
Title IX

OFFICE

BAYLOR UNIVERSITY

**Your Rights, Options,
and Resources**



BAYLOR
UNIVERSITY

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PREFACE

This brochure outlines key aspects of Baylor University's Sexual and Gender-Based Harassment and Interpersonal Violence Policy, in effect Jan. 9, 2017. The brochure is intended to provide a general overview of Baylor's Title IX process, which is governed by the Policy.

This booklet also provides resources for members of the Baylor community should sexual and/or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence and/or retaliation occur.

The Sexual and Gender-Based Harassment and Interpersonal Violence Policy, in its entirety, is available online at baylor.edu/titleix. For questions regarding the content of this brochure and/or the Policy outlining the Title IX process, contact Baylor University's Title IX 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.

The definitions of sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation (“Prohibited Conduct”) provided in Baylor University’s Sexual and Gender-Based Harassment and Interpersonal Violence Policy (“the Policy”) are intended to reflect that the University prohibits those forms of misconduct and/or crime as, where applicable, they are defined in the federal Clery Act, as amended by the Violence Against Women Amendments Act of 2014 (“VAWA”). 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/titleix.

Sexual Assault:

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

Non-Consensual Sexual Contact: Any intentional touching of a person’s breasts, buttocks, groin, genitals, or other intimate parts without consent. Touching may be over or under clothing and may include the respondent touching the complainant, the respondent making the complainant touch the respondent or another person, or the respondent making the complainant touch the complainant’s own body.

Sexual and Gender-Based Harassment

Sexual Harassment: Sexual harassment is any unwelcome sexual advance, requests for sexual favor, and/or other verbal or physical conduct of a sexual nature when one of the conditions outlined in (1), (2), or (3), below, is present.

Gender-Based Harassment: Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature, when one of the conditions outlined in (1), (2), or (3), below, is present.

- (1) Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any University program, activity, or benefit.
- (2) Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions.
- (3) Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's educational, employment, and/or campus-residential experience when viewed through both a subjective and objective standard.

Sexual Exploitation: Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without their consent.

Intimate Partner Violence: Any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate partner violence may include any form of prohibited conduct under this policy, including sexual assault, stalking, and physical abuse (as defined in the Policy).

Stalking: A course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person (under similar circumstances and with similar identities to the complainant) to feel fear, to experience substantial emotional distress, or to fear for their safety or the safety of a third person.

Retaliation: The Policy prohibits acts or words taken against an individual or group of individuals involved in a protected activity. Protected activity includes making a good faith report under the Policy; filing an external complaint; opposing in a reasonable manner and consistent with University policy, an action reasonably believed to constitute a violation of the Policy. Retaliation may also include acts or words taken against an individual or group of individuals because they have participated in proceedings under the Policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the complainant) from engaging in protected activity. Actions in response to a good faith report or response under the 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 their University responsibilities. All individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under the Policy.

Complicity: Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

NOTE: In determining whether reported conduct violates the Policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Individuals of any sex or gender can commit any of the Prohibited Conduct defined in the Policy, and it can occur between individuals of the same sex/gender or different sexes/genders. It can occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or family relationships.

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. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are discussed below and in more detail in the Policy.

Confidentiality refers to the protections provided to information disclosed in legally-protected or privileged relationships under Texas state law, including licensed professional mental health counselors, licensed medical professionals, and ordained clergy. These Confidential Resources can engage in confidential communications under Texas law when the information is disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless required by ethical or legal obligations which compel the professional to reveal such information.

Confidential Resources are identified in the Resources and Support Services section at the end of this brochure.

Privacy refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Information related to a report of prohibited conduct will be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of

the report and related issues. University employees receive training in how to safeguard private information. Information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

Responsible Employees. With the exception of University employees designated as Confidential Resources, all other University employees, including faculty, instructors (including teaching assistants and teachers of record), and staff, are required to report immediately any information they know about suspected prohibited conduct or potential violations of the Policy including identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office.

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

A complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under the Policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource and to explore all potential reporting and support options. Students can access confidential resources on campus through the Baylor University Counseling Center and Baylor University Health Services; students and employees can access a Confidential Resource in the Office of Spiritual Life, University Chaplain Burt Burtleson; employees can access confidential resources through Baylor's Employee Assistance Program. More detailed contact information about Confidential Resources is provided in the Resources and Support Services section at the end of this brochure.

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.

B. Reporting options and related information

The University encourages all individuals to report prohibited conduct or a potential violation of this policy to the Title IX 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 Title IX processes and law enforcement investigations operate independently of one another, although the University will coordinate information with the Baylor University Police Department. Anyone can make a report as follows:

- Make a report to the Title IX Office in person, by telephone, by email, or online at 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 (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 Title IX 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 Title IX Office, an individual can also request interim measures and support.

