

GRIEVANCE PROCEDURES GUIDE FOR A COMPLAINT ALLEGING A VIOLATION OF SEXUAL MISCONDUCT

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual harassment. An individual may use this grievance procedure guide as a reference to file a complaint alleging a violation of Title IX.

TTUHSC's policy for Sexual Misconduct for staff and faculty is [HSC OP 51.03](#) and Part IV of the TTUHSC [Student Handbook](#) for students. Upon receipt of a report of Sexual Misconduct, the University will review the matter and, if necessary, conduct an investigation and take appropriate steps to stop and remedy prohibited conduct in accordance with the University's policies.

Overview

All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University [Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO](#). All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a [Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO](#) in contacting these authorities if the individual wishes. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.

To assist in the complaint process, TTUHSC has developed an online complaint form at <http://www.ttuhsu.edu/title-ix/> that students, employees, and third parties may utilize to file complaints of Sexual Misconduct.

Students, employees, and third parties may also file complaints of Sexual Misconduct with the United State Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

A formal complaint pertains to adverse actions taken on the basis of an individual's protected status or other violation of law or TTUHSC policy. A violation of University policy alone does not necessarily constitute a violation of law or an action prohibited by law.

Time Frame for Making a Complaint

While there is no deadline to file a complaint, to promote timely and effective review, the University strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward promptly with their complaints and to seek assistance from the University. Delays in reporting can greatly limit the University's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

Evidence Preservation

An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, 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 up to 4 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. For more information, see <https://www.texasattorneygeneral.gov/cvs/sexual-assault-prevention-and-crisis-services> or https://www.texasattorneygeneral.gov/files/cvs/sexual_assault_examination.pdf.

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.

Responsible Employee Duty

If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the University [Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO](#). Responsible Employees are not confidential reporting resources.

Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.

Employees and Students wishing to discuss incidents of Sexual Misconduct confidentially may utilize the TTUHSC Employee Assistant Program (EAP)/Program of Assistance for Students (PAS) by calling (806)-743-1EAP or 1-800-327-0328.

Anonymous Complaints

Individuals wishing to remain anonymous can 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 Office of EEO](#). However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

Advisor Accompaniment

Both 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.

Complaints Involving Employees, whether Faculty, Staff or Students

If an individual has a complaint about Sexual Misconduct and the party being alleged to have performed the misconduct is an employee, whether faculty, staff or student, the provisions relating to employees and the employee complaint procedures set forth in [TTUHSC OP 51.02](#) and [TTUHSC OP 51.03](#) shall apply.

In addition, in student complaints against employees, Part IV of the [TTUHSC Student Handbook](#) will apply.

After receiving notice of a report of misconduct, the Title IX Coordinator or Office of EEO may proceed to investigate the allegation. Additionally, even if a formal complaint is not filed, the Title IX Coordinator or Office of EEO may conduct an investigation regarding the allegation, at his or her discretion.

An investigation may include reviewing the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to present their side and identify witnesses and other relevant evidence. The extent of the investigation and procedures will be determined by and at the discretion of the Title IX Coordinator and Office of EEO.

After the investigation is complete, the Title IX Coordinator or Office of EEO or designee will provide notice in writing to the reporting party, the responding party, and appropriate administrators regarding determination of the outcome and findings. In the event of a finding of violation of TTUHSC policy, appropriate disciplinary action will be taken.

Complaints Involving Students

If an individual has a complaint about Sexual Misconduct and the party being alleged to have performed the misconduct is a student, the complaint procedures set forth in Part IV of the [TTUHSC Student Handbook](#) will apply.

After receiving notice of a report of misconduct, the Title IX Deputy Coordinator for Students may direct Title IX Investigators to proceed to investigate the allegation. Additionally, even if a formal complaint is not filed, the Title IX Deputy Coordinator for Students may conduct an investigation regarding the allegation, at his or her discretion.

An investigation may include reviewing the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to present their side and identify witnesses and other relevant evidence. The extent of the investigation and procedures will be determined by and at the discretion of the Title IX Coordinator and Title IX Deputy Coordinator for Students.

After the investigation is complete, the Title IX Investigators will compile the relevant information and evidence into an Investigation Report. Reporting Parties and Responding Parties will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded; however, copies of such report will not be provided to protect confidentiality.

Once the investigative process is complete, if the case is not otherwise resolved through Informal Resolution as further explained in Part IV of the [TTUHSC Student Handbook](#), the case will proceed to a hearing process. The hearing will be conducted by a panel of three Hearing Officers, which will render a finding of responsible or not responsible, and, if appropriate, decide sanctions, conditions, and/or restrictions.