduct to initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

Upon immediate temporary suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department.

Conduct, on or off campus, that typically results in interim suspension:

1. A significant and articulable threat to the health or safety of a student or other member(s) of the University community.
2. Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation.
3. Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats.
4. Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests.
5. Violation of a No Contact Order.
6. Retaliatory harm, discrimination or harassment.

## **Immediate Temporary Suspension of Registration – Student Organizations**

If it is determined that a student organization's actions or activities are detrimental to the educational purposes of the University and/or not in accordance to the Student Handbook, that student organization will not be officially registered with the Center for Campus Life. The registration of a student organization may be temporarily suspended while an investigation is pending involving an alleged violation of registered student organization policies and procedures as outlined in the Student Handbook. The registered student organization will be afforded all due process guidelines as described in the Student Handbook.

Conduct, on or off campus, of members of a student organization that typically results in interim suspension:

1. Violent or harassment-type hazing
2. Organization events and activities resulting in allegations against individual students that typically result in individual student interim suspension (as outlined in Interim Action 4a)
3. Cease and desist directives from regional or national organizations
4. Alcohol/drug policy violations during recruitment or social events

*Texas Tech will inform all students of their Rights and Responsibilities prior to formal investigation*

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the investigator/student conduct officer. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Those rights include:

- a.) Refrain from making any statement relevant to the investigation. Students have the right to refuse to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. Expressly, if a student does not provide information during the investigation, he or she will not be allowed to present new information during the hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the investigator's questions but not others), then during the hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the hearing that was available during the investigative process for the purpose of disadvantaging the other party. (Note: see Pre-Hearing for details on inclusion of new, previously unavailable information after conclusion of the investigative process)
- b.) Notification of the alleged misconduct.
- c.) Know the source of the allegation(s).
- d.) Know the specific alleged violation(s) prior to the Formal Hearing.
- e.) Know the sanctions, conditions, and/or restrictions that may be imposed because of the alleged violation(s).
- f.) Be accompanied by an advisor at any Office of Student Conduct proceeding or any other related proceeding. An "advisor" can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the University. The complainant and/or the student accused of alleged misconduct is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer upon written request five (5) University working days in advance of the scheduled hearing date.
- g.) To have the opportunity to respond to the allegation(s) and/or present information. In the event that you need additional time to gather information, please inform your conduct officer.
- h.) Know that the standard of proof is a preponderance of the evidence. This differs from the standard of proof in a criminal legal proceeding – beyond a reasonable doubt. To make a finding under a preponderance of the evidence, it must be *more likely than not* that a certain behavior took place. In other words, if the evidence indicates that there is a 51% likelihood that a student violated the Code of Conduct, then that student should be found responsible.
- i.) Know that the proceedings are not restricted by the Rules of Evidence that govern criminal and civil trials. This means that all evidence and information can be taken into consideration in evaluating a situation, regardless of the source or means used to acquire that evidence or information.
- j.) Know that any statements made by the student, or student representing a registered organization, can be used during the proceeding.
- k.) Know that if it is discovered that the student made any false or misleading statement(s) during the student conduct process, that student will be subject to further disciplinary action under the *Code of Student Conduct*.

### *Texas Tech will formally investigate the alleged misconduct*

A trained investigator/student conduct officer will conduct a thorough, reliable, and impartial investigation of the reported incidents including meeting with the party bringing the complaint to finalize the complainant's statement, interview witnesses, collect evidence, create timelines, and receive information from the respondent.

When initial inquiry indicates a concurrent police investigation is occurring, the investigator/student conduct officer will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

Once the investigative process is complete, the investigator/student conduct officer will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations.

A student will have access to the completed Investigation Report for his or her case at the Pre-Hearing phase, after the formal investigative process has concluded. In order to protect confidentiality, students will not be allowed to take a copy of the Investigation Report.

### *Texas Tech will then conduct the Pre-Hearing*

Once the investigative process is complete, the student will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Formal Hearing.

