**Sex Discrimination, Sexual Violence, and Sexual Harassment**

The mission of Baylor University is to educate men and women for worldwide leadership and service by integrating academic excellence and Christian commitment within a caring community.

Baylor University does not tolerate sex discrimination, which includes, but is not limited to sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination. These behaviors are harmful to the well-being of our community and its members, the learning and working environment, and collegial relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious University offenses; and violations will result in discipline, with the possibility of separation from the University. State and federal laws also address conduct that may meet the University’s definitions of prohibited conduct, and criminal prosecution may occur independently of any disciplinary action imposed by the University.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in the University’s programs and activities. The University will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any such discrimination, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in University-related programs or activities. This may include the implementation of interim restriction(s).

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of sex discrimination, including but not limited to, sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination or sexual misconduct, whenever it becomes aware of such a complaint or report. Once made aware, the University must conduct an investigation regardless of how the information was brought to the University’s attention or the extent to which the complainant (i.e., an individual who, based on the complaint or report, was allegedly subjected to the prohibited conduct) wishes to participate or be involved.

All individuals have access to Confidential Resources that they may use for support and guidance regardless of whether they initiate University action, including any investigation by the University.
Retaliation against anyone who files a complaint alleging a violation of this policy, who participates in the internal disciplinary process, or who opposes in a reasonable manner an act believed to constitute a violation of this policy is prohibited and will not be tolerated.

In light of these commitments, the University has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sex discrimination, which is not limited to sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination. In a case of sex discrimination, sexual violence, or sexual harassment, this policy supersedes policies and procedures for other forms of misconduct.

1. The University's Title IX Coordinator

The Title IX Coordinator coordinates the University’s compliance with Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and shall oversee the University’s centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator’s activities include, but are not limited to:

- Communicating with all members of the University community regarding Title IX and VAWA and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the University’s administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and
- Responding to any complaint or report regarding conduct that may violate this policy. In this capacity, the Title IX Coordinator shall oversee the investigation and resolution of such alleged misconduct, direct the provision of any remedial measures, and monitor the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.
The Title IX Coordinator’s contact information is:

Patty Crawford  
Title IX Coordinator  
Baylor University  
One Bear Place #97011  
Clifton Robinson Tower 285.07  
Waco, Texas 76798  
254-710-8454 (office)  
www.Baylor.edu/TitleIX

2. Scope of this Policy

This policy governs the conduct of Baylor University students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, visitors, or local residents).

Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property, and in certain circumstances, off University property (i.e., off campus). This policy applies to conduct that occurs off campus when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs; when it utilizes University-owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus. Judgments about these matters will depend upon the facts of an individual case.

3. Prohibited Conduct

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any sex, and it can occur between individuals of the same sex or different sexes. It can occur between strangers or acquaintances, as well as persons involved in sexual, dating, or family relationships.
A. Sex Discrimination

Sex discrimination is adverse treatment of an individual based on sex, rather than individual merit. Sex discrimination encompasses but is not limited to, sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination. Examples of conduct that can constitute sex discrimination because of sex include, but are not limited to:

• Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase);
• Failing or refusing to hire or allow participation by an individual in a University activity;
• Terminating or removing an individual from employment or an educational program; or
• Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to impact that individual adversely.

B. Sexual Violence

The following behaviors constitute sexual violence and are prohibited under this policy. All forms of sexual violence are serious offenses and will result in University discipline. Sexual violence involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The consumption of alcohol or use of illegal substances will not ordinarily constitute a mitigating factor or circumstance when it contributes to, or is involved in, an alleged act of sexual violence.

Non-Consensual Sexual Penetration: Any act of vaginal or anal penetration by a person's penis, finger, other body part, or an object, or oral penetration by a penis, without consent.

