



Texas Christian University Policy

Policy Title: Responding to Reports of Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation

Policy Subject: Responding to Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation

Division: The Office of Institutional Equity (OIE)

Policy Number: 1.009

I. **Applicability**

This policy applies to any report that a member of the Texas Christian University (TCU) community has been the target of alleged misconduct or has allegedly engaged in misconduct that may violate the University's policy on [OIE 1.008 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation](#). This policy replaces, in relevant part, TCU's [OIE Policy Prohibited Discrimination, Harassment, and Related Conduct - Prior Policy](#) (Prior Policy). The Prior Policy still applies when resolving reports where the alleged misconduct occurred up to and including August 13, 2020. This policy applies to reports of potential misconduct where the alleged misconduct occurred on or after August 14, 2020.

Individuals Covered. This policy applies to the following members of the TCU community: students (as defined in the [Code of Student Conduct](#)); employees; trustees; third-party consultants, vendors and contractors when they are doing business with TCU; individuals who perform services for TCU as volunteers; and visitors, guests and other third parties under circumstances within TCU's control.

II. **Policy Statement and Purpose**

TCU is committed to providing a positive learning, living, and working environment free from unlawful discrimination, harassment, sexual misconduct and retaliation. In support of this commitment, in its policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, TCU has prohibited a range of behaviors, including unlawful discrimination and harassment and related sexual and other misconduct based on age, race, color, religion, sex, pregnancy, sexual orientation, gender, gender identity, gender expression, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status, and any other basis protected by law. See TCU's policy on [OIE 1.008 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation](#).

The purpose of this policy is to outline a prompt, fair, and impartial process for responding to reports that a member of the TCU community may have been the target of

or may have violated TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.

This policy is a part of TCU's framework of efforts to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities and retaliation; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964 (Title VII); Title VI of the Civil Rights Act of 1964 (Title VI); Chapter 21 of the Texas Labor Code; the Age Discrimination Act of 1967, the Americans with Disabilities Act (ADA) and the ADA Amendments of 2008, Sections 503 and 504 of the Rehabilitation Act of 1973 (Section 504), the Genetic Information Non-Discrimination Act of 2008 (GNA), Executive Order 11246, Vietnam Veteran's Readjustment Assistance Act of 1974 and other applicable laws.

III. Policy Definitions

- A. Business Day:** A business day means any regular academic day when the University is open. A business day does not include holidays, weekends, and official university closings.
- B. Complainant:** Individual who, based on the information in a Report or information gathered by the Office of Institutional Equity (OIE) during an Initial Inquiry, may have been the target of conduct that may have violated the University policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.
- C. Complaint:** A written statement submitted via an OIE Complaint form that includes: the factual allegations against a Respondent, including a narrative describing the alleged misconduct, the identities of the parties involved in the incident, if known; the behavior and/or actions allegedly constituting the misconduct; and the date and location of the alleged incident, if known.
- D. Formal Resolution:** The resolution of a Complaint through an Investigation culminating in a dismissal (with appeal rights) or in the issuance of an Investigative Report provided to the appropriate University offices for further action.
- E. Initial Inquiry:** The initial review of a Report by the OIE to determine next steps.
- F. Interim Measures:** Upon receiving a Report and throughout the process of resolving a Report and/or Complaint, the OIE will determine as appropriate and necessary any measures to be implemented or recommended during the resolution process. These measures may be supportive, remedial (measures designed to maintain continued access to educational programs and activities) or protective.
- G. Investigation:** A formal investigation of a Complaint by an investigator designated by the OIE, including meeting with the complainant(s), named respondent(s), and any applicable witnesses, concluding in a dismissal or in an Investigative Report.
- H. Office of Institutional Equity ("OIE"):** The University unit tasked with responding to Reports on behalf of the TCU community.
- I. Preponderance of the Evidence:** The standard of evidence used in all determinations whether a respondent violated TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation. The standard is based on all the available, probative information and its probable truth or accuracy in