During this meeting, students will be given the opportunity to review the Investigation Report and other documents or evidence to be used in the Formal Hearing. While students may identify errors in their statements at this point, they are not able to add additional information to the Investigation Report during the Pre-Hearing unless that information, in the judgment of the investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Formal Hearing, the student should inform the investigator/student conduct officer immediately. If the new information is pertinent to the consideration of the case, the investigator/student conduct officer will determine whether the new information should be included in the Investigation Report or presented verbally during the Formal Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Formal Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are behaviors identified as Misconduct in Part 1B and are assigned for deliberation in the Formal Hearing by the Administrative Hearing Officer or University Discipline Committee to determine the student's responsibility for misconduct. An Allegation Letter will be provided to the student in the Pre-Hearing Meeting or via other methods of notice.

Students may indicate whether an Administrative Hearing or University Discipline Committee Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or University Discipline Committee hearing will be held notwithstanding the student's preference.



In cases requiring a University Discipline Committee, the investigator/student conduct officer will share the pool of faculty, staff, and students trained for University Discipline Committees. Students will be given the opportunity to strike any member of the University Discipline Committee whose impartiality may be in question. Once the composition of the University Discipline Committee is set, the investigator/student conduct officer will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Office of Student Conduct upon consultation with the involved student(s).

### *Texas Tech will then conduct a Formal Hearing*

Cases involving sexual misconduct are decided by a University Discipline Committee Hearing. Hearings are closed to the public. Both the complaining and responding students have the right to be present at the Formal Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to be in the hearing room at the same time.

A University Discipline Committee Hearing panel consists of five (5) committee members including faculty, staff and students. During the University Discipline Committee Hearing, a designated Committee Chairperson will facilitate the hearing process. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be recorded by the University.

The Investigator/Student Conduct Officer presents the investigation report, evidence, witnesses, allegations, and questions for deliberation. The University Discipline Committee may question the investigator/student conduct officer, complainant, respondent and any witnesses. The complainant and respondent do not have the right to question each other nor witnesses directly but may do so through the investigator/student conduct officer. The complainant and respondent have the right to add or make additional comments about the facts of the case. Should new evidence be presented without prior discussion with the investigator/student conduct officer, the hearing may be halted to consider the inclusion of this information. . Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the chair of the hearing removes a student due to misconduct (complainant, respondent, or witnesses) the alleged misconduct will be forwarded to the Office of Student Conduct.

Following the hearing, the University Discipline Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The chair of the University Discipline Committee will inform the Managing Director of the Office of Student Conduct in writing of the decision(s).

Outcomes of the University Discipline Committee will be provided to the student(s) in writing within five (5) University working days of the conclusion of the Formal Hearing. Students may utilize Disciplinary Appeal Procedures as outlined in Part 1, D11.

*If a student is found responsible for sexual misconduct, the committee will assign sanction(s), condition(s), and/or restriction(s).*

The University Discipline Committee may impose sanctions, conditions and/or restrictions as a result of a Formal Hearing where the student is found responsible. Potential sanctions, conditions and/or restrictions are listed in the Code of Student Conduct grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions, conditions, and/or restrictions, by the University Discipline Committee. The University Discipline Committee may deviate from the grid.

*Possible sanction(s), condition(s), and/or restriction(s) include, but are not limited to:*

#### **a.) Sanctions**

Sanctions are defined as the primary outcome of the alleged violation. If a student or student organization is found responsible, the range of sanctions includes the following outcomes:

1. *Disciplinary Reprimand:*

The disciplinary reprimand is an official written notification using the notice procedures outlined in Part 1, A3 to the student that the action in question was misconduct.

2. *Disciplinary Probation:*

Disciplinary probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions, conditions and/or restrictions.

3. *Deferred Disciplinary Suspension:*

Deferred disciplinary suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions, conditions and/or restrictions.