Non-Consensual Sexual Contact: Any sexual touching other than non-consensual sexual penetration without consent. Examples of non-consensual sexual contact may include genital-genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.
C. Sexual Harassment and Other Prohibited Behaviors

The following behaviors are also prohibited under this policy:

**Dating Relationship Violence:** This policy prohibits acts of violence, threat, or intimidation that harm or injure a partner in a current or former dating relationship (defined below). These acts include, but are not limited to, sexual or physical abuse or the threat of such abuse. Dating relationship violence can be a single act or pattern of behavior.

**Domestic Violence:** Domestic violence under this policy includes acts of violence, threat, or intimidation that harm or injure members of a family or household. A “household” exists when individuals who are married or have an intimate relationship share access to the same private living space or bathroom.

**Stalking:** Stalking under this policy is a course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person to feel fear, to experience substantial emotional distress, or to fear for their safety or the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, others, or property; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation.

**Sexual Exploitation:** Sexual exploitation is any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact. Examples may include, but are not limited to, voyeurism (i.e., spying on others who are in intimate or sexual situations); or recording, photographing, transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved.

**Sexual Harassment:** Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
• Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit;
• Submission to, or rejection of, these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
• These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

**Sexually Inappropriate Conduct:** Unwelcome sexual conduct may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature, is also prohibited under this policy. Examples include but are not limited to, lewdness and obscene or sexually offensive gestures and comments.

**Retaliation:** This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic, or University-controlled living environment of an individual or if they hinder or prevent the individual from effectively carrying out his/her University responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under this policy.

**D. Terminology**

The following definitions clarify key terminology as used throughout the policy.

**Dating Relationship:** Dating relationship means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based upon consideration of (1) the length of the relationship, (2) the nature
of the relationship, and (3) the frequency and type of interaction between the persons involved in the relationship. Dating relationships may include, but are not limited to, dating relationships, "hook-up" relationships, and relationships in which partners are characterized as "girlfriends" or "boyfriends."

**Consent and Incapacitation:** In reviewing possible violations of sexual misconduct, the University considers consent as the voluntary, informed, un-coerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present may include, but are not limited to, when physical force is used or there is a reasonable belief of the threat of physical force, when duress is present, when one person overcomes the physical limitations of another person, and when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in a person’s manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is
unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of the drug. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she appears to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. The relevant standard that will be applied is whether the respondent actually knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

The term complainant refers to the individual(s) who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

The term respondent refers to the individual(s) who has been accused of prohibited conduct.

The term third party refers to any individual who is not a University student, faculty member, or staff member (e.g., vendors, alumni/ae, or local residents).

4. Relationships with Individuals in Authority

A sexual or romantic relationship involving individuals in a teacher-student relationship or in the context of employment supervision or evaluation is not a violation, in and of itself, as defined by this policy and will not be investigated or adjudicated under this policy. Such an interaction may be a violation of another University’s Policy on Romantic and/or Sexual Conduct with Students and Supervisees and subject to separate disciplinary procedures. BU PP 036
5. Confidentiality, Privacy, and Related Responsibilities

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are defined below.

In some circumstances, the reporting responsibilities of University employees, or the University’s responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities and make use of Confidential Resources, if applicable, in determining their preferred course of action.

Requests for confidentiality or use of anonymous reporting may limit the University’s ability to respond fully to the incident, including pursuing disciplinary action against the respondent.

A. Confidentiality and Confidential Resources

The term confidentiality refers to the circumstances under which information will or will not be disclosed to others.

Baylor University employs individuals in three offices who are able to maintain confidentiality under this policy:

- Licensed professional mental health counselors serving in this capacity at Baylor University;
- Licensed medical professionals serving in this capacity at Baylor University; and
- The Baylor University Chaplain.

The individuals listed above are designated Confidential Resources. Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to others only with the individual’s written permission or if applicable ethical or legal obligations compel the professional to reveal such information (e.g., if there is suspected abuse or neglect of a minor).

