
Equity, Civil Rights, and Title IX Office

BAYLOR UNIVERSITY

Your Rights, Options, and Resources
under the Civil Rights Policy



Baylor University

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PREFACE

This booklet provides resources for members of the Baylor community should unlawful discrimination and/or harassment based on race, color, national origin, ethnicity, citizenship, immigration status, disability, sex, age, genetic information or the refusal to submit to a genetic test, past, current, or prospective service in the uniformed military service, or any other characteristic protected under applicable federal, Texas, or local law.

This booklet also provides resources for members of the Baylor community should they experience discrimination and/or harassment based on race, color, national origin, ethnicity, citizenship, immigration status, disability, sex, age, genetic information or the refusal to submit to a genetic test, past, current, or prospective service in the uniformed military service, 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, staff member, or volunteer engaged in University-sponsored events at the time of the alleged misconduct.

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

Discrimination: Treating an individual differently and negatively by taking an injurious action because 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 when such conduct is due to that individual's Protected Characteristics. Harassment on the basis of Protected Characteristics may be actionable under this policy if 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 a Confederate battle flag, a swastika, or a 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. Threatening, intimidating, or hostile acts against an individual or group based on their Protected Characteristics;

- e. Derogatory teasing, tricks, gossip, slights; excluding an individual from projects or activities; and any other 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 from the objective standpoint of a reasonable person.

Injurious Action: An injurious action is any act or omission that results in a material negative effect on the terms, conditions, and privileges of employment or enrollment. An "injurious action" as defined in this Policy may overlap with or be broader than the minimum established in law under the term "adverse action."

Injurious actions could include, but are not limited to:

- denial or limitation of access to programs or services;
- the provision of lesser services;
- differential application of policies;
- loss of money;
- hiring, firing, promotion, or demotion;
- reduction in pay or benefits; and/or
- reassignment, transfer, or a change in duties.

Protected Characteristics: This Policy prohibits Discrimination and Harassment on the basis of race, color, national origin, ethnicity, citizenship, immigration status, disability, sex, age, genetic information, or the refusal to submit to a genetic test, past, current, or prospective service in the uniformed services, or other characteristic (except religion) protected under applicable federal, Texas, or local law. These "Protected Characteristics" are interpreted consistent with the relevant laws, including all statutory and constitutional protections for religious liberty.

Retaliation: Acts or words against an individual or group of individuals involved in a Protected Activity because of participation in the Protected Activity. Retaliation can take many forms, including, but not limited to, injurious action, violence, threats, or intimidation when such acts or words would discourage a reasonable person (under similar circumstances and with similar identities to the Complainant) from engaging in Protected Activity.



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 and Equity Staff 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.

Supervisors must take immediate and appropriate corrective action when they know or should know Discrimination or Harassment is occurring. This can take various forms of intervention and, depending upon the circumstance, will involve the Equity Office and the Office of Human Resources.

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 complaint.

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

The AVP for Equity will consider what steps may be possible or appropriate when a Respondent is unknown or the Complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The AVP for Equity will make a determination regarding the appropriate manner of resolution under the policy. The University will seek resolution consistent with the Complainant's request, if it is reasonable and practicable to do so, based upon the facts and circumstances, while also promoting the health and safety of the Complainant and the University community. The University's ability to investigate and respond fully to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. 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 initially reach out to the Complainant and offer to provide reasonable and appropriate Supportive or Protective Measures designed to preserve the Parties' educational or workplace experiences; protect the Parties during an investigation; address safety concerns for the broader University community; maintain the integrity of the resolution process; and/or deter further injurious actions and Retaliation. Supportive Measures are designed to maintain appropriate working or learning conditions, and Protective Measures involve a restrictive action against a Respondent. At the appropriate time, the Equity Office will also reach out to the Respondent regarding offered Supportive Measures.

Examples of Supportive or Protective Measures may include:

- assistance in accessing support services, including, as available, counseling, academic support, health or mental health services, both on and off campus, as applicable;
- modifications of work schedules, change in work locations, changing working arrangements, or providing other employment accommodations as appropriate;
- mutual restrictions on contact between the Parties (i.e., “no contact directives”);
- modifications of University housing, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- leaves of absence;
- restriction of access to classrooms, space, and/or resources of the

Respondent;

- suspension of the Respondent; and/or
- other reasonable measures that can be used to achieve the goals of this Policy.