- relation to a determination regarding a policy violation. Under this standard, a Respondent would be found in violation if, based on the information available, the factfinder concludes it is more likely than not that the Respondent violated the policy.
- J. Report:** Information provided to the OIE that a member of the TCU community may have committed misconduct or may have been the target of misconduct that may violate TCU’s policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.
 - K. Respondent:** Individual who has been reported as having allegedly committed acts that may have violated TCU’s policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.
 - L. Sexual Harassment:** For purposes of this policy, “Sexual Harassment” has the meaning set forth in TCU’s policy on [OIE 1.008 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation](#)
 - M. Voluntary Informal Resolution (VIR):** A voluntary, informal resolution process (*e.g.*, mediation, restorative justice) that may be initiated by any party before or after the submission of a Formal Complaint in agreement with the OIE. OIE may refer the matter to another office to facilitate the VIR process.

IV. Policy

A. Initial Inquiry

1. Receipt of a Report

Upon receipt of a Report of a possible violation of TCU’s policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, the OIE will conduct an Initial Inquiry to determine what actions should be taken based on the Report, including whether Interim Measures are appropriate; and the next steps for resolving the Report, including whether the Complainant, if any, or the OIE will submit a written Complaint.

2. Initial Inquiry Process

As part of the Initial Inquiry, the OIE will: contact the person who reported the conduct, if appropriate; contact the Complainant, if any; assess the nature of the Report; address immediate needs of the Complainant and the campus community; implement or recommend Interim Measures, as appropriate; discuss available options for resolution with the Complainant; provide the Complainant with information about resources both on and off campus; and assess for pattern evidence or other similar conduct by the Respondent. This assessment will continue until the OIE has sufficient information to determine an appropriate course of action to resolve the Report. In some instances, the OIE will engage in limited fact-finding to gain a better understanding of the context of the Report or take other appropriate steps, including contacting the Respondent and consulting with other TCU units that may have relevant information (*e.g.*, TCU’s Critical Incident Response Team, or CIRT, the TCU Police Department, Dean of Students Office, and/or Human Resources).

3. Formal Complaints

During the Initial Inquiry, the OIE will determine if the Complainant wishes to submit a written Complaint utilizing the OIE Complaint form. When a

Complainant requests anonymity or does not choose to submit a written Complaint and participate in any Informal or Formal Resolution Process to resolve a Report, the OIE will consider this request in the context of TCU's responsibility to provide a safe and non-discriminatory environment for all members of the TCU community. TCU's ability to respond fully to or investigate a Report may be limited if the Complainant requests anonymity or declines to submit a Complaint or participate in an Investigation or resolution process. A Complainant who initially requests anonymity or declines to submit a Complaint can always change their mind and request to pursue a resolution through submitting a Complaint.

Even if the Complainant does not wish to submit a Complaint, the OIE may elect to submit a Complaint based on the information in the Report or information gathered during the Initial Inquiry. If the OIE submits a Complaint, this does not trigger any responsibilities and/or obligations on behalf of OIE staff as a Complainant in the OIE initial inquiry and/or investigation processes. If the OIE elects to submit a written Complaint, it shall timely inform the Complainant it has elected to do so. The OIE may consolidate Complaints where appropriate and necessary.

4. Conclusion of Initial Inquiry

The submission of a Complaint concludes the Initial Inquiry. If no Complaint is submitted by the Complainant or the OIE, the OIE may also conclude an Initial Inquiry by: 1) determining that the matter has been resolved without the submission of a Complaint; 2) the Complainant declines to move forward or is non-responsive; or 3) concluding that the report will be referred to another TCU office for appropriate and necessary steps to resolve the report or because the Report includes information that may violate other University policies or standards.

Ordinarily, the OIE should complete an Initial Inquiry within fifteen (15) business days of receiving a Report. If the Report involves a Complainant, the OIE will inform the Complainant of the outcome of the Initial Inquiry. If in the process of conducting an Initial Inquiry the Respondent was made aware of the Report, the OIE may also inform the Respondent that the Initial Inquiry has been concluded.