Confidential Resources may be required to submit non-identifying information about violations of this policy to the Baylor University Police Department for purposes of the anonymous statistical reporting under the Clery Act.
An individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

In light of the University’s obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, University community members who are not designated Confidential Resources must notify the Title IX Coordinator or the Baylor University Police Department of suspected violations and cannot guarantee the confidentiality of a complaint or report under this policy. Third parties who have knowledge of prohibited conduct under this policy are strongly encouraged to report to the Title IX Office or Baylor University Police Department.

**B. Confidentiality Rights of Complainants and Respondents**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that are protected from disclosure under this policy.

**C. Privacy**

The term **privacy** refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA) or the Title IX requirements.
D. Responsibility to Report

All members of the University community are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource, as appropriate). Further, and as described below, employees of the University may be required to report any suspected violation of this policy.

In emergency situations, if there is a suspected crime in progress, or imminent or serious threat to the safety of anyone, faculty and staff members must immediately contact the Baylor University Police Department at 254-710-2222 or the Waco Police Department at 9-1-1.

In non-emergency situations, faculty, instructors (including teacher assistants and teachers of record), and staff members who are not Confidential Resources must promptly report suspected violations to the Title IX Coordinator. Student workers who learn of violations of this policy in the scope of their employment, including Campus Living & Learning Community Leaders, must promptly report alleged violations of this policy to their supervisors, who will then consult with the Title IX Coordinator.

A complainant may choose not to make a complaint or report in their own case, even if the complainant otherwise has reporting obligations by virtue of being a faculty member, staff member, or student worker.

E. Anonymity

For information about how to make an anonymous report, visit the Baylor Title IX web site www.baylor.edu/titleix/report.

F. Release of Information

If the Baylor University Police Department becomes aware of a serious and continuing threat to the campus community, the Baylor University Police Department will issue a timely notification to protect the health or safety of the community. The Baylor University Police Department may also be required to disclose a reported incident of sexual misconduct in the daily crime log, annual security report, or as otherwise required under state or federal law. In addition, the University may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the University release the name or other personally identifiable information of the complainant to the general public without the prior written consent of the complainant or as otherwise permitted or
required by law.

6. Support Resources

A complainant or witness has many options, including counseling with a Confidential Resource, filing a complaint under this policy, and/or filing an external (e.g., criminal) complaint. The University recognizes that deciding among these options can be difficult. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource.

The following resources are available to provide support and/or receive complaints or reports:

A. Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. For more information about filing a criminal complaint, call the Baylor University Police Department 254-710-2222 or, if off campus, Waco Police Department 254-750-7500. In an emergency call 9-1-1.

B. Confidential Resources

Information shared with Confidential Resources (including information about whether an individual has received services) will only be disclosed to the Title IX Coordinator or other person with the individual’s express written permission, unless there is an imminent threat of serious harm to the individual or to others or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). (Link to Minors on Campus Policy)

Campus Confidential Resources include:

1. Baylor University Counseling Center
   http://www.baylor.edu//counseling_center/

   To schedule an appointment call: 254-710-2467 or use the Walk-In Clinic

   Hours of Operation: 8:00 a.m. until 5:00 p.m.
Monday through Friday by appointment only. The Counseling Center is closed during academic breaks.

**Location:** 2nd floor of the McLane Student Life Center (209 Speight Avenue)

A Baylor ID is needed for entry into the SLC

**Phone:** Call 254-710-2467 for appointments or to speak to a staff member.

In case of a CRISIS, call or come by the Counseling Center during regular office hours. A psychologist or counselor is on call after regular office hours and during weekends. To access the crisis psychologist or counselor, call the main Counseling Center phone number 254-710-2467; a recording will provide directions for contacting the on-call counselors. Students are advised to contact other available mental health resources when the Counseling Center is closed during academic breaks.

In Waco: If a student is having a psychological crisis and needs assistance, call the following numbers:

MHMR 254-752-3451 and select Crisis Option

DePaul Center 254-776-5970

9-1-1 or a local hospital

**2. Baylor University Health Services**

(http://www.baylor.edu/health_center/index.php?id=85947)

Baylor University Health Services provides comprehensive health services to Baylor University undergraduate and graduate students.

