

TO: Dr. Richard Lange, President TTUHSC and Dean, PLFSOM
FROM: Dr. Linda Ellis, Title IX Coordinator/Administrator
DATE: October 22, 2021
RE: Title IX Coordinator Reporting Requirements under Tex. Educ. Code § 51.253(a)
Reporting Period of September 1, 2020 – August 31, 2021

Under the Texas Education Code (TEC), Section 51.253(a), the Title IX Administrator is required to submit a written report no less than every three months to the Institution's Chief Executive Officer regarding reports received from employees who are required to report under the Texas Education Code¹ and the type of incident described in the employee's report that constitutes "sexual harassment," "sexual assault," "dating violence," or "stalking."²

This report includes the investigation status of these reports; the disposition, if any, of any disciplinary processes arising from these reports; and the reports for which the institution determined not to initiate a disciplinary process.³ It should be noted the reports received from Confidential Resources along with Employee's Failure to report are called out in Appendix A.

For the purposes of complying with the Title IX Administrator reporting requirements under Section 51.253(a), the attached written report (Appendix A, Table 1) includes all of the required reporting information for Texas Tech University, for the 2020-2021 academic year, as of September 1, 2020 thru August 31, 2021.

An attached summary data report (Appendix B) with the aggregate data, based on the Title IX Administrator's written report (Appendix A), has also been included for your review. The summary data in Appendix B is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

Note: Any additional reports received by the Title IX Administrator that do not meet the required reporting criteria in the Texas Education Code have been omitted for the compliance purposes of this specific report.⁴

¹ Texas Education Code, Section 51.252

² Texas Education Code, Section 51.251.

³ Texas Education Code,

⁴ For example, reports made by students and all other non-employees (including incidents under TEC, Section 51.252(d)) are excluded from Appendices A and B. Additionally, if the Title IX Administrator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of Title IX Administrator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

Terminology:

Alleged Conduct:

Dating Violence: Physical, sexual, or verbal abuse or violence, or threat of abuse or violence, committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complaining Party. The existence of such a relationship will be determined based on the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

Domestic Violence: Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual similarly situated to a spouse of the Complaining Party under the Domestic or Family Violence laws of the state of Texas, or by any other individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence laws of the state of Texas.

Sexual Assault: Sexual contact or intercourse with an individual without the individual's consent, including sexual contact or intercourse against the individual's will or in a circumstance in which the individual is incapable of consenting to the contact or intercourse. Sexual assault includes:

- (1) *Non-Consensual Sexual Contact* – Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes: (1) intentional contact with the breast, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.
- (2) *Non-Consensual 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.

Sexual Harassment: 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 education 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.

Stalking: A course of conduct directed at a specific person that would cause a reasonable individual to fear for the individual's safety or the safety of others or would cause that individual to suffer substantial emotional distress. A "course of conduct" means two or more 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 a person or interferes with an individual's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but

does not necessarily, require medical or other professional treatment or counseling.

Investigation Status:

Report Review/Intake: The Complaining Party and investigating office are working in conjunction to determine next steps.

Insufficient Information to Investigate: The report lacks information to investigate formally.

No Indication of Policy Violation: The report does not rise to the level of a policy violation.

Complainant Requested Not to Investigate: The Complaining Party requested that the institution not investigate the report. Upon initial inquiry, the institution determined that there was not a risk to the University Community.

No Jurisdiction to Investigate: The institution lacks jurisdiction, i.e. an alleged student of another institution or a family member not affiliated with the institution, etc.

Formal Investigation Ongoing: Formal Investigation is taking place.

Formal Investigation Completed: Formal Investigation is complete and the resolution process (i.e. pre-hearing, hearing, voluntary or informal resolution is occurring).

Voluntary Resolution Pending: The report is being resolved utilizing the voluntary resolution process.

Outcome:

Informal Resolution: The report is being or has been resolved informally.

Voluntary Resolution: The report has been resolved utilizing the voluntary resolution process.