4. *Time-Limited Disciplinary Suspension:*

Time-limited disciplinary suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of disciplinary suspension will be shown on the student's academic record, including the transcript. Time-limited disciplinary suspension is noted on the student's transcript by the phrase "Disciplinary Dismissal". Upon written request by the student to the University Registrar, the notation of "Disciplinary Dismissal" may be removed from the transcript at the discretion of the University upon readmission or the completion of the disciplinary suspension period. In cases of discriminatory harassment or sexual misconduct, the notation of disciplinary suspension will not be removed. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Student Conduct Officer may deny readmission to a student. On denial of a student's readmission, the Managing Director of the Office of Student Conduct will set a date when another application for readmission may again be made.

5. *Student Organizations*

Student organizations may also be subject to suspension of their organization's registration. Time-limited disciplinary suspension is a specific period of time in which a student organization's registration and privileges are suspended. Upon written request by the registered student organization's representative to the Center for Campus Life, the notation of disciplinary suspension may be removed from the registration record of the student organization upon completion of the disciplinary suspension period. Notification of disciplinary suspension of an organization will indicate the date on which the suspension begins and the earliest date the application for re-registration will be considered. The Student Conduct Officer may deny an organization's request for re-registration if the organization's misconduct during a period of suspension would have warranted additional disciplinary action. If the organization has failed to satisfy any sanctions, conditions, and/or restrictions that have been imposed prior to application for re-registration, the Student Conduct Officer may deny re-registration to the organization. On denial of an organization's application for re-registration, the Student Conduct Officer will set a date when another application for re-registration may be made.

6. *Disciplinary Expulsion:*

Disciplinary expulsion occurs when the student is permanently withdrawn and separated from the University. The status of expulsion will be shown permanently on the student's academic record, including the transcript or student organization's registration. Disciplinary expulsion is noted on the student's transcript by the phrase "Administrative Dismissal." An administrative hold will be placed on the student record by the Managing Director of Student Conduct to prevent future registration.

**b.) Conditions**

A condition is an additional component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:

1. Personal and/or academic counseling intake session.
2. Discretionary educational conditions and/or programs of educational service to the University and/or community.
3. Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
4. Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
5. Monetary assessment owed to the University.
6. Completion of an alcohol or drug education program.
7. Referral to the BASICS Program for assessment.

**c. Restrictions**

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanction and will usually be time specific. Some examples of restrictions include, but are not limited to:

1. Revocation of parking privileges.
2. Denial of eligibility for holding office in registered student organizations.
3. Denial of participation in extracurricular activities.
4. Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
5. Loss of privileges on a temporary or permanent basis.
6. Withdrawal of University funding (Student Government Association, departmental, Student Services Fees, etc.)
7. Restrictions associated with violations of Part X, section B.3 (academic integrity) include, but are not limited to, dismissal from a departmental program, denial of access to internships or research programs, loss of appointment to academically-based positions, loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities, and/or removal of fellowship or assistantship support.

*Both the complainant and the respondent may appeal the decision*

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Office of Student Conduct by submitting a written petition to the designated appeal officer within five (5) University working days of receiving the written decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- a. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- b. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
- c. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The designated appeal officer will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If an appeal is granted, the results of the appellate process, as outlined [specifically in the Student Handbook], will be final.

**CONFIRMATION OF RECEIPT**

Your signature on this page confirms your receipt of the attached *Sexual Misconduct Information Packet* and affirms that any and all questions that you have at the time of receipt have been addressed and/or answered.

Should you have additional questions or concerns, please do not hesitate to contact any of the following Texas Tech administrators:

1. *Dr. Amy Murphy*, Dean of Students
  - a. Center for Campus Life, 201 Student Union Building
  - b. (806) 834-0293
2. *Michael Henry, J.D.*, Title IX Investigator
  - a. Student Resolution Center, Suite 232E Student Union Building
  - b. (806) 834-4919
3. *Denise Tijerina*, Senior Administrator / Case Manager
  - a. Center for Campus Life, 201 Student Union Building
  - b. (806)-742-2984

**Student's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_