B. Investigation and the Formal Resolution of a Complaint.

If the Complainant or the OIE submits a Complaint, the OIE will assign an investigator(s) to conduct the Investigation, and the investigator may be a TCU employee or an independent contractor retained by the OIE to conduct the Investigation. The investigator may be the same person who conducted the Initial Inquiry.

1. Notice of Investigation

Within five (5) business days of receiving a Complaint, the OIE will provide the Complainant and Respondent a written Notice of Investigation that includes:

- the identities of the parties involved in the incident, if known;
- the behavior and/or actions allegedly constituting the misconduct and the specific potential policy violation(s);
- the date and location of the alleged incident(s), if known;
- the availability of Interim Measures;
- a description of any Interim Measures in place that may impact the parties; notice to the parties that each may have an advisor of their choice present at any and all meetings or proceedings;
- notice that providing false statements or submitting false information is prohibited by TCU policies;
- notice that the parties may request to review information gathered during the Formal Resolution process of a Title IX Complaint;
- notice that retaliatory behavior will not be tolerated;
- notice that the Respondent is presumed not responsible for any conduct alleged in the Complaint, and that no determination of responsibility will be made until the conclusion of the Formal Resolution and related processes; and
- an electronic copy of this policy as it provides an explanation of the Investigation and Formal Resolution process.

If in the course of an Investigation, the OIE discovers additional conduct that may violate TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, relevant parties will be notified of any additional allegations to be included in the Investigation. If in the course of the Investigation the OIE discovers possible violations of other TCU policies, the OIE will notify the appropriate office(s) for possible additional actions.

2. Dismissal of Complaint

During the Investigation, the OIE may dismiss the Complaint if the Investigator determines: 1) that the facts alleged in the Complaint, even if true, would not violate TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation; or 2) even if the facts alleged in the Complaint are true, the alleged Respondent is not a TCU community member over whom TCU can exercise authority; or 3) even if the facts alleged in the Complaint are true, the issue has been resolved in a manner consistent with applicable law and/or TCU Policy 1.008. This dismissal does not preclude the OIE taking other steps to address information in a Complaint or preclude TCU from taking action under another university policy. The Complaint may be referred to another department for resolution under a separate provision of the University's code of conduct for employees or for students (*e.g.*, Dean of Students Office, Human Resources). Upon dismissal of a Complaint, the OIE will send written notice of dismissal and reason(s) for dismissal to the parties. A dismissal may occur prior to the issuance of a Notice of Investigation. A Complainant may appeal a dismissal as set forth under Section IV.C.1. below.

3. Investigation Process

As a part of the Investigation, the investigator(s) will attempt to meet or communicate separately with the Complainant, Respondent, and relevant witnesses. The investigator(s) may also consult with other University units that may have relevant information (*e.g.*, TCU's Critical Incident Response Team, or CIRT, the TCU Police Department, Dean of Students Office, and/or Human Resources). The parties may each consult with a collegial or professional support person/advisor (see below) who may accompany them to the interview(s) with the investigator(s). In general, a person's medical and counseling records are confidential and not accessible to the investigator(s) unless the person voluntarily chooses to share those records with the investigator(s). In those instances, the relevant information from the records will be shared with the other party. The investigator(s) may also consider information publicly available from social media or other online sources that comes to the attention of the investigator(s). The investigator(s) may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed.

The investigator(s) will also provide an equal opportunity for all parties to identify witnesses for the investigator(s) to interview, to provide the investigator(s) information from such witnesses, including fact and expert witnesses, and to provide other relevant information to the investigator(s). The investigator(s) may consider any evidence determined to be relevant and credible by the investigator(s), including history and pattern evidence. Generally, information considered relevant by the investigator(s) will be provided to the parties for their review and comment, as described in this policy. The investigator(s) may address any evidentiary concerns of the parties, may exclude irrelevant or immaterial evidence, and may disregard evidence lacking in credibility or that is more prejudicial than probative (the probative value is outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, undue delay, wasting time, or needlessly presenting cumulative evidence). The investigator(s) will not consider polygraph test results nor individuals named and proffered as character witnesses. Evidence available during the investigative process, but not provided by parties until after the 10-day response period referenced below in Section IV. B.4. of this policy, may not be considered by the assigned investigator or during any other university conduct processes.