The determination of whether to implement Protective 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 may include consultation with the appropriate department(s) where the Complainant and Respondent work. The determination of whether to implement Protective Measures for students will be made by the Equity Office and may occur in consultation with the Vice President for Student Life, or its designee, or other offices as appropriate. While the Equity Office will not typically conduct investigations into Complaints against a Contractor or Contractor employees, in the event that Protective Measures for a Contractor or Contractor employees are needed, those measures 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 the University's Threat Assessment Group.

A Respondent may be suspended (paid or unpaid) from employment, volunteer activities, or from enrollment on an interim basis under appropriate circumstances as determined by the University, in its discretion. For example, suspension may occur when the University has received information which indicates that the continued presence on campus of the Respondent will likely have a serious detrimental effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; or when the ability of the University to carry out its operations is threatened or impaired; or where the Equity Office in conjunction with Human Resources (for employee matters), Office of Provost (for faculty matters), the Vice President for Student Life (for student matters), or Baylor University Police Department concludes that other Protective Measures (such as a temporary transfer) are not feasible to address reasonable concerns under the circumstances. In these or other appropriate circumstances a Complainant may also be placed on a temporary leave of absence (paid or unpaid).

The decision to impose an interim suspension or leave of absence may be made at any point in the process. The University will implement Supportive or 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 Supportive or Protective Measures will be designed to the extent reasonable and practicable to not disproportionately impact the Complainant. The University will maintain the privacy of any Supportive or Protective Measures provided under this Policy to the extent practicable. The University will promptly address any violation of Protective Measures.

RESOLUTION OPTIONS

The University uses two processes to resolve reports of Prohibited Conduct: Adaptable Resolution, which includes informal or restorative options for resolving reports, and Disciplinary Resolution, which involves an investigation, adjudication, and, if appropriate, the imposition of sanction. In cases where neither Adaptable or Disciplinary Resolution processes are pursued, the report could still be addressed through an Educational Response. The Equity Office will determine the appropriate resolution process after making an initial assessment of the reported information and after considering the stated interest of the complaint, 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 time frames designated by Baylor's policy, including a process that allows for the extension of time frames 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;
- are conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

Adaptable Resolution:

This process is a voluntary and remedies-based resolution option 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. Participation in Adaptable Resolution is voluntary and either party can request to end Adaptable Resolution at any

time. The University will not compel a party to engage in any particular form of Adaptable Resolution.

Adaptable Resolution does not include an investigation or adjudication by the University under the disciplinary resolution process outlined in the Policy, but may involve the respondent's agreement to appropriate and reasonable remedies, including supported direct conversation or interaction with the complainant, education, training, and/or remedies agreed to by the parties.

Disciplinary Resolution:

Disciplinary Resolution involves an investigation, adjudication, and, if appropriate, the imposition of sanctions. When the Equity Office determines a Complaint warrants further investigation or it is appropriate for the Disciplinary Resolution process to proceed, the Equity Office will appoint one or more trained investigators to conduct a prompt, through, fair, and impartial investigation, all to the extent reasonable and practicable. The investigator(s) will be impartial and free from conflict of interest or bias.

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.

During the investigation, except as otherwise described in this Policy, the participating Complainant and Respondent have equal rights to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence, including Witnesses; to timely and equal access to information that will be used in disciplinary proceeding; and to timely notice of meetings at which their presence will be requested or required.

The University will provide to each Covered Individual who is participating Party, and the Party's advisor, if any, the Preliminary Report and evidence subject to review. A Preliminary Report will include the allegation(s), factual summaries, and other appropriate elements as determined by the Equity Office. The Preliminary Report will not include the finding or reason for that finding because those elements may be impacted by the inputs from the Parties in the review process.

When deemed appropriate by the investigator, the investigator will 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. Complainants will not be given access to the final report.

In cases where the Respondent is a student, the Equity Office may consult with University administrators in making a determination regarding sanctions and remedies. The appropriate University administrators will execute the sanctions and remedies in accordance with University policies. This will be included in the final report.

In cases where the Respondent is a University employee, the sanctions will be determined by: the Provost's Office; or supervisory chain with guidance from the Provost's Office and/or Human Resources; or by another appropriate body or administrator, in accordance with the University policies and procedures.

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.

