

## **SECTION C. ANTI-DISCRIMINATION POLICY**

The university does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, or other protected categories, classes, or characteristics. (<http://www.depts.ttu.edu/opmanual/OP40.02.pdf>)

### **1. Discriminatory Harassment**

- a. Discriminatory harassment is verbal or physical conduct that shows hostility toward an individual based on or related to sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that 1) Creates an intimidating, hostile, or offensive working or educational environment; 2) Has the purpose or effect of unreasonably interfering with an employee's or student's educational performance; 3) Adversely affects an employee's employment opportunities or student's educational opportunities; and 4) Is severe or pervasive.
- b. Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:
  - Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
  - Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, e-mails, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
  - Derogatory remarks about a person's national origin, race or other ethnic characteristics;
  - Disparaging or disrespectful comments if such comments are made because of a person's protected status;
  - Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor;
  - Disparate treatment without a legitimate business reason; or
  - Other threats, discrimination, hazing, bullying, stalking, or violence based on a protected category, class, or characteristic.

### **2. Sexual Harassment**

- a. Unwelcome sex-based verbal, or physical conduct that: 1) In the employment context, unreasonably interferes with an individual's work 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 2) In the educational context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities.
- b. Examples of inappropriate behavior that may constitute sexual Harassment

include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Gifts, letters, calls, e-mails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Inappropriate discussion of private sexual behavior;
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose their genitals;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Nonconsensual Sexual Intercourse, Sexual Assault, or rape;
- Stalking;
- Domestic or Dating violence;
- Other gender-based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

*Note: While not appropriate, not all rude or offensive comments or conduct constitute misconduct, sexual harassment, or unlawful discrimination.*

*See Part I, Section B: Misconduct, C. Sexual Misconduct of the Code of Student Conduct*

### **3. Submitting a Report**

Students wishing to report an incident of discrimination or harassment, including gender-based discrimination, sexual harassment, or sexual assault, should contact the Title IX Administrator or the Office of the Dean of Students. If the complaint is against an employee the student may also contact the Office of Equal Opportunity. Additional reporting information, including how to make a confidential report, can be found at [titleix.ttu.edu/](http://titleix.ttu.edu/), <https://www.depts.ttu.edu/dos/>, or <http://www.texastech.edu/offices/equal-employment/>.

Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Opportunity. Information on reporting may be found here:

<http://www.texastech.edu/offices/equal-employment/>.

*Note: The State of Texas requires Texas Tech University employees, including student employees, to report an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to involve a student enrolled at or an employee of the University at the time of the incident. For more information, please see: ...*

### **4. Office of Civil Rights Complaints**

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

## **5. Retaliation**

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, assists someone in reporting a complaint, or participates in any manner in an investigation or in the resolution of a complaint. Retaliation is defined as any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

## **6. Confidentiality**

Confidentiality of both the involved parties will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the university community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by the involved parties may affect the integrity of the investigation and may result in appropriate disciplinary measures against the offending party.

## **7. Faculty/Staff and Student Relationships**

Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.

## **8. Grievance or Complaint Processes**

A grievance is a formal complaint pertaining to adverse actions taken on the basis of unlawful discrimination, violation of federal or state law, or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. Employees, students, or third parties with a complaint against an employee should contact the TTUS Office of Equal Opportunity (EO). Employees, students, or third parties with a complaint of discrimination and/or harassment based on sex only (as opposed to discrimination on other bases, such as race, national origin, etc.) against a student should contact the Title IX Administrator. Employees, students, or third parties with a complaint of discrimination and/or harassment against a student based on a protected class other than sex (such as race, national origin, etc.) should contact the Office of the Dean of Students or the Office of Students Rights and Resolution. For additional information regarding the complaint process, see TTU Operating Policies 40.02 and 40.03.

## **9. Student Initiated Grievances or Complaints and Investigations – Involving Employees, Whether Faculty, Staff, or Students**

- a. This grievance or complaint process is applicable to all students who choose to complain about discrimination, harassment, or other violations of the law that

- adversely affect their educational environment and the responding party is acting in his/her capacity as an employee, whether faculty, staff, or student.
- b. All grievance or complaint investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
  - c. The filing of a grievance or complaint shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance or complaint.
  - d. A student may consult with the Office of the Dean of Students to determine if they wish to file a formal grievance or complaint. Students wishing to file a grievance or complaint should complete the grievance or complaint form located at [www.depts.ttu.edu/dos/](http://www.depts.ttu.edu/dos/). However, even if a formal grievance or complaint is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing the responding party of TTU's policies and educating departments and supervisors as needed on this and other policies.
  - e. If the grievance or complaint involves the Dean of Students, the grievance or complaint should be presented to the Office of Equal Opportunity.
  - f. Student grievances or complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity.
  - g. The investigation may consist of the review of the grievance or complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity. Any findings in the investigation will be based upon a preponderance of the evidence.
  - h. After the investigation is complete, the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity or designee will provide a written determination to the student who has filed the grievance or complaint, the responding party and the appropriate administrators.
  - i. The finding of the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity is final and not appealable.
  - j. In the event a finding of a violation of this policy or TTU OP 40.02 or 40.03 is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
  - k. If there is a finding of a violation of gender discrimination under TTU OP 40.02 or any violation under TTU OP 40.03 either party may appeal the imposed disciplinary action or lack thereof as provided under TTU OP 40.03. For all other violations, only the responding employee may appeal the disciplinary action as provided in other TTU policies. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of

Equal Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance or complaint has taken place, the student should contact the Office of the Dean of Students, Title IX Administrator, or the Office of Equal Opportunity, and/or file a grievance or complaint for retaliation.