4. Investigation Timeline

Ordinarily, within forty-five (45) business days of the submission of a Complaint, the investigator(s) will prepare a summary of the information gathered and considered by the investigator(s), including a summary of the information provided by the witnesses and a list of any documents or other any materials considered. This summary will not include any preliminary investigative finding (*i.e.*, determination of responsibility). The investigator(s) will provide access to the Complainant, if any, and to the Respondent and their respective advisors to the summary of information gathered. For cases of Sexual Harassment, such

access will be provided to the parties and advisors in electronic format or they will be provided hard copies. Additionally, for cases of Sexual Harassment only, parties and their respective advisors will receive access to any documents or other relevant materials considered by the investigator(s). In all cases, the parties will have ten (10) calendar days to submit a written response which the investigator(s) will consider prior to the completion of the Investigative Report. If the 10th calendar day falls on the weekend, the response will be due the next business day. In cases of Sexual Harassment, OIE may provide an additional five (5) days for parties to review additional information provided during the 10-day response period.

5. Conclusion of Investigation

The investigator(s) will complete the Investigative Report within seven (7) business days after receipt of the parties' comments or additional information following their review of the summary. This time period may be extended if significant additional investigative steps are required based on the comments or additional information provided by the parties.

6. Enhanced Processes and Formal Resolution Outcome

A. Formal Resolution Outcome where the Respondent is not a student.

If the Complaint involves a Respondent(s) who does not primarily relate to the University as a student, the Investigative Report will ordinarily include a determination of responsibility by the investigator(s) and the Investigative Report may recommend appropriate sanctions and/or remedies, if any.

Where the Respondent is an employee (i.e., faculty or staff or temporary employee), the OIE will provide Human Resources and the appropriate management the Investigative Report. The OIE will also provide the Complainant and Respondent with a Notice of Outcome describing any determination of responsibility within seven (7) business days of the receipt of any 10-day responses if additional investigative steps are not required. The Complainant and Respondent, if the Respondent is an employee, may appeal any investigative finding or determination of responsibility described in the Notice of Outcome as set forth in Section IV.C.2. below. A Respondent who is not an employee may not appeal.

If neither party appeals the determination of responsibility described in the Notice of Outcome or if the determination of responsibility is affirmed on appeal, the Office of Human Resources will work with the appropriate management to determine if disciplinary actions and/or remedies are appropriate in light of the determination of responsibility and to implement any such disciplinary actions and/or remedies.

Nothing in this policy replaces or supplants any process that may apply to an employee sanction under other applicable TCU employment policies, including policies with respect to faculty and/or tenure. Where the Respondent is neither an employee nor a student, the OIE will provide the Investigative Report to the

University unit most responsible for the contractual or other relationship with the Respondent for further action.

B. Enhanced process required to resolve certain Complaints. Under applicable federal Title IX regulations that take effect and apply to some conduct occurring on or after August 14, 2020 by the United States Department of Education¹ ([2020 Title IX Regulations](#)), the resolution of Complaints involving allegations of Sexual Harassment² requires a hearing with certain enhanced processes as prescribed by the regulations. TCU reserves the right to take action without a resolution through a hearing with enhanced processes prescribed by federal 2020 Title IX Regulations if TCU concludes it has a legal duty to do so.

C. Enhanced process where the Respondent is a student. If the Complaint involves a Respondent(s) who primarily relates to the University as a student, the Investigative Report will not include any investigative findings or determination of responsibility. The OIE will deliver the Investigative Report to the Dean of Students Office for determination of responsibility and appropriate sanctions and/or remedies. In making such determinations, the Dean of Students Office will follow applicable student conduct procedures set forth in the TCU Code of Student Conduct, including providing for a hearing with enhanced processes if required to do so by federal Title IX regulations. If the student is also an employee at TCU, any determination of responsibility may also be shared with the Office of Human Resources to determine if any personnel action is appropriate. When the OIE provides the Investigative Report to the Dean of Students Office, the OIE will provide the Complainant and Respondent written notice that the matter has been transferred to the Dean of Students Office for determination of responsibility and appropriate sanctions and/or remedies.