The Baylor Health Center is a primary care ambulatory clinic with services provided by a multidisciplinary staff comprised of physicians, nurse practitioners, registered nurses, physical therapist,
and administrative and technical personnel.

**Location:** 2nd floor of the McLane Student Life Center (209 Speight Avenue)

A Baylor ID is needed for entry into the SLC

**Phone:** 254-710-1010  
**Fax:** 254-710-2499

### 3. Office of Spiritual Life, University Chaplain  
Burt Burleson

**Location:**  
Bobo Spiritual Life Center  
Corner of 5th & Speight Street

**Phone:** 254-710-3517  
**Email:** spiritual_life@baylor.edu

### C. Other Available Resources

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential.  
[Title IX Resource brochure](http://www.baylor.edu/titleix/index.php?id=868952)

**County Sexual Assault Response Team (SART)**

**Location:**  
Advocacy Center for Crime Victims and Children  
2323 Columbus Avenue, Waco, TX 76701  
[http://www.advocacycntr.org](http://www.advocacycntr.org)

**Phone:**  
Crisis Hotline 254-752-7233  
Toll free 888-867-7233
Office 254-752-9330
Fax 254-752-9655

**Family Abuse Center, Waco, TX**

Legal assistance, housing, and confidential counseling

[www.familyabusecenter.org](http://www.familyabusecenter.org)

**Phone:**
24-Hour Hotline 800-283-8401

### 7. Options for Complainants and Other Reporting Parties

The University encourages all individuals to report any alleged or suspected violation of this policy to the Title IX Coordinator and to report potential criminal conduct to law enforcement. After consulting a Confidential Resource, as appropriate, anyone who seeks to make a complaint or report may:

- File an internal complaint or report with the Title IX Coordinator, thereby invoking the University’s internal investigation process [www.Baylor.edu/titleix/report](http://www.Baylor.edu/titleix/report).
- If on campus, contact the Baylor University Police Department for assistance in filing a criminal complaint and preserving physical evidence 254-710-2222.
- If off campus, contact local law enforcement to file a criminal complaint 254-750-7500.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint). When initiating any of the above options, an individual does not need to know whether he/she wishes to request any particular course of action nor how to label what happened.

### 8. Filing a Complaint or Report with the Title IX Coordinator

Individuals are encouraged to report any alleged violation of this policy directly to the Title IX Coordinator. To do so, individuals should contact
the Title IX Coordinator to schedule an appointment.
www.baylor.edu/titleix/report

A. Anonymous Reporting

If a complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the complainant’s wishes, the University’s commitment to provide a non-discriminatory environment, and the respondent’s right to have specific notice of the allegation(s) if the University were to take action that affects the respondent. In such circumstances, the Title IX Coordinator may arrange for limited fact-finding by an investigator to gain a better understanding of the context of the complaint.

B. Amnesty

In order to encourage reports of conduct prohibited under this policy, the University will offer amnesty to the alleged victim or reporting witness with respect to any alcohol and minor drug use violations of the University’s student conduct code. The University may also offer amnesty or leniency to the alleged victim or reporting witness with respect to other violations of University policy which may be disclosed as a result of such reports, depending on the circumstances involved. The University may recommend alcohol or drug counseling/education services to students violating the University’s student conduct code.

C. Timeliness of Report

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the respondent is no longer a student or employee at the time of the complaint or report, or if the respondent has withdrawn from classes, the University may not be able to take disciplinary action against the respondent. However, in such circumstances, the University may seek to meet its Title IX obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.
9. Interim Measures

Upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim measures designed to preserve the complainant’s educational experience, the safety of all parties, and the broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. Certain interim measures may be available to the complainant regardless of whether the complainant seeks formal disciplinary action.

