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PREFACE
This brochure outlines key aspects of Baylor University’s Civil Rights Policy. The brochure is intended to provide a general overview of Baylor’s Civil Rights grievance process, which is governed by the Policy.

This booklet also provides resources for members of the Baylor community should unlawful discrimination and/or harassment based on race, color, disability, national and ethnic origin, sex, pregnancy, age (over 40), genetic information or the refusal to submit to a genetic test, protected veteran status, or any other characteristic protected under applicable federal, Texas, or local law.

The most up to date Civil Rights Policy, in its entirety, is available online at baylor.edu/equity. For questions regarding the content of this brochure and/or the Policy outlining the Civil Rights process, contact Baylor University’s Equity, Civil Rights, and Title IX Office hereafter referred to as the Equity Office.
TERMINOLOGY AND DEFINITIONS

Complainant: Individual who is reported to have experienced prohibited conduct, regardless of whether the individual makes a report or seeks disciplinary action.

Respondent: Individual who has been accused of prohibited conduct.

Third party: Individual who is not a University student, faculty member, or staff member (e.g., vendors, alumni/ae, or visitors).

Witness: Individual who may have information relevant to a report of prohibited conduct.

Discrimination: Unlawfully treating an individual differently and adversely (or negatively) on the basis of his or her Protected Characteristics.

The definition of harassment provided in Baylor University’s Civil Rights Policy (“the Policy”) is intended to reflect that the University prohibits this form of misconduct. The University also prohibits other forms of related misconduct and/or crime, and prohibits related retaliation, as reflected in the Policy. For greater detail regarding the definitions, please see the Policy, which is available at: baylor.edu/equity.

Harassment: Verbal, written, visual, or physical conduct directed toward an individual which creates a hostile environment for the individual to whom the conduct is directed, when such conduct is due to the individual’s Protected Characteristics. Harassment on the basis of Protected Characteristics is actionable and violates federal civil rights when it creates a Hostile Environment.

Conduct that may constitute Harassment includes, but is not limited to:

a. Epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to the individual or group’s Protected Characteristics;

b. Displaying material on University premises that shows hostility or aversion to an individual or group that directly relate to the Protected Characteristics such as the display of the Confederate battle flag, the swastika, or the noose (see note on Academic Freedom).

c. Graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks or gestures directed at an individual based upon the individual’s Protected Characteristics;
d. Physical contact or intimidation against an individual based on their Protected Characteristics;

e. Teasing, tricks, gossip, workplace slights, excluding an individual from projects or activities; and any other workplace acts or omissions taken because of a person’s Protected Characteristics; or

f. Retaliatory Harassment or any similar conduct when done in retaliation for engaging in a Protected Activity.

**Hostile Environment:** A hostile environment is created when the conduct is sufficiently severe, persistent, or pervasive and unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from their educational environment, employment, or other University programs or services. Words, images, actions, or other conduct must be unwanted from the subjective standpoint of the complainant and must be offensive form the objective standpoint of a reasonable person.

**Adverse Action:** Any act or omission that results in a material adverse impact on the terms, conditions, and privileges of students when it is motivated by Discrimination based on Protected Characteristics or in Retaliation for engaging in a Protected Activity. Adverse actions are limited to denial of access to programs or services or the provision of lesser services and do not necessarily involve a loss of money.

**Protected Characteristics:** This Policy prohibits Discrimination and Harassment on the basis of race, color, disability, national origin, ancestry, sex, age (over 40), citizenship, genetic information or the refusal to submit to a genetic test, past, current, or prospective service in the uniformed services, or any other characteristics protected under applicable federal, Texas, or local law. These “Protected Characteristics” are interpreted consistent with the relevant federal laws. For example, under Title VII and the TCHRA, sex discrimination includes discrimination on the basis of pregnancy.

**Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, signed in 1990, requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.
CONFIDENTIALITY, PRIVACY, RESPONSIBLE EMPLOYEES, AND ClERY ACT REPORTING

Issues of privacy and confidentiality play important roles in matters involving reported Prohibited Conduct, and those issues may affect individuals differently.