D. Enhanced process where the Respondent is an employee. If the Complaint includes an allegation of Sexual Harassment, the Respondent is an employee, and the Complainant is a student and not an employee, then TCU's federal legal duties to resolve the allegation arise primarily under [Title IX of the Education Amendments of 1972](#). In that case, for any allegations in the Complaint involving Sexual Harassment, the Investigative Report shall not include a determination of responsibility or recommend appropriate sanctions or remedies. Responsibility and sanctions will be determined through a hearing with enhanced processes as required by the 2020 Title IX Regulations. TCU reserves the right to take action without a hearing with enhanced processes prescribed by the 2020 Title IX Regulations if TCU concludes it has a legal duty to do so.

C. Appeal

1. Appeal by Complainant Upon Dismissal of Complaint prior to Issuance of Notice of Investigation

¹ [\[Title IX Regulations Addressing Sexual Harassment\]](#)

² For TCU's definitions of Sexual Harassment, see TCU's policy on [Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation](#).

The Complainant may appeal dismissal of the Complaint after the filing of the Complaint but prior to issuance of a Notice of Investigation and the commencing of the investigative process. The Complainant may appeal the dismissal within three (3) business days of receiving written notice of the dismissal, in writing to TCU's Chief Inclusion Officer, or if the Chief Inclusion Officer has a conflict of interest, to TCU's Chief University Compliance Officer. The Complainant may appeal dismissal of the Complaint on the following bases: a) a procedural error that materially affected the outcome of the matter; or b) the dismissal was clearly wrong based on a plain reading of the Complaint and the TCU policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.

- 2. Appeal by Complainant Upon Dismissal of Complaint During Investigation**
The Complainant may appeal dismissal of the Complaint during the Investigation under Section IV.B.2. within three (3) business days of receiving written notice of dismissal, in writing to TCU's Chief Inclusion Officer, or if the Chief Inclusion Officer has a conflict of interest, to TCU's Chief University Compliance Officer. The Complainant may appeal dismissal of the Complaint on the following bases: a) a procedural error that materially affected the outcome of the matter; or b) the dismissal was clearly wrong based on a plain reading of the Complaint and the TCU policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation.
- 3. Appeal of Finding of Responsibility Upon Receipt of Notice of Outcome**
The Complainant and if the Respondent is an employee, the Respondent, may appeal the Investigator's investigative finding (i.e., determination of responsibility) within three (3) business days of receiving the written Notice of Outcome under Section IV.B.6. To appeal, the appealing party must timely submit a plain, concise written statement outlining the grounds for appeal to TCU's Chief Inclusion Officer, or if the Chief Inclusion Officer has a conflict of interest, to TCU's Chief University Compliance Officer. The Investigator's investigative finding (i.e., determination of responsibility) shall be affirmed on appeal unless the party seeking appeal demonstrates: a) there was a procedural error that materially impacted the outcome of the Investigation; b) the party appealing submits new evidence that was not reasonably available at the time of the Investigation that a reasonable person would conclude may have materially affected the outcome; or c) there was no rational basis for the investigative finding. Failure to offer available evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.
- 4. Appeal of Finding after Enhanced Hearing Process** – Where the Complaint involves a Respondent who is a student, the determination of responsibility may be appealed at the conclusion of the enhanced hearing process following the applicable appeal guidelines set forth in the TCU Code of Student Conduct. This includes matters of Title IX sexual harassment investigations.

D. Voluntary Informal Resolution.

At any time during the Initial Inquiry process or after a Complaint has been

submitted and before the completion of the Formal Resolution of a Complaint, the Complainant or Respondent may request that the parties attempt to resolve the Complaint through Voluntary Informal Resolution, or VIR. The OIE will consider the request if the other party agrees. Either party participating in a Voluntary Informal Resolution may end the informal process at any time and request to resume the Initial Inquiry process or the Investigation and Formal Resolution. Voluntary Informal Resolution is a resolution process that requires voluntary participation by both parties and intended to eliminate the conduct at issue, prevent its recurrence and remedy its effects.