Interim measures may include:

- Access to counseling services;
- Assistance in arranging an initial rescheduling of exams and assignments;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in work schedule or job assignment;
- Change in campus housing;
- Imposition of a “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals; and/or
- Any other remedy that can be used to achieve the goals of this policy.

Any interim measures will not disproportionately impact the complainant. Requests for interim measures may be made by the complainant to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the University’s response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed through interim measure. The University will take immediate action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a University-imposed interim measure.
10. Investigations and Disciplinary Procedures in General for this Policy

The University is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the disciplinary process, both parties (complainant and respondent) have equivalent rights, including the opportunity to review and present evidence, to be accompanied by an advisor of their choice, and to appeal. The University will concurrently provide both parties with written notification of any hearing, the outcome of the process, any appeal, and the final results. The University reserves the right to outline guidelines regarding the participation of an advisor of choice during any meetings or procedures. Such guidelines however will not restrict the presence of an advisor of choice.

A. Responsibility to Investigate

In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant’s articulated concerns, the best interests of the campus community, fairness to all individuals involved, and the University’s obligations under Title IX.

The process under this policy is separate and distinct from Texas’ criminal process. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

B. Initial Assessment of Complaints

The investigative process is initiated when the Title IX Coordinator receives a complaint or report of a violation of this policy. The Title IX Coordinator will conduct an initial assessment. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

• If the Title IX Coordinator determines that the complaint, even if
substantiated, would not rise to the level of a violation of this policy, the Title IX Coordinator may dismiss the complaint;

- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office for review and dismiss the complaint under this policy; or

- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation of this policy, the Title IX Coordinator will determine whether interim measures are appropriate and initiate an investigation.

C. Timing of Investigations and Any Related Disciplinary Proceedings

The Title IX Coordinator will seek to complete the investigation in approximately 60 calendar days following receipt of the complaint or report. However, the timing will vary depending on the complexity of the investigation and the severity and extent of the harassment.

There may be circumstances that require the extension of timeframes for good cause, including extension beyond 60 calendar days. Timeframes may be extended by the Title IX Coordinator to ensure the integrity and completeness of the investigation; comply with a request by law enforcement; accommodate the availability of witnesses; accommodate delays by the parties; or for other legitimate reasons, such as the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the timeframes for good cause and the reason for the extension.

Although cooperation with law enforcement may require the University to suspend the fact-finding portion of a Title IX investigation temporarily, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide appropriate interim measures for the complainant.

Investigations will proceed according to the aforementioned timeframes to the extent possible during the summer and at other times when classes at the University are not in session. The Title IX Coordinator will work with the parties to balance the need for
promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both complainant and respondent.

D. Cooperation with Investigation and Disciplinary Procedures

Baylor University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. The University recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes, but is not limited to, delaying or failing to acknowledge requests from University officials for information, delaying or failing to make oneself available for meetings with University officials, and/or providing information to University officials the individual knows to be untruthful.

It is understood that there may be circumstances in which a complainant wishes to limit his/her participation. The complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.

If a complainant, respondent, or witness chooses not to answer any or all questions in an investigation for any reason, the University will continue its process through hearing and the University will issue any discipline or sanctions, as appropriate. The University will not draw any adverse inference from a complainant’s, respondent’s, or witness’ silence; however, the complainant or respondent should be aware that such failure to participate in the investigation may impact his/her case.

E. Sexual History

The sexual history of the complainant and/or the respondent will generally not be used in determining whether a violation of this policy has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. For example, if consent is at issue, the sexual history between the parties may be relevant to determine whether consent was sought and given during the incident in question, although it must be remembered that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute
consent on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised by an allegation.

F. Consolidation of Investigation

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

G. Circumstances Affecting Health or Safety

In circumstances that seriously affect the health or well-being of any person, where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the University may summarily restrict, dismiss, or bar any person from the University. In such cases, notice will be provided and any summary actions taken will be reviewed promptly, typically within five business days, by the appropriate University authority.