A student respondent may also appeal the sanction(s) if they believe the sanction(s) imposed are not appropriate for the violation. If the respondent appeals the sanction(s) imposed, 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. 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/spirituallife

Center for Global Engagement #

Hankamer H160
254-710-2657
baylor.edu/globalengagement

Employee Assistance Program (EAP) *

888-628-4844
baylor.edu/hr/eap

Center for Academic Success and Engagement #

Sid Richardson, West Wing Basement
254-710-8696
case@baylor.edu
baylor.edu/case

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@wacohispanicchamber.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

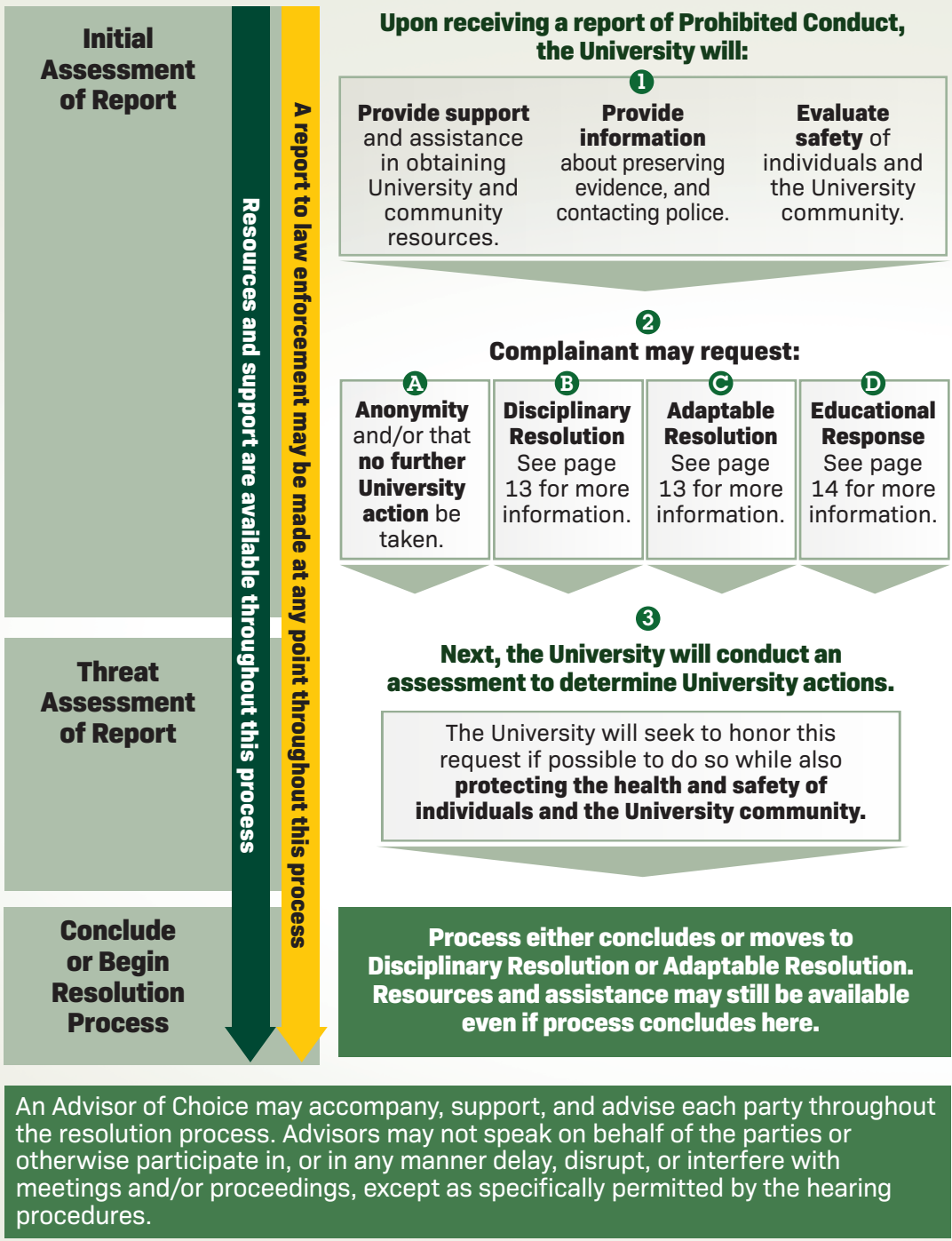
Psychiatric and Substance Abuse
Services
254-776-5970