If the Voluntary Informal Resolution is unsuccessful or fails to adequately address the alleged misconduct and protect the campus community, the Investigator may elect to resume the Investigation and Formal Resolution of the Complaint. A Voluntary Informal Resolution may not be appropriate for Complaints involving Sexual Harassment, including sexual assault, stalking, and dating violence and domestic violence. Generally, Voluntary Informal Resolution will be completed within 45 business days of the Report.

E. Interim Measures.

Upon receipt of a Report or at any time during Initial Inquiry, Investigation and Formal Resolution or Voluntary Informal Resolution, TCU may provide reasonable and appropriate Interim Measures designed to preserve a party's educational or work experience; protect all parties during an investigation; address safety concerns for the broader TCU community; maintain the integrity of the investigative and/or resolution process; deter retaliation; and/or any other reason deemed appropriate or necessary by the OIE. These measures may be supportive, remedial (measures designed to maintain continued access to educational programs and activities) or protective. During the Initial Inquiry, the OIE will inform the Complainant of the availability of Interim Measures. Similarly, any Notice of Investigation to the Respondent shall include information about the availability of Interim Measures. Interim Measures may include but are not limited to: counseling; modifications of work or class schedules; changes in work or housing locations; and transportation accommodations [e.g., campus escort(s)]. The OIE will consider the Complainant's and Respondent's requests regarding Interim Measures. Interim Measures are equally available to both the Complainant and Respondent.

Interim Measures are not designed to be punitive or to materially interfere with a party's access to a living, learning, or working environment. If the OIE determines that for the safety of a party or the community or to prevent further violations of TCU policy the University needs to implement Interim Measures that materially and adversely impact a party's activities as an employee or as a student (e.g., interim suspension for a student or administrative leave for an employee), the determination on any such Interim Measure will be made by the Associate Vice Chancellor for Student Affairs & Dean of Students (for students) or the Vice Chancellor and Chief Human Resources Officer (for employees) or their designees. In implementing any such Interim Measure, the University will comply with any policies and processes that may apply to such interim action.

F. Additional Information.

1. Expectations of Honesty and Candor

All TCU community members are expected to participate in OIE processes and provide truthful information in any Report, Investigation or proceeding under this policy. Consistent with TCU's [Code of Student Conduct, Section 3.2.6 Dishonest Conduct, HR 2.070 Code of Conduct Policy](#) and under TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another is prohibited and subject to disciplinary sanctions. Reports made or information provided in good faith would not violate applicable TCU policies requiring truthfulness, even if the facts reported in the Report are not later substantiated or no policy violation is found to have occurred.

2. Advisors

Both the Complainant and Respondent are allowed to have an advisor of their choice present with them for all meetings and proceedings under this policy to which the party is entitled to be present, including during the Initial Inquiry and Investigation. The University may establish restrictions that apply equally to all parties regarding the extent to which the advisor may participate in the proceedings. During any stage of the process, including during the Investigation, the advisor may provide support and advice to the parties at any meeting and/or proceeding. They may not speak on behalf of the parties, make any type of argument or presentation during any meeting or interview at which they are present, or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings.

3. Privacy

Generally, sharing of information related to a Complaint or Report under this policy will be limited to those individuals who need the information to assist in the assessment, investigation, and resolution of the Report or Complaint and related issues. This may include, but is not limited to: the OIE, TCU Compliance Officers, Division of Student Affairs, Human Resources, TCU Police, and the Threat Assessment Team.