Confidentiality and Privacy of Reports: The Equity Office is not under any legal obligation to ensure confidentiality of complaints and cannot promise to do so. The Equity Office does attempt to maintain the privacy of complaints to the extent consistent with its obligation to enforce this Policy. Information related to a complaint of prohibited conduct will be shared with a limited number of University employees who need to know in order to assist in the assessment, investigation, and resolution of the complaint and related issues. During an investigation, information may be disclosed to participants as necessary to facilitate the thoroughness and integrity of the investigation.

If a complainant requests that his or her name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken, the Equity Office will discuss those wishes with the complainant and let the complainant know that without their cooperation, the Equity Office’s ability to investigate and address concerns may be limited. In order to enforce this Policy and the University’s legal obligations, and/or protect the safety of the campus community, the Equity Office may proceed with an investigation, and any appropriate disciplinary action against a respondent based upon an anonymous complaint and/or against the request of the complainant.

Responsible Employees: All supervisors are required to report immediately to the Equity Office any information they know about suspected or potential violations of this Policy. This includes student-employees who are Supervisors of other student-employees. Failure by a Supervisor to report suspected or potential violations of this Policy in a timely manner may subject them to discipline, up to and including termination of employment.

All faculty, staff, and students who are not supervisors are strongly encouraged to report to the Equity Office any information they know about suspected or potential violations of this Policy. Complaints may be made anonymously, including through Report It or Ethics Point.

Clery Act Reporting: Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally-identifying information of complainants when issuing timely warnings to the University community.
FIRST STEPS AND OPTIONS

If you have experienced Prohibited Conduct as previously described, you should consider the following:

Reporting the Incident

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. There are several resolutions options available for addressing complaints. The Equity Office will seek input from the complainant regarding resolution options but, ultimately, the Equity Office has the discretion to determine the most appropriate path for addressing a compliant.

A. Emergency law enforcement assistance

Law enforcement assistance is available both on and off campus. Individuals are encouraged to contact law enforcement and seek help as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. To contact law enforcement, call the Baylor University Police Department or Waco Police Department. Contact information is provided in the Resources and Support Services section of this brochure, page 16.

B. Reporting options and related information

The University encourages all individuals to report prohibited conduct or a potential violation of this policy to the Equity Office, the Baylor University Police Department, and/or to local law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a complainant in contacting law enforcement at any time. Under limited circumstances that appear to pose a threat to the health or safety of any University community member, the University may independently notify law enforcement.

An individual may make a report to the University, to law enforcement, to neither, or to both. Campus Civil Rights processes and law enforcement investigations operate independently of one another, although the University will coordinate information with the Baylor University Police Department as appropriate. Anyone can make a report as follows:

• Make a report to the Equity Office in person, by telephone, by email, or online at baylor.edu/equity.

• 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 (dial 911 or, if in Waco, 254-750-7500).

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Civil Rights report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Equity Office, an individual can also request interim measures and support.

1. Anonymous reporting

Anyone can make an anonymous report by submitting information online at baylor.edu/ethicspoint. Based on the nature of the information submitted, the University’s ability to respond to an anonymous report may be limited.

2. Requests for anonymity

Once a report has been shared with the Equity Office, a complainant may also directly request that their identity remain private (request for anonymity), that no investigation occur, or that no disciplinary action be taken. The University will carefully balance this request with 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 Associate VP for Equity or designee may arrange for limited fact-finding by an investigator to gain a better understanding of the context of the complaint or take other appropriate steps, including consulting with the University’s threat assessment team. More information about Balancing Complainant Autonomy with University Responsibility to Investigate is provided in the Policy.
Preserving Evidence of the Incident(s)

It is important to preserve evidence as it may be necessary in providing proof. Evidence is best collected as soon as possible. Related electronic evidence (e.g., text messages, photographs) and documents should be preserved. Some people may wish to report Prohibited Conduct as a crime, while others may not want to report. The decision can be difficult.