11. Making a Criminal Complaint to Law Enforcement

At the complainant’s request, the University will assist the complainant in contacting University or local law enforcement.

12. Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent Is a Student

A. Investigation, Adjudication, and Sanctions

When the Title IX Coordinator receives a complaint or report alleging that a student violated this policy, the Title IX Coordinator will appoint one or more investigators. The investigator may be a University employee or an outside investigator. The investigator will conduct an inquiry and determine whether a violation of this policy has been alleged. Any investigator will have training in investigating and evaluating conduct prohibited under the policy. Any investigator will be impartial and unbiased.

The investigator will conduct separate interviews with the parties to
the complaint. Each party may select an advisor of their choice who may accompany them to any meeting or related proceeding, but the advisor may not participate in such meeting or proceeding. The investigator will interview witnesses, as necessary. Witnesses may not bring advisors. At the conclusion of each interview, the investigator will review the notes with the interviewee.

The investigator will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information, as necessary, will be available to the complainant and the respondent. The Title IX Coordinator will provide written notice to both parties of the charges to be adjudicated based solely on the violation(s) of the policy alleged during the investigation.

After reviewing the file, each party will have an opportunity to (1) meet again with the investigator, (2) respond in writing to the investigator, and (3) request the collection of other information by the investigator. If any party provides a written response or makes a request for additional information, that writing will be shared with the other party. Any additional information gathered will be shared with both parties, and each will have the opportunity for further response. The investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both sides to respond thoroughly to the information gathered during the investigation.

Following the investigation, a single adjudicating officer will meet with the complainant, respondent, investigator, and any witnesses the officer believes appropriate to determine, whether the respondent, based on the preponderance of evidence standard, violated University policy. The adjudicating officer may be a University employee or an outside investigator. The adjudicating officer will meet with the complainant and the respondent separately, and each will be provided the opportunity to make a statement. The adjudicating officer will make an equal amount of time available to both the complainant and the respondent. The complainant and respondent may each bring an advisor who may accompany them to any meeting or related proceeding, but the advisor may not participate in or disrupt the hearing process. If either party fails to appear at any scheduled meeting or related proceeding, and wishes to have had such opportunity, he/she may explain such failure to appear and the related circumstances in writing to the Title IX Coordinator within two days. The Title IX Coordinator will determine whether the meeting should be
rescheduled. If no explanation is received from the absent party, or if the meeting is not rescheduled, the adjudicating officer may proceed with their deliberations and decisions. All adjudicating officers will have training in adjudicating and evaluating conduct prohibited under the policy. All adjudicating officers will be impartial and unbiased.

If a student is found responsible for violating this University policy, the adjudicating officer will determine a sanction. Possible sanctions are listed below.

Sanctions will be determined based on the seriousness of the misconduct and the responsible student’s prior disciplinary history, if any, at the University or any other educational institution. Information regarding the student’s prior disciplinary and student conduct history, to the extent not previously provided due to issues of relevance, will only be provided to the adjudicating officer after the officer has made a determination of responsibility for violation of University policy. Remedial measures will be determined based on the need to afford the parties an educational environment free from discrimination under Title IX. The adjudicating officer will prepare a report containing findings of fact, findings of responsibility, the rationale, and any sanctions. Written notification of findings of fact and responsibility and, in cases of violations of University policy, any sanctions will be communicated simultaneously to both parties by the Title IX Coordinator. The notification will include the parties’ rights of appeal.

The Title IX Coordinator will also send a copy of the report to the Associate Dean for Student Conduct Administration who will record the decision and any sanctions and retain such record in accordance with protocols for all other disciplinary cases. In all cases, the file will be archived by the Title IX Coordinator.