1. Anonymous reporting

Anyone can make an anonymous report by submitting information on the Baylor Title IX website: baylor.edu/titleix/report. 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 Title IX 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 Title IX Coordinator 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.

3. Amnesty

In order to encourage complainants and witnesses to make reports of conduct prohibited under the Policy, the University will not pursue disciplinary action against students (complainants or witnesses) for disclosure of personal consumption of alcohol or other drugs (underage or illegal) where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use. For additional information regarding amnesty, please see the Policy.

Getting Medical Attention

Any necessary medical attention should be sought as soon as possible. This is necessary to mitigate the risk of sexually transmitted diseases, test for pregnancy, and to determine the existence or extent of physical injury and the need for treatment. Additionally, forensic evidence can be collected if criminal prosecution or a protective order is desired or may be desired in the future.

Preserving Evidence of the Incident(s)

It is important to preserve evidence as it may be necessary in providing proof of criminal sexual assault, intimate partner violence or stalking, or in obtaining a protective order. Evidence is best collected as soon as possible. If the incident involved sexual assault or other physical contact, try (if possible) to preserve any evidence before a medical exam by not washing or changing clothes, brushing teeth or hair, eating, or other actions that might compromise evidence. Even if more time has passed, it may still be possible to collect evidence, and it is certainly possible to be evaluated for other injuries and tested for sexually transmitted infections and/or pregnancy. Further, related electronic evidence (e.g., text messages, photographs) and documents should be preserved as well.

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 Title IX Office can assist you in navigating these resources and options.

INTERIM MEASURES AND PROTECTIVE ORDERS

Interim remedial and protective measures, assistance, and resources, if requested and reasonably available, will be provided to you whether or not you decide to file a complaint with the University, make a report to law enforcement agencies, or participate in a Baylor investigation and adjudication process. The information below outlines options for individuals who reportedly were or are being subjected to Prohibited Conduct. It describes available assistance in how to request changes to academic, living, transportation, and working situations, as well as protective measures. Baylor will maintain privacy regarding any interim measure or protective measure provided to individuals, to the extent that maintaining such privacy would not impair the ability of the University to provide the measure. These may include but are not limited to:

Interim Remedial Measures: measures designed to maintain continued access to educational opportunities

Examples may include: Assistance in obtaining a sexual assault forensic examination; assistance in arranging rescheduling of exams, classes and assignments, extensions of deadlines and other academic supports; change in the complainant's work schedule or job assignment; change in the complainant's campus housing and/or assistance navigating off-campus housing concerns; escort and other safety planning steps; imposition of a "no contact directive," an administrative remedy designed to curtail contact and communications between two or more individuals; voluntary leave of absence; referral to resources which can assist in obtaining a protective order under Texas law; referral to resources which can assist with any financial aid, visa, or immigration concerns; and any other remedial measure that can be used to achieve the goals of the Policy.



Interim Protective Measures: measures involving a restrictive action against a respondent

Examples may include: Change in the respondent's class schedule; change in the respondent's work schedule or job assignment; change in the respondent's campus housing; exclusion from all or part of University housing or specified activities or areas of campus; prohibition from participating in student activities or representing the University in any capacity; interim suspension; and any other protective measure that can be used to achieve the goals of the Policy.

Contact information for those who can help with such interim remedial and protective measures is provided in the Resources and Support Services section in this brochure and in the Policy. Additional details on types of interim measures are located in the Policy. **The Title IX Office may also be contacted to help coordinate the provision of interim remedial measures by various services and resources. Individuals who wish to make requests for assistance may always direct their requests initially to the Title IX Coordinator or designee within the Title IX Office.**

Protective Orders. In addition to (or instead of) Baylor's processes, individuals who are being or who may have been subjected to Prohibited Conduct may also have the right to pursue orders of protection and/or restraining orders. The University will support individuals if they wish to have the University's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The University will respect and assist in the implementation of protective orders to the extent practicable.

EXPLANATION OF UNIVERSITY DISCIPLINARY PROCESSES

The University uses two processes to resolve reports of Prohibited Conduct: **Alternative Resolution**, which includes informal or restorative options for resolving reports that do not involve disciplinary action against a respondent, and **Disciplinary Resolution**, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions. The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, considering the stated interest of the complainant, campus safety, and the University's obligation to maintain an environment free from harassment and discrimination.