No one should be forced into making a choice right away. Having evidence collected in no way obligates you to file a complaint with the University or to make a report to law enforcement agencies that could lead to criminal prosecution, or to seek a protective order, but would preserve this information in the event that you decide to take such actions at a later date, or decide later to ask the University to initiate disciplinary proceedings.

Seeking Counseling Support

Self-care is important when coping with events that would be prohibited under the Policy. You are encouraged to seek confidential counseling and support from offices and/or entities identified in the Resources and Support Services section of this brochure. If you have additional questions or need further assistance, the Equity Office can assist you in navigating these resources and options.

SUPPORTIVE AND PROTECTIVE MEASURES

Upon receipt of a report of prohibited conduct, the Equity Office will determine whether interim measures are needed to preserve the complainant’s workplace or educational experience; protect the complainant during an investigation; address safety concerns of the broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These measures may be remedial (measures designed to maintain appropriate working or learning conditions) or protective (involving a restrictive action against a respondent).

Examples of Interim Measures for employees may include: a temporary reassignment; change in supervisors; restructuring of duties; a leave of absence (paid or unpaid) of the complainant; or suspension (paid or unpaid) of the respondent.

Examples of Interim Measures for students may include: a reassignment of class schedule; reassignment of University housing, restriction or access to classrooms, space, and/or resources of the respondent; or suspension of the respondent.

The determination of whether to impose interim measures for faculty, staff, or volunteers will be made by the Equity Office in consultation with Human Resources (and Office of Provost for faculty members) and the appropriate departments where the complainant and respondent work. The determination of whether to impose interim measures for students will be made by the Equity Office in consultation with the Vice President for Student Life or designee. While the Equity Office will not typically conduct investigations into complaints against contractor or contractor employees, in the event that Interim Measures for contractor or contractor employees are needed, such will be coordinated with Procurement prior to decision and implementation. In appropriate cases the Equity Office will also coordinate with the divisional Vice President and members of the University’s Threat Assessment Team.

The University will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University. Any interim measures will not disproportionately impact the complainant. The University will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of interim remedial or protective measure.
RESOLUTION OPTIONS

The University uses two processes to resolve reports of Prohibited Conduct: Adaptable Resolution, which is a remedies-based option that focuses on who has been harmed, their needs, and what can be done to make things right for them, and Disciplinary Resolution, which involves an investigation, and, if appropriate, the imposition of corrective action. In cases where neither Adaptable or Disciplinary Resolution processes are pursued, the report could still be addressed through an Educational Response. The Associate VP for Equity will determine the appropriate resolution process after making an initial assessment of the reported information, considering the stated interest of the parties, campus safety, and the University’s obligation to maintain an environment free from harassment and discrimination.

As detailed in the Policy, Baylor’s procedures for cases that fall within the scope of the Policy:

- provide the complainant and respondent with the same opportunities to be accompanied, at the party’s expense, to any related meeting or proceeding by an advisor of their choice;
- provide for simultaneous notification, in writing, to both parties, the outcome of Baylor’s disciplinary proceedings;
- will be conducted within reasonably prompt timeframes designated by Baylor’s policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay;
- are conducted in a manner that is consistent with Baylor’s policies and transparent to the complainant and respondent;
- include timely notice of meetings at which the complainant and/or respondent will be requested or required to be present;
- provide timely and equal access to the complainant, the respondent, and appropriate officials any information that may be used during the process; and
- are conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

Adaptable Resolution:

A voluntary and remedies-based resolution designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the parties while still maintaining the safety of the campus community. Depending on the form of Adaptable Resolution used, it may be possible for a complainant to maintain anonymity. The University will not compel a complainant to engage in mediation, to confront the respondent directly, or to participate in any particular form of Adaptable Resolution. More information about Adaptable Resolution is provided in the Policy.