TCU will endeavor to keep the identity of a Complainant and Respondent and information learned in the Initial Inquiry or Investigation private, to the extent allowed by law and except as necessary to investigate or remedy policy violations. TCU will make reasonable efforts to investigate and address Reports or Complaints made under this policy, and information may be disclosed to participants in an Investigation as necessary to facilitate the thoroughness and integrity of the Investigation. In all such proceedings, TCU will take into consideration the privacy of the parties to the extent reasonably possible, but cannot guarantee anonymity for a Complainant where it would conflict with its obligation to investigate meaningfully, take corrective action, comply with the intent of this policy, or fulfill its legal obligations.

Student education records will be protected in accordance with the [Family Educational Rights and Privacy Act \(FERPA\)](#).

4. Accessibility

TCU is committed to equity, inclusion, and accessibility in receiving Reports and Complaints and in the process outlined in this policy for the resolution of Reports and Complaints. To ensure an equitable process and to allow full participation of all parties, participants in this process may request accommodations from OIE in the light of any disabilities or because of limited language proficiency. The OIE will work with Human Resources or other appropriate University units to evaluate such requests and to provide reasonable accommodations.

5. Time Frames

There is no time limit for a Complainant to make a Report or to submit a Complaint under this policy. Complainants, however, are encouraged to make a Report as soon as possible to maximize TCU's ability to respond promptly and effectively.

TCU may extend any timeframe in this policy with good cause (e.g., absence of a party, concurrent law enforcement activity, academic calendar). TCU will immediately notify the parties of any extension and the reason for the extension. While requests for delays by the parties may be considered, TCU cannot guarantee approval of delay requests by either party.

6. Sanctions or remedies monitored by OIE and TCU's Title IX Coordinator

Any remedial measure or sanctions imposed or implemented through the student judicial process (for Respondents who are students) or through the Office of Human Resources or management (for Respondents who are employees) shall be reported to OIE and, if appropriate, to TCU's Title IX Coordinator so they may monitor such remedial measure or sanctions as may be required by federal law.

7. Immunity

Consistent with other provisions of the Code of Student Conduct, TCU encourages the reporting of conduct that may violate TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation. To encourage reporting, TCU will not pursue University disciplinary action against a student actor where: 1) the conduct at- issue is only known by the University because the student disclosed the conduct as a part of a good faith Report under this policy or in connection with an Initial Inquiry or Investigation of a Report under this policy; 2) the conduct is not a serious student conduct violation that may lead to suspension or dismissal from the University; and 3) the conduct at-issue is not the reported conduct that may violate TCU's policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation.

8. Notice by Email Is Considered Notice in Writing

For any notice or other submission or communication required under this policy, including any notice or other submission or communication that must be in writing, electronic transmission of that notice, submission, or communication by electronic mail within the timeframe prescribed is sufficient.

9. Simultaneous Complaints and/or Appeals Filed Using Other Grievance Processes

Where a Complainant simultaneously files a Complaint or Appeal utilizing another University unit's grievance process regarding the same, similar or overlapping facts in the OIE Complaint, the OIE may work with the other Unit regarding the timelines for OIE process in order to ensure fair and equitable processes. Such a determination may result in a pause on one or more processes, the Complainant having to elect one process at a time, or other necessary adjustment. Such a determination will be made on a case-by-case basis.

V. Enforcement

Any employee or student who engages in conduct prohibited by this policy may be subject to disciplinary action and sanctions up to and including termination or expulsion from TCU. TCU will take steps to prevent the recurrence of any discrimination, harassment, sexual misconduct, or retaliation and to correct its potential discriminatory effects on a complainant and, if applicable, the TCU community.

VI. Administrative Responsibility

The Office of Institutional Equity is responsible for administering and interpreting this policy.