As detailed in the Policy, the language of which controls in specific cases over the language of this summary, Baylor's procedures for cases that fall within the scope of the Policy:

- provide the complainant and respondent with the same opportunities to have others present during any related meeting, including the opportunity 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 result of Baylor's disciplinary proceedings, Baylor's procedures for the complainant and the respondent to appeal/contest the result of institutional disciplinary procedures (if available), any change to the result before it becomes final, and when the result becomes final;
- are completed 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 may 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.

In cases where the respondent is a student, the Title IX Coordinator will do an initial assessment (described in more detail in the Policy), then decide whether to: 1) initiate an investigation; 2) proceed with Alternative Resolution; or 3) if the reported conduct is deemed to be outside the scope of the Policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

Alternative Resolution:

A voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. Depending on the form of Alternative 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 Alternative Resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. More information about Alternative Resolution is provided in the Policy.

Disciplinary Resolution:

If the Title IX Coordinator 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, 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 provide further written comment, feedback, information, and requests for additional investigation within a specified time period. The investigator will then 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. Either party may accept or contest the investigative finding, on grounds described in the Policy.

If either party contests the finding, the Title IX Office will provide the final investigative report, together with any statements by the parties, to a three-person Review Panel comprised of faculty, staff, and/or external professionals. The Review Panel will hold a hearing to determine: (1) whether there was a material procedural error that substantially impacted the outcome and (2) whether there was a rational basis, applying a preponderance of the evidence standard, for the investigative finding. If an investigative finding of responsibility is upheld, the Review Panel will determine the appropriate sanction. If neither party contests a finding that the respondent violated this Policy, the Review Panel will hold a hearing solely to determine the appropriate sanction. Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions are described in more detail in the Policy. The determination of the Review Panel is final. If neither party contests a finding that there was insufficient evidence to support a finding that the respondent violated the Policy, the

investigative finding becomes final.

The University will seek to complete the investigation and resolution process in approximately 60 calendar days following the notice of the investigation, unless an extension is made for good cause.

To learn more about Title IX policies and process in cases where the respondent is a student, see the Policy.

In cases where the respondent is a staff member or faculty member and an investigation is initiated, the Title IX Coordinator will work with the Provost's Office (faculty respondents) and/or Human Resources (staff respondents) to investigate and 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. Both parties have equal rights to an impartial appeal in a manner consistent with Baylor personnel policies and all applicable law.



RESOURCES AND SUPPORT SERVICES

- # Services for Students
- * Services for Faculty & Staff

ON-CAMPUS NON-CONFIDENTIAL

Baylor University Campus Living & Learning

Penland Residence Hall
254-710-3642
living@baylor.edu
baylor.edu/cll

Baylor University Human Resources *

Clifton Robinson Tower,
Suite 200
254-710-2000
askHR@baylor.edu
baylor.edu/hr

Baylor University Police Department #*

254-710-2222

Baylor University Student Life

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

Baylor University Title IX Office #*

Clifton Robinson Tower,
Suite 285
254-710-8454
baylor.edu/titleix

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

NATIONAL HOTLINES

National Domestic Violence Hotline

800-799-SAFE (7233)

Rape, Abuse, and Incest National Network (RAINN)

800-656-4673

ON-CAMPUS CONFIDENTIAL

Baylor University Counseling Center

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

Baylor University Health Services Center

McLane Student Life Center,
2nd Floor
254-710-1010
baylor.edu/health_center

Burt Burleson, University Chaplain #*

The Bobo Spiritual Life Center
254-710-3517
Burt_Burleson@baylor.edu
baylor.edu/spirituallife

Employee Assistance Program (EAP) *

888-628-4844
guidanceresources.com

COMMUNITY RESOURCES

2-1-1 Texas

Resource-Finding Service
2-1-1
211texas.org

Advocacy Center for Crime Victims and Children

Counseling, Case Management,
Advocates, Prevention
24 Hour Hotline 254-752-7233
254-752-9330
advocacycntr.org

Baylor Scott & White Medical Center – Hillcrest

100 Hillcrest Medical Blvd.
Waco, TX 76712
254-202-2000

Family Abuse Center

Counseling, Housing
Assistance, Residential
Shelter
24 Hour Hotline 800-283-8401
info@familyabusecenter.org
familyabusecenter.org

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

McLennan County Courthouse

Protective Orders
501 Washington Ave.
Waco, TX 76701
254-757-5084

Providence DePaul Center

Psychiatric and Substance
Abuse Services
254-776-5970

Providence Hospital

6901 Medical Parkway
Waco, TX 76712
254-751-4180

Waco Police Department

254-750-7500
9-1-1

If you or someone you encounter
has an emergency situation,
call 9-1-1
for immediate assistance



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TITLE IX OFFICE – *HERE TO HELP!*

Baylor University
Clifton Robinson Tower Suite 285
(254) 710-8454
baylor.edu/titleix