Disciplinary Resolution:

If the Associate VP of Equity decides to initiate an investigation of reported Prohibited Conduct by a student respondent, an investigator will seek to meet separately with the complainant, respondent, and relevant witnesses. The investigator will also gather other relevant information or evidence. All information considered relevant by the investigator will be provided to the parties for their review and comment, as described in the Policy. As previously mentioned, throughout the investigation and resolution process, each party has the right to consult with an advisor of their choosing. While 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 or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings.

At the conclusion of the fact-gathering portion of the investigation, the investigator will prepare a preliminary investigative report that provides the complainant and the respondent equal and timely access to information that will be used in determining whether there was a Policy violation. The preliminary investigative report and accompanying documents will be made available to the complainant and the respondent to review. After reviewing the preliminary investigative report, each party will have an opportunity to submit a written response to the investigator. The investigator will then consider the parties’ written responses and prepare a final investigative report, which will include a determination as to whether there is sufficient information, by a preponderance of the evidence (that is, more likely than not), to support a finding of responsibility for a violation of the Policy. The respondent will receive written notification of the investigative finding, and applicable sanctions or remedies.

A student or employee respondent found to have committed misconduct may appeal the finding of responsibility. Student respondents may also appeal the sanction(s) imposed.

The grounds for appeal of a finding of responsibility are: 1) that the finding was arbitrary or capricious; or 2) that there was a material procedural error that substantially impacted the outcome of the hearing.
If the respondent believes the sanction(s) imposed are not appropriate for the violation and files an appeal on these grounds, the appellate decision-maker will then review the information provided in the appeal and other information as determined at the decision-maker’s discretion and decide to: a) let the sanctions stand; b) modify the sanctions or impose different sanctions; or c) suspend the sanctions.

In cases where the respondent is a staff member or faculty member, the Associate VP for Equity will work with the Provost’s Office (faculty respondents) and/or Human Resources (faculty and staff respondents) to make a determination about the report in a manner consistent with Baylor personnel policies and all applicable law. The appropriate disciplinary authority will determine any sanctions, if a finding of responsibility is made.

**Educational Response:**

This option could include notifying the respondent of the alleged misconduct. The level of detail shared will be at the discretion of the Associate VP for Equity. In these instances, the respondent will not be required to make a statement or accept/deny responsibility for the alleged conduct.
RESOURCES AND SUPPORT SERVICES

# Services for Students
* Services for Faculty & Staff

ON CAMPUS RESOURCES

Baylor University Campus
Living & Learning #
Penland Residence Hall
254-710-3642
living@baylor.edu
baylor.edu/cll

Baylor University Counseling Center #
McLane Student Life Center, 2nd Floor
24 Hour Hotline 254-710-2467
baylor.edu/counseling_center

Baylor University Equity, Civil Rights, and Title IX Office #*
Clifton Robinson Tower, Suite 285
254-710-7100
baylor.edu/civilrights
baylor.edu/titleix

Baylor University Health Services #
McLane Student Life Center, 2nd Floor
254-710-1010
baylor.edu/healthservices

Baylor University Human Resources #*
Clifton Robinson Tower, Suite 200
254-710-2000
askHR@baylor.edu
baylor.edu/hr

Baylor University Multicultural Affairs #
254-710-4466
baylor.edu/multicultural

Baylor University Police Department #*
254-710-2222

Baylor University Student Life #
McLane Student Life Center, 1st Floor
254-710-1314
baylor.edu/student_life

Burt Burleson, University Chaplain #*
The Bobo Spiritual Life Center
254-710-3517
Burt_Burleson@baylor.edu
baylor.edu/spiritualife

Center for Global Engagement #
Hankamer H160
254-710-2657
baylor.edu/globalengagement

Employee Assistance Program (EAP) *
888-628-4844
baylor.edu/hr/eap

Office of Academic Support Programs #
Sid Richardson, West Wing
254-710-8696
academic_support@baylor.edu
baylor.edu/support_programs

Office of Access & Learning Accommodation (OALA) #
Sid Richardson, East Wing
254-710-3605
OALA@baylor.edu
baylor.edu/oala