The adjudicating officer’s report and the tangible evidence presented at the hearing constitute the record of the hearing. After any appeals are concluded, the Title IX Coordinator shall excise the name of the accused from the record of the hearing in which a decision is rendered that an act of misconduct has not been committed, unless the Title IX Coordinator determines that the circumstances of the case warrant the retention of the name in the record for a reasonable length of time. If the name of the accused is retained in the record, they shall not become part of the student’s permanent disciplinary record and must be marked CONFIDENTIAL and may not be disclosed, except as required by the Family Educational Rights and Privacy Act (FERPA).
B. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. All appeals will be referred to the Vice President for Student Life or designee. The Vice President for Student Life, or designee, may decide the appeal or may convene a panel to decide the appeal. If an appeal panel is convened, the panel will consist of the Vice President for Student Life, or designee, (as Chair) and two additional faculty or administrators. Any individual hearing an appeal will be trained regarding Title IX and prohibited conduct defined under this policy. Any individual hearing an appeal will be impartial and unbiased.

A complainant or respondent may file a written appeal on the grounds that: (1) there is substantial, relevant information that was not presented, and reasonably could not have been presented during the investigation; (2) the imposed sanction does not fall within the range of sanctions imposed by the University for similar misconduct; or (3) there was procedural unfairness during the disciplinary process.

The adjudicating officer’s findings of fact, findings of responsibility, the rationale, and any sanctions will only be reviewed under one of the three grounds listed above. The individual hearing the appeal may decide to uphold the original decision of the adjudicating officer, to alter the imposed sanction, or to remand the case to the adjudicating officer for additional proceedings or other action.

The deadline for filing an appeal is three calendar days from the date the parties are notified of the decision. If either party files an appeal, the Title IX Coordinator will notify the other party in writing. The Title IX Coordinator will coordinate the appeal and will have primary responsibility for interactions with the parties, gathering information needed for the appeal, and notifying both parties in writing of the outcome of the appeal.

Within three calendar days from the date the parties are notified of the outcome of the appeal to the Vice President for Student Life, or designee, either party may have a final appeal to the President. The President of Baylor University may review the outcome of the appeal on the grounds that: (1) there is substantial, relevant information that was not presented and reasonably could not have been presented during the investigation; (2) the imposed sanction does not fall within the range of sanctions imposed by the University for similar misconduct; or (3) there was procedural unfairness during the disciplinary process. The adjudicating officer’s findings of fact, findings
of responsibility, the rationale, and any sanctions will only be reviewed under one of the three grounds listed above.

In the event either party files an appeal to the President, the Title IX Coordinator will notify the other party in writing. No additional written documentation will be required unless the request for review arises from a procedural unfairness, which occurred during the appeal process. The President may decide to uphold the outcome of the appeal, to alter the imposed sanction, or to remand the case to the adjudicating officer for additional proceedings or other action. The Title IX Coordinator will coordinate the President’s review and will have primary responsibility for interactions with the parties and notifying both parties in writing of the outcome of the President’s review.

**C. Student Enrollment and Residence Status**

Prior to a final determination of sanction, including the outcome of an appeal, the respondent may be permitted to remain in on-campus residence, attend classes, and use some or all University facilities. However, in cases when circumstances potentially harm the physical, mental, or emotional safety or well-being of a member (or members) of the University community or impair the ability of the University to carry out its essential functions, the Title IX Coordinator may recommend to the Vice President for Student Life that certain restrictions be imposed on the respondent in order to provide the complainant with an educational environment free from Title IX-related discrimination.

If, following appeal, the respondent is found responsible for a violation under this policy; the sanction will be effective as of the date of the original decision by the adjudicating officer. In cases adjudicated prior to the last day of classes, if the final sanction is separation from the University (i.e., suspension, suspension with conditions, or expulsion), obtaining credit for the semester will be at the discretion of the Vice President for Student Life.