VII. Policy History

Issued: 08/24/2020
Date Last Revised: 10/18/2020
09/28/2022

VIII. Related Policies and Information

A. Related TCU Policies, Laws, and Regulations

In addition to this policy, the conduct of students, employees and other TCU community members may be governed by other TCU policies, including but not limited to:

- [Handbook for Texas Christian University Faculty and Staff](#)
- [HR 2.070 Code of Conduct Policy](#)
- [HR 1.006 Consensual Relationships Policy](#)
- [Code of Student Conduct](#)
- [Policies and Procedures for Students with Disabilities](#)
- [Student Handbook](#)
- [OIE 1.008 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation](#) (for conduct occurring on or after August 14, 2020)
- [OIE Policy Prohibited Discrimination, Harassment, and Related Conduct - Prior Policy](#) (for conduct occurring before August 14, 2020)
- [TCU Annual Notification of Rights under Family Educational Rights and Privacy Act](#)

- [Texas State Bill 212](#)
- [Texas House Bill 449](#)
- [Texas House Bill 1735](#)
- [Department of Education 2020 Title IX Regulations](#)

B. Additional Information Regarding Discrimination, Harassment, Sexual Misconduct, and Retaliation

Additional information about illegal discrimination, harassment, sexual misconduct, and retaliation may also be obtained from the U.S. Department of Education or U.S. Equal Employment Opportunity Commission office listed below:

U.S. Department of Education	U.S. Equal Employment Opportunity Commission
Dallas Office	Dallas Office
Office for Civil Rights	207 S. Houston St., 3 rd Floor
U.S. Department of Education	Dallas, TX 75202
1999 Bryan Street, Suite 1620	Tele: 1-800-669-4000
Dallas, Texas 75201-6810	Fax: 214-253-2720
Tele: 214/661-9600 or 800-421-3481	TTY: 1-800-669-6820
FAX: 214/661-9587; TDD: 800-877-8339	www.eeoc.gov
OCR.Dallas@ed.gov	

C. Other University Units and Resources

Contact information for other University units and resources mentioned in this policy may be found below:

- Dr. Jonathan Benjamin-Alvarado
Chief Inclusion Officer and Senior Advisor to the Chancellor
The Harrison 3009
817-257-5566
j.ba@tcu.edu
- Office of Institutional Equity
The Harrison, Suite 1800
817-257-8228
oie@tcu.edu
- Ms. Sharon F. Gooding, Director
Office of Institutional Equity
The Harrison, 1802
817-257-4748
s.gooding@tcu.edu

- Ms. Andrea McDew, Title IX Coordinator
The Harrison 1803
817-257-4969
a.vircks@tcu.edu
- Dean of Students Office
The Harrison, Suite 1600
817-257-7926
- Dr. Mike Russel, Assoc. Vice Chancellor for Student Affairs
The Harrison, Suite 1600
817-257-7926
m.russel@tcu.edu
- Dr. Karen Bell Morgan, Dean of Students
The Harrison, Suite 1600
817-257-7926
k.morgan@tcu.edu
- Ms. Andrea Nordmann, Chief University Compliance Officer
The Harrison 3209
817-257-5520
a.nordmann@tcu.edu or askcompliance@tcu.edu
- Ms. Yohna Chambers, Vice Chancellor and Chief Human Resources Officer
2701 W. Berry St.
Fort Worth TX 76129
817-257-5103
y.chambers@tcu.edu

D. Resources for Complainants and Respondents

Resources for Complainants and Respondents, including for survivors of Sexual Assault or other sexual misconduct may be found below:

On Campus	Off Campus Community Resources
TCU Police 3025 Lubbock Ave. Fort Worth TX 76129 817-257-7777	Fort Worth Police 817-335-4222
Counseling & Mental Health Center Jarvis Hall, Suite 232 817-257-7863 817-257-7233 (24/7 Hotline) www.counseling.tcu.edu	Women’s Center of Tarrant County 1723 Hemphill Street Fort Worth TX 76110 817-927-2737

TCU Confidential Advocate Leah Carnahan 817-257-5225 l.carnahan@tcu.edu	John Peter Smith Hospital 1500 S. Main Fort Worth TX 76104 817-702-3431
Dean of Students Office TCU Box 297010 The Harrison, Suite 1600 Fort Worth TX 76129 817-257-7926	

IX. Appendix

There are no appendices in this policy.

X. Approved By and Approval Date

Approved by Chancellor: August 24, 2020; Approved by the Board of Trustees, November 6, 2020; Approved by the Board of Trustees November 11, 2022.