Office of Financial Aid
Student Financial Services #
Clifton Robinson Tower, Suite 150
254-710-2611
financial_aid@baylor.edu
baylor.edu/sfs

Office of the Provost *
Pat Neff 109
254-710-3601
baylor.edu/provost

Paul L. Foster Success Center #
Sid Richardson, West Wing
254-710-8212
success_center@baylor.edu
baylor.edu/successcenter

COMMUNITY RESOURCES

Cen-Tex African American Chamber of Commerce
254-235-3204
info@centexchamber.com

Cen-Tex Hispanic Chamber of Commerce
254-754-7111
nelissa@wachispanicchamber.com

Heart of Texas Region Mental Health Mental Retardation (MHMR) Center
Mental Health, Rehabilitation, Psychiatric Care
24 Hour Hotline 254-752-3451
Toll Free 1-866-752-3451

Lone Star Legal Aid #*
Legal Assistance and/or Visa/Immigration Assistance
900 Austin Ave.
Waco, TX 76701
254-756-7944
800-299-5596
lonestarlegal.com

McLennan County District Attorney’s Office
Victim Assistance Program (Victim Services and Protective Orders)
219 N 6th Street, Suite 200
Waco, TX 76701
254-757-5084

McLennan County Courthouse
501 Washington Ave.
Waco, TX 76701
254-757-5000

Providence DePaul Center
Psychiatric and Substance Abuse Services
254-776-5970

Waco Police Department
254-750-7500
9-1-1
THE PATH OF A REPORT OF PROHIBITED CONDUCT  
Baylor University’s Civil Rights Policy

Upon receiving a report of Prohibited Conduct, the University will:

1. Provide support and assistance in obtaining University and community resources.
2. Provide information about preserving evidence, and contacting police.
3. Evaluate safety of individuals and the University community.

Complainant may request:

A. Anonymity and/or that no further University action be taken.
B. Disciplinary Resolution See page 13 for more information.
C. Adaptable Resolution See page 13 for more information.
D. Educational Response See page 14 for more information.

Next, the University will conduct an assessment to determine University actions.

The University will seek to honor this request if possible to do so while also protecting the health and safety of individuals and the University community.

Process either concludes or moves to Disciplinary Resolution or Adaptable Resolution. Resources and assistance may still be available even if process concludes here.

An Advisor of Choice may accompany, support, and advise each party throughout the investigative and resolution process. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings, except as specifically permitted by the hearing procedures.

DISCIPLINARY RESOLUTION PROCESS

To commence the investigative process:

1. Notice of Investigation will be sent to the complainant and respondent by the AVP of Equity or designee.
2. Investigator(s) will conduct a prompt, thorough, fair, and impartial investigation. Both parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses, and to submit questions they believe should be directed by the investigator to each other or to any witness.

At the conclusion of the investigative process:

Investigator will prepare a Preliminary Investigative Report summarizing the information gathered for review and response by each party.

A respondent may contest the finding(s):

A. Student Respondents - the finding and/or sanction
B. Employee Respondents - the finding

Next steps for contested finding(s) and/or sanction:

A. Appeal of Finding of Responsibility

The grounds for appeal of a finding of responsibility are: (a) that the finding was arbitrary or capricious; or (b) that there was a material procedural error that substantially impacted the outcome of the hearing.

If the appellate decision-maker agrees that either ground or both grounds for appeal have been satisfied, the decision-maker can nullify the finding, or take other action as deemed appropriate at the discretion of the decision-maker. If the decision-maker does not agree that either ground of appeal has been satisfied, the decision-maker will affirm the finding of responsibility.

If the respondent believes the sanction(s) imposed are not appropriate for the violation and file an appeal, the appellate decision-maker will then review the information provided in the appeal and other information as determined at the decision-maker’s discretion and decide to: a) let the sanctions stand; b) modify the sanctions or impose different sanctions; or c) suspend the sanctions.

The decision of the designated decision-maker regarding an appeal of sanctions constitutes the University’s final decision on the matter.
If you or someone you encounter has an emergency situation, call **9-1-1** for immediate assistance.