Pending the final decision of an adjudication or sanction imposed under this policy, including an appeal thereof, an administrative hold will be placed on the respondent’s University transcript; and the award of the respondent’s degree will be withheld.
13. Investigation, Disciplinary, and Appeal Procedures for Cases When the Respondent Is a Faculty or Staff Member

A. Investigation and Adjudication

When the Title IX Coordinator receives a complaint or report alleging that a member of the faculty or staff violated this policy, the Title IX Coordinator will work with the Provost’s Office and/or Human Resources to investigate in a manner consistent with Baylor personnel policies and all applicable law.

B. Sanctions

The appropriate disciplinary authority will determine the sanction.

Sanctions will be determined based on the seriousness of the misconduct and on the individual's prior disciplinary history, if any. The findings of fact and responsibility, and, in cases when violations of University policy occurred, any sanctions will be communicated to the parties both in person and in writing by the Vice Provost for Academic Affairs and Policy and/or Associate Vice President for Human Resources or designee. The notification will include the parties’ rights of appeal. In all cases involving sex discrimination or sexual misconduct, the file will be archived by the Title IX Coordinator.

C. Rights of Appeal

Both parties, the complainant and the respondent, have equal rights to an impartial appeal in a manner consistent with Baylor personnel policies and all applicable law.

14. Disciplinary Procedures Where One Party Is a Member of the University Community and the Other Party Is a Non-Member of the University Community

When a third party, (i.e., a non-member of our University community) is involved as a complainant or a respondent, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures stated in Sections 8 through 13, appropriately
modified based on the particular circumstances involved, taking into account privacy requirements and other concerns. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

15. Other Investigation and Resolution Procedures

If a complaint or report of conduct prohibited by this policy is made against multiple individuals, an office, or the University in general, the Title IX Coordinator will review the matter and take appropriate action, in accordance with this policy. The Title IX Coordinator may conduct an investigation, using investigative and disciplinary procedures that are generally consistent with those stated in this policy, appropriately modified based on the particular circumstances involved. The Title IX Coordinator also has the discretion to conduct a climate review, after which the University may implement appropriate remedial measures.

16. Range of Penalties and Other Remedies Under this Policy and Disciplinary Procedures

Members of the University community may be subject to disciplinary penalties for violating this policy.

A. Additional Forms of Support

If a respondent is found responsible for violating this policy, the complainant may request forms of support not already in place, such as a no contact order. The University will promptly implement such support, as appropriate. The support shall be effective even if the respondent files an appeal or if such an appeal is pending.

Even in situations where a respondent is not found responsible for violating this policy, the University may provide to both the respondent and the complainant additional forms of support which are reasonable under the circumstances and do not place a substantial burden on either the complainant or respondent.

B. Penalties Applicable to Students

For violations of this policy by students, in general the penalties, in ascending order of severity, are:

Warning: A formal admonition which appears in an individual's
permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.

**Disciplinary Probation:** A more serious admonition may be assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or, in especially serious cases, expulsion from the University. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction, even if the probationary period has expired.

Disciplinary probation appears in an individual's permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.

**Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Baylor degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. Relevant information remains on the student's permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.

**Suspension:** Student status at the University may be terminated for a specified period of time. Relevant information remains on the student's permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.

**Suspension with Conditions:** Student status at the University may be terminated for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, and formal apology. Relevant information remains in the student's permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.
**Expulsion:** This is permanent termination of student status at the University, without any opportunity for readmission to the community. Relevant information remains in the student's permanent disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required by law.

The following may accompany the preceding penalties, as appropriate:

**Community Service:** Community service up to 10 hours per week may be added to disciplinary probation for a portion or duration of the probationary period or following a warning.

**University Housing:** When appropriate to the infraction, removal from University housing or relocation within University housing may be added to any of the other penalties listed above except warning.

**Restriction of Access to Space, Resources, and Activities:** When appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact between the parties.

**Educational Programs:** In addition to any of the penalties listed above, a student may be required to participate in educational programs.

**C. Penalties Applicable to Faculty and Staff Members**

For violations of this policy by faculty or staff members, disciplinary penalties may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension, demotion, reassignment of duties, or termination.