Responsible: The student has been found responsible for violating Texas Tech's Title IX and Sexual Misconduct policy.

Not Responsible: The student has been found not responsible for violating Texas Tech's Title IX Policy and Sexual Misconduct.

Policy Violation: The employee has violated Texas Tech's Title IX and Sexual Misconduct policy.

No Policy Violation: The employee did not violate Texas Tech's Title IX and Sexual Misconduct policy.

No 40.03 Violation: The employee did not violate Texas Tech's Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy.

Other Policy Violation: The employee did not violate Texas Tech's Title IX and Sexual Misconduct policy.

**Appendix A
Title IX Coordinator Annual Report
2020-2021 Academic Year**

Reports Received by Employees under TEC, Section 51.252:

Report Number	Date Received	Alleged Conduct Reported by Employees Under TEC § 51.252	Investigation Status	Disciplinary Status
		Office of Equal Opportunity has no cases to report for 09-01-2020 – 11-30-2020.		
004-2020	1/28/2020	Sexual Harassment	Complainant requested not to investigate: Voluntary resolution	Not applicable
006-2020	3/20/2020	Sexual Harassment	Insufficient information to investigate; party did not respond to multiple communication attempts by Office of EO	Not applicable
IR 0199	04/27/21	Sexual Harassment	No indication of policy violation	Not applicable
12-2021	06/10/2021	Sexual Harassment	Victim requested not to investigate	Not applicable

Reports Received by Students under Tex. Educ. Code § 51.253 (a)

Report Number	Date Received	Alleged Conduct Reported by Students	Investigation Status	Discipline Status
1-2021	07/21/2021	Sexual Harassment and Stalking	Complainant requested not to investigate	Not applicable
2-2021	08/19/2021	Sexual Harassment and Stalking	Complainant requested not to investigate	Not applicable

Reports Received via Confidential Resources:

Date Received	Alleged Conduct Reported by Employees Under TEC § 51.252(c)	Location
None		

Alleged Conduct Under TEC, Section 51.255(a):

Date Received	Alleged Conduct Reported by Employees Under TEC § 51.255(a)	Investigation Status	Disciplinary Status
1/28/2020	Sexual Harassment	Complainant requested not to investigate: Voluntary resolution	N/A
3/20/2020	Sexual Harassment	Insufficient information to investigate; party did not respond to multiple communication attempts by Office of EO	N/A
4/27/2021	Sexual Harassment	No indication of policy violation	N/A
06/10/2021	Sexual Harassment	Complainant requested not to investigate	N/A

**Appendix B
Summary Data Report
2020-2021 Academic Year**

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252⁵	4
a. Received from employees under 51.252	4

⁵ For example, reports made by students and all other non-employees (including incidents under TEC, Section 51.252(d)) are excluded from Appendices A and B. Additionally, if the Director of Title IX Compliance/Title IX Coordinator determines that the type of incident described in a report, as alleged, does not constitute “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of the Director of Title IX Compliance/Title IX Coordinator assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

b. Received from Confidential Resources under 51.252(c)	
Number of investigations conducted under Section 51.252	0
Disposition ⁶ of any disciplinary processes for reports under Section 51.252:	
a. Disciplinary Process Pending	0
b. Concluding, No Finding or Policy Violation	1
c. Concluded, with Employee Disciplinary Sanction	0
d. Concluded, with Student Disciplinary Sanction	0
e. SUBTOTAL	1
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁷	0

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or who submits a false report to the institution under Section 51.255(a)	None
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c) :	
a. Employee termination	None
b. Institutional intent to termination, in lieu of employee resignation	None

⁶ "Disposition" means "final result under the institution's disciplinary process" as defined in the Texas Higher Education Coordinating Board's (THECB) rules for TEC, Section 51.259 (See 19 Tex. Admin. Code Section 3.6(e) (2019)); therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁷ The institution may have determined not to initiate a disciplinary process. The reasons for not initiating a discipline process can include, but is not limited to: the respondent was not affiliated with TTUHSC El Paso; the complainant requested the institution not investigate the report; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.