

What to Expect as a Respondent During the Title IX/Sex and Gender Discrimination Investigation Process

Title IX is the section of the Education Amendments of 1972 that prohibits exclusion or discrimination on the basis of sex and gender from any federally-funded education program or activity. Title IX Services in the Office of the Dean of Students at Texas Lutheran University is required to thoroughly investigate all allegations of Title IX and University sex and gender discrimination policy violations. This includes allegations of sex discrimination, sexual harassment, sexual assault, interpersonal violence (dating violence and domestic violence), stalking, sexual exploitation, or other related allegations.

Investigator Role

- Two Investigators serve as neutral third-party administrators who gather the facts involved in the case so that a determination can be made on whether a violation of the University's *Civil Rights Equity Resolution Policy and Procedures (ERP)*, and/or any other University policy, occurred.
- Investigators receive annual and ongoing training related to federal and state law, questioning techniques, trauma-informed best practices, and other relevant topics. All training resources and materials can be accessed at <https://www.tlu.edu/life-at-tlu/health-safety/title-ix>.
- The Investigators' main goal is to gather factual information throughout the course of this investigation. Because of this, they will ask difficult questions, which at times may feel uncomfortable and may lead you to question the reasoning behind those questions. You are always free to ask about the reasoning or ask any other question that comes to mind during any conversation with the Investigators.

Investigation Process

- The Investigators will meet with the Complainant, Respondent and Witnesses as part of the investigation.
- If requested by either of the parties or the Title IX Coordinator, a *No Contact Order* will be issued through the duration of the investigation process and can remain in place once the investigation is completed.
- All involved parties will have an equal opportunity to discuss their knowledge of the situation and provide any relevant documentation or evidence and names of Witnesses pertaining to the matter.
- The Investigators will meet with the Witnesses identified by the Complainant and Respondent to the extent necessary for the Investigators to conduct a fair and impartial investigation. The Investigators may also call upon additional necessary Witnesses that are identified through the course of the investigation.
- The Investigators will review the evidence gathered throughout the course of the investigation process. Copies of evidence may be made available to the Complainant and Respondent for review throughout the process, and all evidence, including meeting notes, evidence, and written statements, will be included in the final investigation report.
- The Investigators will update the Complainant and Respondent about the status of the case throughout the course of the investigation.

Involved Parties' Rights during an Investigation*

- To receive a prompt, fair and impartial investigation.
- To receive information and ask questions pertaining to the investigation process.
- To ask the Investigators to ask the other involved parties specific questions.
- To have an advisor present during all meetings.
- To choose not to actively participate in the investigation process (if the Complainant).
- To file a complaint with local and/or campus law enforcement authorities.

- To be informed of and have access to campus support services, including confidential resources.
- To review the investigation report prior to a determination being made and to make any written comments or ask the Title IX Coordinator to conduct an adequacy review of the investigation.

* This is a partial listing of involved parties’ rights. For a full listing of rights, see Appendix C of *the Equity Resolution Policy and Procedures*.

Resolution or Disciplinary Process

- Following the completion of an investigation, the Investigators will refer the matter to Associate Dean of Students (student Respondents) or Director, Human Resources (employee Respondents) for potential adjudication by a live hearing panel or by an administrative meeting. If there is no basis for a hearing panel or administrative meeting, the Title IX Coordinator may dismiss the case outright.
- The Associate Dean of Students or Director, Human Resources will contact the Complainant and the Respondent to review case information and discuss the next steps in the resolution process.
- If the hearing panel or administrative meeting determines that the preponderance of evidence was met and it is more likely than not that a violation of the University’s *Equity Resolution Policy* has occurred, the same bodies will be responsible for determining the appropriate disciplinary measures. Disciplinary measures may include a warning, probation, suspension, expulsion, termination, or other measures.
- Following a hearing panel or administrative resolution, the Associate Dean of Students or Director, Human Resources will contact the Complainant and the Respondent with the appeal procedures. Appeals must meet certain criteria in order to be heard by an appeals panel.

Privacy

- Information received by Title IX Services and shared with a student will be handled in accordance with the regulations established by the Family Educational Rights and Privacy Act (FERPA), which can be found at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. Employees do not have FERPA privacy protections, but are protected under the confidentiality provisions of Section 51.291 of the Texas Education Code, which can be found at <https://texas.public.law/statutes/tex. educ. code section 51.291>.

Campus Carry Policy

- TLU prohibits the carrying of handguns anywhere on campus.

I acknowledge that I have read, reviewed and received notice of my rights and responsibilities as part of the Title IX and sex and gender discrimination investigation process at Texas Lutheran University. I also understand that my signature does not presume responsibility of a violation of the *Civil Rights Equity Resolution Policy and Procedures* or any other University policy.

Respondent Name

Respondent Signature

Date

Staff Member Name

Staff Member Signature

Date