

## **What to Expect as a Witness 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.
- A Witness may request a *No Contact Order* with either of the involved parties (or both) to be issued through the duration of the investigation process and which can remain in place once the investigation is completed.
- 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.
- Copies of evidence provided by Witnesses 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 final investigation report will only be made available to the Complainant and Respondent.
- The Investigators will update only the Complainant and Respondent about the status of the case throughout the course of the investigation. It is likely that a Witness may never know the outcome of the investigation or resolution.

### **Witness Rights during an Investigation**

- To receive information and ask questions pertaining to the investigation process.
- To have an advisor present during all meetings.
- To be informed of and have access to campus support services, including confidential resources.

**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.

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Member Name

\_\_\_\_\_  
Staff Member Signature

\_\_\_\_\_  
Date