Waco Police Department

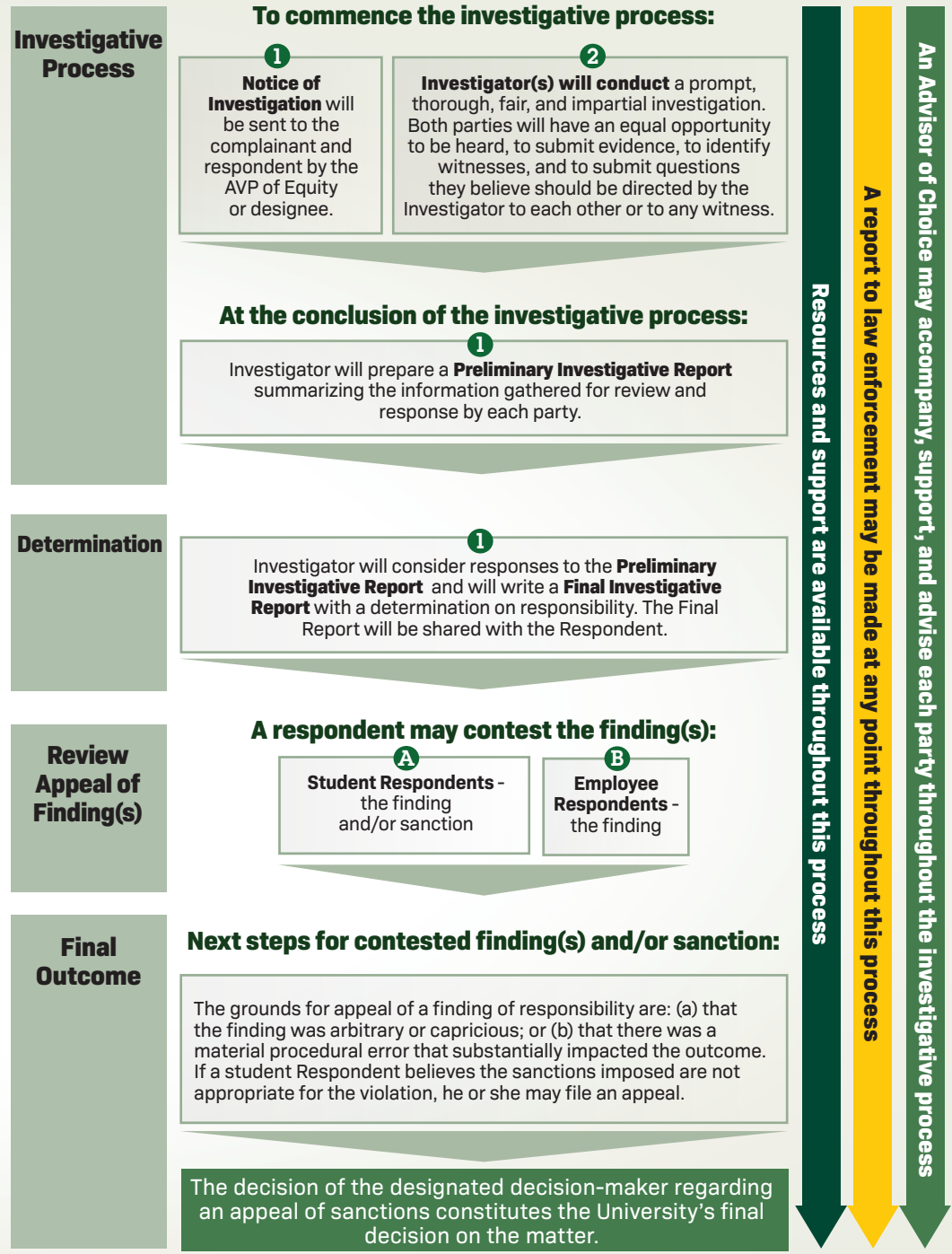
254-750-7500
9-1-1

THE PATH OF A REPORT OF PROHIBITED CONDUCT

Baylor University's Civil Rights Policy



DISCIPLINARY RESOLUTION PROCESS



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



Baylor University

EQUITY, CIVIL RIGHTS, AND TITLE IX OFFICE

Baylor University
Clifton Robinson Tower Suite 285
(254) 710-8454

baylor.edu/civilrights